

Committee: Planning Committee
Date: Thursday 20 May 2010
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA
Membership: To be confirmed at Annual Council, 19 May 2010
Distribution: All Councillors

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 - 12)

To confirm as a correct record the Minutes of the meeting of the Committee held on 22 April 2010.

Planning Applications

- | | | |
|-----|---|---------------------|
| 6. | Babbington Barn, Cropredy Lane, Williamscot, Banbury, Oxfordshire, OX17 1AD (Pages 15 - 23) | 10/00197/F |
| 7. | OS Parcel 4100 Adjoining and South of Milton Road, Adderbury (Pages 24 - 59) | 10/00270/OUT |
| 8. | OS Parcel 3873 North east of Hillside House, Street From Cropredy to Great Bourton, Cropredy, Oxon (Pages 60 - 72) | 10/00293/F |
| 9. | Land to the rear of New Vicarage, Earls Lane, Deddington, Oxon (Pages 73 - 87) | 10/00297/F |
| 10. | Land between Normandy and Sunnyside, North Lane, Weston on the Green, Oxon (Pages 88 - 96) | 10/0359/F |
| 11. | Shipton-On-Cherwell Quarry, Shipton-On-Cherwell, Oxon (Pages 97 - 100) | 10/00360/CM |
| 12. | Land adj Former Publishing House, Telford Road, Bicester (Pages 101 - 113) | 10/00385/F |
| 13. | Former Publishing House, Telford Road, Bicester, Oxon (Pages 114 - 124) | 10/00387/F |

Information Reports

14. **High Speed Two - Exceptional Hardship Scheme - Consultation** (Pages 125 - 129)

Report of Head of Development Control and Major Developments

Summary

To notify members of the Councils response to a consultation exercise relating to the proposed high speed rail route, exceptional hardship scheme.

Recommendation

The Planning Committee is recommended to:

- (1) Note and endorse the Councils response as set out in the appended letter to HS2 Ltd dated 6 May 2010

Tree Preservation Orders

15. Tree Preservation Order (No 04) 2010 Birch Tree at Stable Cottage, Canal Road, Thrupp (Pages 130 - 138)

Report of the Head of Development Control and Major Developments

Summary

To seek the confirmation of an opposed Tree Preservation Order relating to a Birch tree (copy plan attached) Tree Preservation Order No. (04/2010)

Recommendation

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order 04/2010 Stable Cottage, Thrupp without modification in the interests of public amenity.

16. Tree Preservation Order (No 05) 2010 Poplar Tree at Karcher UK Ltd, Beaumont Road, Banbury (Pages 139 - 151)

Report of the Head of Development Control and Major Developments

Summary

To seek the confirmation of an opposed Tree Preservation Order relating to a Poplar tree (copy plan attached) Tree Preservation Order No. (05/2010)

Recommendation

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order 05-10 at the site of Karcher (UK) Ltd., Beaumont Road, Banbury without modification in the interest of public amenity.

Enforcement Action

17. Quarterly Enforcement Report (Pages 152 - 170)

Report of the Head of Development Control and Major Developments

Summary

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

Recommendation

The Planning Committee is recommended to:

- (1) Accept this report.

Review and Monitoring Reports

18. Decisions Subject to Various Requirements (Pages 171 - 173)

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.

19. Appeals Progress Report (Pages 174 - 176)

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 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 Michael Sands, Legal and Democratic Services michael.sands@cherwell-dc.gov.uk (01295) 221554

Mary Harpley
Chief Executive

Published on Wednesday 12 May 2010

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 22 April 2010 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)
Councillor Rose Stratford (Vice-Chairman)

Councillor Ken Atack
Councillor Colin Clarke
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor David Hughes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Lawrie Stratford

Apologies for absence: Councillor Maurice Billington
Councillor John Wyse

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Bob Duxbury, Development Control Team Leader
Rebecca Horley, Senior Planning Officer
Paul Manning, Solicitor
Michael Sands, Trainee Democratic and Scrutiny Officer
Tony Ecclestone, Communications Officer

199 **Declarations of Interest**

Members declared interest with regard to the following agenda items:

6. Bryan House, Chapel Street, Bicester, Oxfordshire.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council.

Councillor G A Reynolds, Prejudicial, as a Member of Executive.

Councillor James Macnamara, Prejudicial, as a Member of Executive.

Councillor Ken Atack, Prejudicial, as a Member of Executive.

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

Councillor Michael Gibbard, Prejudicial, as a Member of Executive and Charter Community Housing Board.

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

7. Bryan House, Chapel Street, Bicester, Oxfordshire.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council.

Councillor G A Reynolds, Prejudicial, as a Member of Executive.

Councillor James Macnamara, Prejudicial, as a Member of Executive.

Councillor Ken Atack, Prejudicial, as a Member of Executive.

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

Councillor Michael Gibbard, Prejudicial, as a Member of Executive and Charter Community Housing Board.

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

10. Land adjacent to 45 George St, Bicester.

Councillor G A Reynolds, Prejudicial, as a Member of Executive.

Councillor James Macnamara, Prejudicial, as a Member of Executive.

Councillor Ken Atack, Prejudicial, as a Member of Executive.

Councillor Michael Gibbard, Prejudicial, as a Member of Charter Community Housing Board.

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

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

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

201 **Urgent Business**

There was no urgent business.

202 **Minutes**

The Minutes of the meeting held on 1 April 2010 were agreed as a correct record and signed by the Chairman.

203 **Bryan House, Chapel Street, Bicester, Oxfordshire**

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the existing Bryan House and development of twenty three units of affordable housing.

The Committee considered the parking arrangements and the number of parking spaces that would be available. Members also raised concerns regarding access arrangements from Priory Lane and the height of the proposed development.

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

Resolved

That application 10/00106/F be approved subject to:

- a) The HDCMD being given delegated authority to approve the application upon the resolution of the flooding issue and withdrawal of the EA objection.
- b) The completion of a S106 agreement covering the following heads of terms;
 - OCC Infrastructure contributions including primary, secondary and special needs schools, library and stock, waste management and recycling centre, museum resource centre and monitoring.
 - CDC Offsite outdoor sport, public art, waste bins and monitoring.
 - CDC LAP maintenance and management
- c) The following conditions:
 - 1) S.C1.4A (RC2) – [Time: 3 years]
 - 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with drawing nos. 2007/1016/SLP01, P01, P03, P04, P05, P06(A), P07, P08, P09, P10, P11, P12, P13 and the design and access statement submitted with the application.
 - 3) Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take

place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

- 4) If a potential risk from contamination is identified as a result of the work carried out under condition 3, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
- 5) If contamination is found by undertaking the work carried out under condition 4, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
- 6) If remedial works have been identified in condition 5, the remedial works shall be carried out in accordance with the scheme approved under condition 5. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.
- 7) That prior to the first occupation of the development both the existing means of access onto Chapel Street shall be improved, laid out and formed with a 2m x 2m pedestrian visibility splay to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
- 8) Notwithstanding the parking and manoeuvring areas shown on plan no. 2007/1016/P03 a revised layout plan showing these areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. (RC13BB)
- 9) Before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with the approved plan submitted under condition 8 and shall be constructed, laid out, surfaced, drained (SUDS) and completed in accordance with specification details to be submitted to and approved in writing by the

Local Planning Authority. The areas shall thereafter be retained unobstructed except for the parking and manoeuvring of vehicles at all times. (RC15AA)

- 10) That samples of the surface finishes for the areas of hard standing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)
- 11) 5.5AA Replace first part with 'That full design details (including sections) of the eaves, dormers, fenestration and doors (RC4A)
- 12) 5.5AAboundary walls ... (RC4A)
- 13) 2.3DD - natural stone (RC5B)
.....buildings which face onto Chapel Street....
- 14) 2.2AAbricks....buildings.....(RC4A)
- 15) 2.2BB.....tiles.....roofs of the buildings....(RC4A)
- 16) 2.8A Replace first part with 'That the colour, texture and finish of the external walls shall be in accordance with a scheme to be submitted.....' (RC4A)
- 17) That details of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)
- 18) 2.13AA Demolition of buildings (RC8A)
- 19) 6.7AA No radio, TV aerials, satellite dishes (RC4A)
- 20) 3.0A Submit landscaping scheme (RC10A)
- 21) 3.1A Carry out landscaping (RC10A)
- 22) No development shall commence within the application area until the applicant, or their agents or successors in title, has secured the implementation of a staged programme of archaeological investigation and mitigation in accordance with a written scheme of investigation that shall first be submitted to and approved in writing by the Local Planning Authority. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication. The work shall be carried out by a professional archaeological organization acceptable to the Local Planning Authority.

- 23) 9.4A Ecological report (RC85A)
.....Extended Phase 1 Habitat Survey by Middlemarch Environmental Ltd dated December 2009.....
- 24) 9.11A Provision of a LAP (RC92A)
- 25) 5.19A Conservation rooflights (RC4A)
- 26) 5.5AA Replace first part with 'That details, including the locations, of the gas and electricity meter cupboards(RC4A)
- 27) Notwithstanding the cycle and bin store details submitted in drawing 2007/1016/P10 and their proposed locations shown on drawing 2007/1016/P03, new design details and their locations shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details. (RC4A)
- 28) That none of the development shall be occupied until a surface water drainage scheme to serve it has been submitted to and approved in writing by the Local Planning Authority. (RC13CC)

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Bryan House, Chapel Street, Bicester, Oxfordshire

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the wall to Chapel Street car park and other means of enclosure within the Conservation Area.

The Committee were satisfied with the evidence presented.

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

Resolved

That application 10/00122/CAC be approved subject to the following conditions:

- 1) 1.5A (RC3)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with drawing nos. 2007/1016/P02, P03 and P018 and the design and access statement submitted with the application.
- 3) That the stone on the existing walls shall not be disposed of but shall be conserved and re-used in the redevelopment of the Bryan House site.

Phase 2 Apollo Office Park, Ironstone Lane, Wroxton, Oxfordshire, OX15 6AY

The Committee considered a report of the Head of Development Control and Major Developments for the erection of three B1 units set within and below earth moundings, improvements and enhancement to the railway line, car parking and associated landscaping on the existing derelict brownfield site to form extension to the existing phase one development.

The Committee considered the issue of outdoor lighting.

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

Resolved

That application 10/00134/F be approved subject to the satisfactory receipt of a legal obligation from the applicants concerning off-site transport infrastructure contributions and the following conditions:

- 1) 1.4A (RC2) – [Time: 3 years]
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the schedule of drawings received 03.02.2010.
- 3) 2.3CC (RC5B) – natural ironstone DEVELOPMENT
- 4) 5.5AA (RC4A) – full design details – glazing, balustrades, bridge, railway and locomotive shed feature and refuse and recycling areas.
- 5) Prior to the commencement of development a construction phase traffic management plan shall be submitted to and approved by the Local Planning Authority. The approved plan shall be implemented and operated in accordance with the approved details.
- 6) Prior to the commencement of development a scheme of drainage shall be submitted to and approved by the Local Planning Authority. The approved plan shall be implemented and operated in accordance with the approved details.
- 7) Prior to the first occupation of the development, the proposed widening of Ironstone Lane and associated access works shall be completed in accordance with the details provided within the Transport Assessment dated May 2009 or otherwise agreed with the Local Planning Authority. The works will require the applicant to enter into a Section 278 for the undertaking of works to the highway with the local highway authority.
- 8) Prior to the first occupation of the development the access road, parking and manoeuvring areas shall be provided in accordance with the plans hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and maneuvering of vehicles at all times. (RC15AA)

- 9) 4.14DD (RC66AA) – Green travel plan
- 10) That full design details of any lighting to be fixed on the buildings and on the ground shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC95A)
- 11) 6.15AA (RC40AA) – that the buildings shall be used for the purposes falling within Class B1
- 12) 6.4AB (RC34AA) – commercial no extensions
- 13) 7.13 (RC50) – no outside storage or other operations
- 14) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas, hedgerow planting, creation of a wildflower grassland and SuDs. The planting scheme should cover: species mix (species should be of local provenance and appropriate to the local area) and methods of establishment.
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- 17) 3.1A (RC10A) – carryout landscaping
- 18) 3.7BB (RC10A) – submit boundary enclosure details
- 19) Prior to the commencement of development a management plan for semi-natural grass areas should be submitted to and approved by the Local Planning Authority DC prior to any works taking place. The management plan shall be carried out in accordance with those approved details. (RC85A)
- 20) No development approved by this planning permission shall be commenced unless and until all remediation requirements and working practices are carried out in accordance with the 'Environmental Recommendations' included in the ground investigation report ref: C9469 (February 2004).
- 21) 4.14CC (RC66A) – cycle parking

- 22) That notwithstanding Condition 4 above prior to commencement of development, details of the existing former mineral railway track on the site, identifying which lengths of track are proposed to be preserved shall be first submitted to and approved by the Local Planning Authority and that such agreed length of trackway shall thereafter be left in situ on the site.
- 23) SC 9.4A Carry out mitigation in ecological report (RC85A)
- The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Appraisal of the by Richard Tofts Ecology dated March 2010 and Reptile Survey: Initial Report dated April 2010 unless otherwise agreed in writing by the Local Planning Authority.
- 24) Notwithstanding condition no. 23, and the mitigation measures and recommendations contained in the Ecological Appraisal by Richard Tofts Ecology dated March 2010 and Reptile Survey: Initial Report dated April 2010 a scheme for the management of badgers should be submitted to and approved in writing by the Local Planning Authority prior to any works taking place and that a further 7 no. site visits be made by the appointed Ecologist to undertake further reptile survey work, and that following these visits and prior to any works taking place, a full Ecological report be submitted to and approved in writing by the Local Planning Authority which provides details of mitigation and recommendations. The development hereby permitted shall be carried out in accordance with the mitigation and recommendations.
- 25) Vegetation shall not be removed except between 1st September and 28th February (inclusive) as this is outside of the bird breeding season. If any trees need to be removed between 1st March and 31st August (inclusive), they will need to be checked over by an ecologist immediately prior to removal to ensure there are no nesting birds present. If nesting birds are present, the tree must be cordoned off and protected and cannot be removed until the birds have fledged.

206 **B-Line Business Centre, Station Road, Enslow**

The Committee were advised that this item had been withdrawn.

207 **Land adjacent to 45 George St, Bicester**

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of three garage blocks and erection of four dwellings (as amended by plans received 30/03/10).

The Committee considered the issue of overlooking given the proximity to neighbouring properties.

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

Resolved

That application 10/00247/F be approved subject to the following conditions:

- 1) SC 1_4A (Time limit – 3 years)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and details:
 - 2005/1033/P02
 - 2005/1033/P03
 - 2005/1033/P04
 - 2005/1033/P05A
 - 2005/1033/P06A
 - 2005/1033/P08
 - EH Smith 'Brindled Red Sandfaced' bricks and Russell 'Peat Brown' roof tiles in accordance with the samples submitted with the application.
- 3) That prior to the first occupation of the dwellings hereby approved the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.
- 4) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 5) SC 6_2AA (Permitted development restriction – no extensions/structures in the curtilage)
- 6) SC 6_3AA (Permitted development restriction – no new windows or openings)
- 7) SC 6_1AA (Permitted development restriction – no fences/enclosures to front)

208

Land to the rear of New Vicarage, Earls Lane, Deddington, Oxfordshire

The Committee considered a report of the Head of Development Control and Major Developments for four dwellings with garages, parking and private gardens.

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

Resolved

That application 10/00297/F be deferred to allow Members to conduct a site visit to gain an appreciation of the site in relation to surrounding properties.

209 **47 St Johns Way, Hempton**

The Committee considered a report of the Head of Development Control and Major Developments for a two storey side and single storey rear extension and porch.

The Committee were satisfied with the evidence presented.

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

Resolved

That application 10/00353/F, subject to the delegation of the authority to issue the permission to the Head of Development Control and Major Developments, be approved subject to the following conditions:

- 1) 1.4A - Full Permission: Duration Limit (3 years) (RC2)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved plans: 1961: 001; 1961: 002; 1961: 002a; 1961: 003; 1961: 004; 1961: 007; 1961: 008; 1961: 009; 1961: 010; 1961: 011; 1961: 012; 1961: 013.
- 3) 2.6AA - Materials to match (RC5AA)
- 4) 4.13CD - Parking and manoeuvring area retained
- 5) 6.6AB - No conversion of the garage

210 **Tree Preservation Order (No 03) 2010 Willow Tree and two Oak Trees at land south of Paddington Cottage, Milton Road, Bloxham**

The Committee considered a report of the Head of Development Control and Major Developments which sought the confirmation of an unopposed Tree Preservation Order relating to a Willow tree and two Oak trees at land south of Paddington Cottage, Milton Road, Bloxham.

Resolved

That Tree Preservation Order No. (03) 2010 be confirmed without modification.

211 **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.

212 **Appeals Progress Report**

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

Resolved

That the position statement be noted.

The meeting ended at 5:20 pm

Chairman:

Date:

PLANNING COMMITTEE

20 May 2010

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

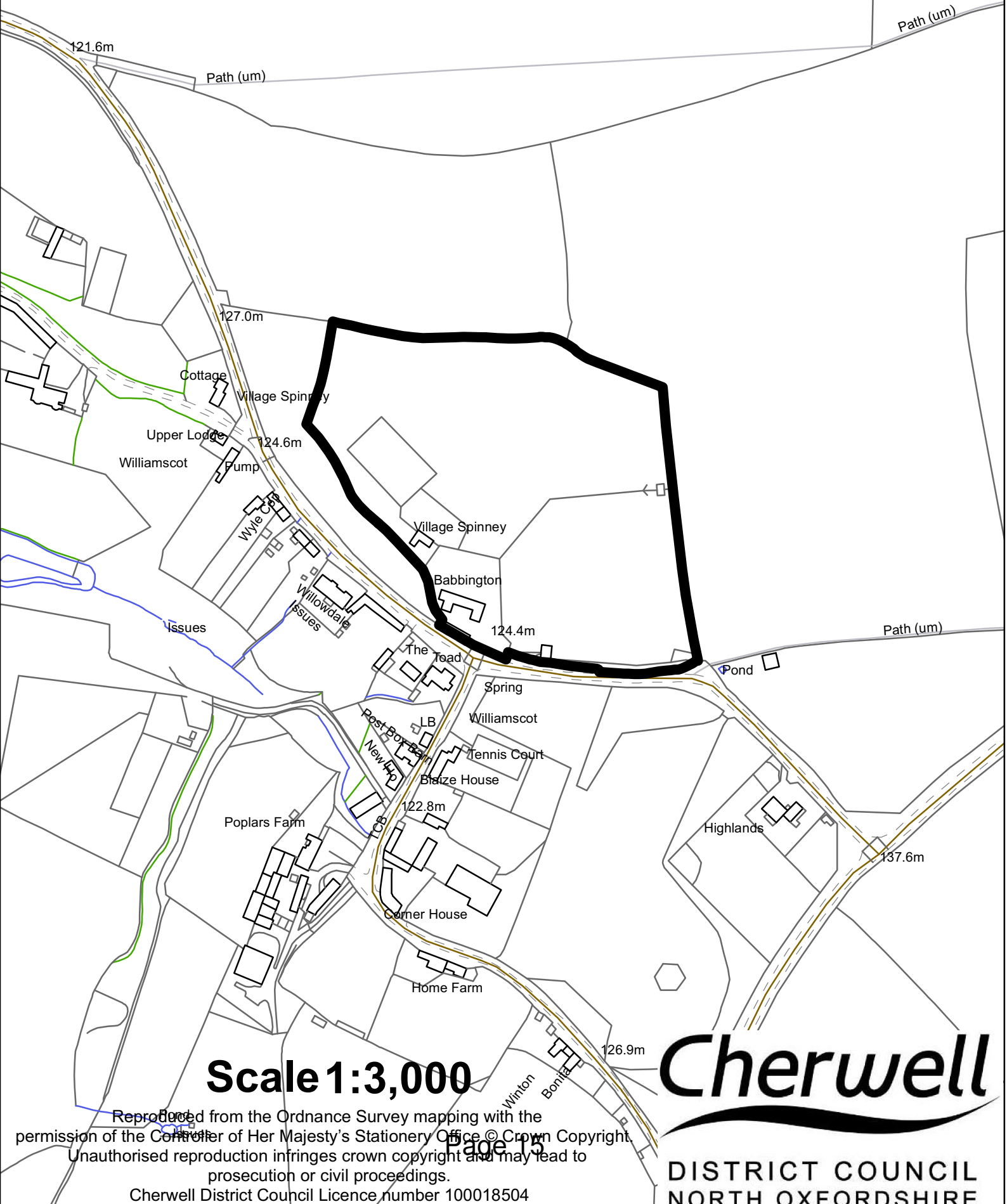
The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations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

Background Papers

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

Applications

	Site	Application No.	Ward	Recommendation	Contact Officer
6	Babbington Barn, Cropredy Lane, Williamscot Banbury, Oxfordshire, OX17 1AD	10/00197/F	Cropredy	Approval	Tracey Morrissey
7	OS Parcel 4100 Adjoining and South of Milton Road, Adderbury	10/00270/OUT	Adderbury	Approval	Caroline Roche
8	OS Parcel 3873 North east of Hillside House, Street From Cropredy to Great Bourton, Cropredy	10/00293/F	Cropredy	Approval	Caroline Roche
9	Land to the rear of New Vicarage, Earls Lane, Deddington, Oxfordshire	10/00297/F	Deddington	Approval	Caroline Ford
10	Land between Normandy and Sunnyside, North Lane, Weston on the Green	10/0359/F	Kirtlington	Refusal	Simon Dean
11	Shipton-On-Cherwell Quarry, Shipton-On- Cherwell	10/00360/CM	Kirtlington	That Oxfordshire County Council be advised that Cherwell District Council raises no objection	Paul Ihringer
12	Land adj Former Publishing House, Telford Road, Bicester	10/00385/F	Bicester East	Refusal	Rebecca Horley
13	Former Publishing House, Telford Road, Bicester	10/00387/F	Bicester East	Approval	Rebecca Horley



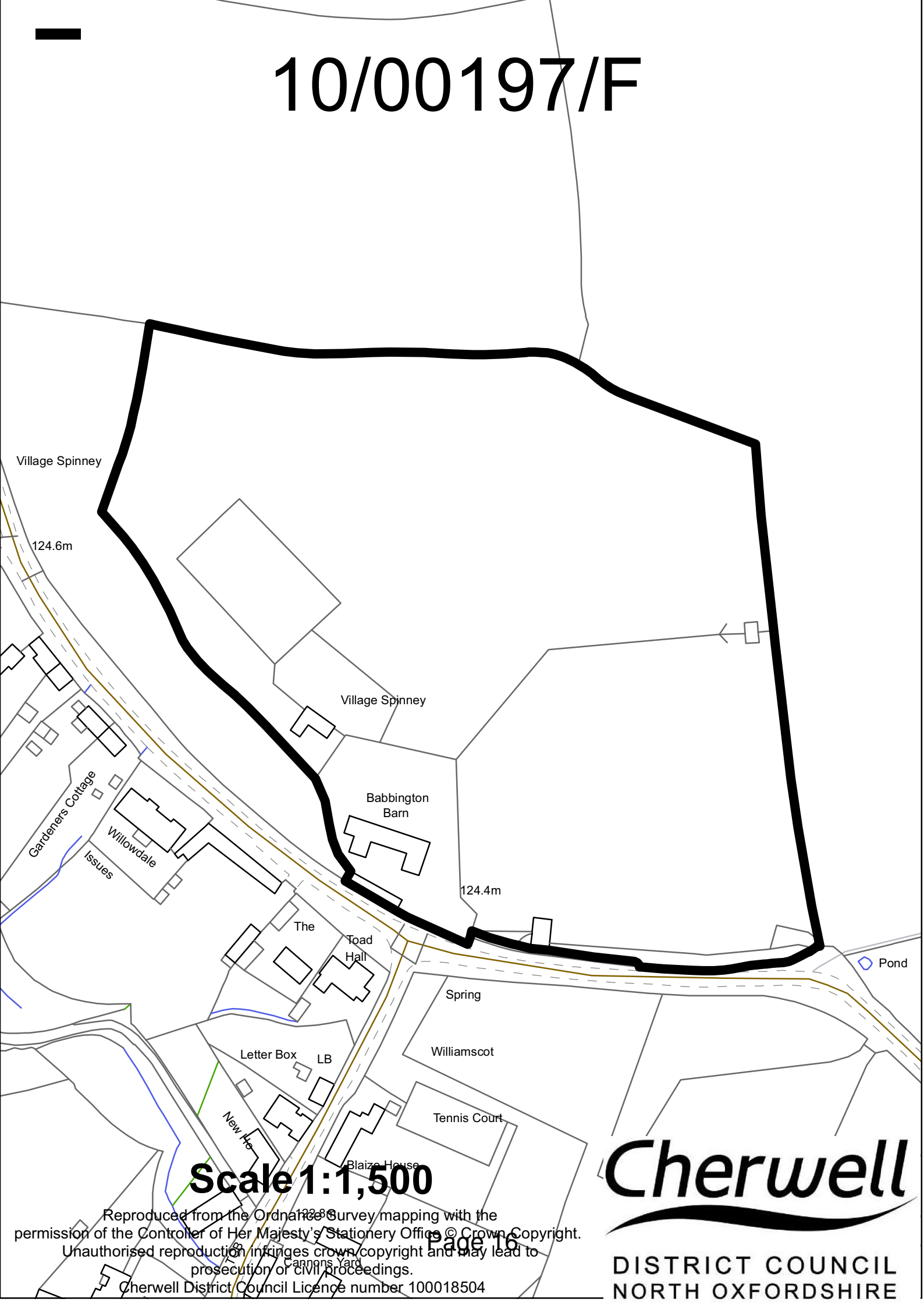
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Cherwell

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**DISTRICT COUNCIL
NORTH OXFORDSHIRE**

10/00197/F



Village Spinney

124.6m

Village Spinney

Babbington Barn

124.4m

Gardeners Cottage
Willowdale
Issues

The Toad Hall

Pond

Spring

Letter Box LB

Williamscot

New He

Tennis Court

Blaize House

Scale 1:1,500

Cherwell

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DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application No:10/00197/F	Ward: Cropredy	Date Valid: 19.03.10
Applicant:	George Martin	
Site Address:	Babbington Barn, Cropredy Lane, Williamscot Banbury, Oxfordshire, OX17 1AD	

Proposal: Erection of building to cover existing outdoor area with the provision of new stable and storage block and creation of new outdoor arena and new access road.

1. Site Description and Proposal

- 1.1 This application relates to a private equestrian site, set on high ground to the North of the village and adjacent to the village spinney (south) which is a lowland mixed deciduous mature woodland elevated from the Cropredy Lane and also a UK Biodiversity Action Plan (BAP) site.
- 1.2 The property known as Babbington Barn is within the Conservation Area, but the area subject to the proposed development is outside and therefore adjacent. The site is also just outside the Cropredy Historic Battlefield Site, which is located further north east on even higher ground as the level of the land rises further towards Wardington. There are several listed buildings located on the opposite side of the Cropredy Lane and also a public right of way runs to the east of the site.
- 1.3 Planning permission is sought for the erection of building measuring 33m (w) x 44m (l) x 6m (ridge height) (4m eaves height) to partly cover an existing outdoor area to create an indoor ménage measuring 40m x 20m that also provides a new stable block with storage rooms and creation of new outdoor arena measuring 60m x 20m and new access road. The building is to be clad in timber and green box profile steel sheeting.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, neighbour letter and press notice. The final date for comment was 29th April 2010.
- 2.2 No representations received

3. Consultations

- 3.1 Cropredy Parish Council raise no objection but note that this is a large development to satisfy the applicant's pursuit of dressage at the highest level, which should remain a private family enterprise.
- 3.2 Oxfordshire County Council Highway authority – raise no objection subject to private use as specified.

- 3.3 Landscape Planning Officer – This is a substantial barn 6m high. Although there is a belt of trees between the houses on Cropredy Lane and the proposed site, some of the telegraph poles on the site are visible from the road, which will mean that the barn will be visible. They will also be about 6m high so give a give a good idea of the impact of the barn.

The barn will be slightly visible in winter and probably not in summer from the footpath which starts at the entrance and runs along part of the boundary.

If the barn is allowed it would be better to move it further away from the spinney, firstly to reduce the impact on the houses below and secondly to allow more space for planting additional screening. The spinney consists of fairly mature trees in general and some new planting will be essential. I would also like to see some planting around the driveway entrance as the fencing off of paddocks is not attractive.

- 3.4 Conservation Officer – No objection raised, not detrimental to the conservation area or nearby listed buildings. It is not visible from the highway due to the spinney and in any case would be the kind of development, normally found in the countryside, albeit on a much larger scale.
- 3.5 Oxfordshire County Council (Archaeology) – comments awaited
- 3.6 Oxfordshire County Council (Ecologist) – No comments made in respect of ecology or landscape.
- 3.7 English Heritage – No comments made in respect of Historic Cropredy Battlefield and recommends that the application should be determined in accordance with national and local policy guidance and on the basis of CDC's own specialist conservation advice/

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
- 4.2 PPS5: Planning for the Historic Environment
- 4.3 PPS7: Sustainable Developments in Rural Areas
- 4.4 PPS9: Biodiversity and Geological Conservation
- 4.5 PPG13: Transport
- 4.6 South East Plan Policies: CC6, C4, BE1, BE5 and BE6.
- 4.7 Adopted Cherwell Local Plan 1996 Saved Policies: AG5, C2, C7, C13, C14, C28, C30 and C31
- 4.8 Non-Statutory Cherwell Local Plan 2011 Policies: EMP11, EN34, EN35, EN36, EN37, EN39 and TR11

5. Appraisal

5.1 Site history

02/02140/F – construction of new vehicular access to serve existing dwelling and closure of existing access. Approved

03/02411/F – cou of existing barn to workshop for the manufacture of violins including extension to form a wood store. Approved

07/01307/F – 7 no. additional timber stables with storage rooms. Approved

07/01976/CLUE – Certificate of lawful use existing for the continued use of the equestrian ménage. Approved

07/01977/CLUE - Certificate of lawful use existing for the continued use of the land for equestrianism as opposed to agricultural use. Approved

5.2 Principle of development and impact on countryside character

From the history it can be seen that this site has been used for equestrian related uses for some years together with the formation of a new access point to the site. The proposed development seeks to extend the equestrian facilities to cater for the needs of the applicant, who competes at top level dressage competitions. The applicant and family currently have 14 no. horses at the site, 7 no. of these need to have access to stables, but some of the other horses are increasing in age and would benefit from stabling.

5.3 The proposed building will effectively cover the majority of the existing outdoor arena/ménage which is located some 15m from the stretch of woodland to the south known as Village Spinney. The building is to be sited a further 5m from the spinney and proposes an eaves height of 4m at this southern point. The comments made by the Landscape officer are duly noted, however it would not be practicable to site the building any further away from the spinney, as its purpose was to cover an existing arena. The size of the arena to make it indoor is to be reduced from 50m x 30m to 40m x 20m, and the HDCMD considers that the gap of 20m between the building and the spinney would allow for the reinforcement of the belt of trees. Therefore the building would be partially screened by this woodland from neighbouring properties, of which some are listed buildings. The application land at this point is some 2-3m higher than the main road running through the village and therefore glimpses of the building will be minimal.

5.4 The applicant has advised that the proposed building will create a much needed indoor facility to aid with the training and exercising of the horses during the winter months, as the ground of the existing ménage freezes and weather conditions prohibit a year round continuous training and exercise regime.

5.5 Also proposed as part of the scheme and incorporated into the building is the creation of better stabling facilities, as the current stables granted consent 3 years ago have been badly damaged by the horses and provide inadequate facilities for competition horses. The existing stables will be repaired and used by the family's older horses who currently are turned out all year round.

- 5.6 The formation of an outdoor arena/ménage to an international size (60m x 20m) is required to practice the dressage tests required at competitions.
- 5.7 In respect of the proposed access road, this will be via the existing vehicular access granted consent in 2002. Concern was raised during the consideration of that application in respect to the visibility of the road given the topography of the site, however some 8 years on, when approaching the village from the east and A361, the entrance to the access track is visible but the track is not, as the hedgerow conceals it. The new access track is proposed in addition to the existing; however is to spur off to the north-west, allowing access to the proposed equestrian facilities. To be constructed from stone, the HDCMD considers that the principle of creating a new access road would not be harmful to the landscape or detrimental to the form and character of the village or countryside setting.
- 5.8 PPS7 (para 32) states that *'Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role. Local planning authorities should set out in LDDs their policies for supporting equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses'*.
- 5.9 PPS7 (para 15) advises that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.
- 5.10 Policy AG5 of the adopted Cherwell Local Plan echoes the guidance contained in PPS7, and seeks to ensure that horse related development does not have an adverse effect on the character and appearance of the countryside or detrimentally affect the amenities of neighbouring properties.
- 5.11 Taking the above into account the HDCMD considers that the principle of the development as an extension to an existing equestrian establishment on the edge of the village is acceptable and not harmful to the character and appearance of the rural landscape and complies with the development plan policies and government guidance. Notwithstanding that, as part of the overall development, the HDCMD considers that enhancement of the site in the form a landscaping scheme is required.
- 5.12 Highway safety
- Oxfordshire County Council as local highway authority have not raised any objection to the proposal providing that the development remains for private use only, which the applicant has stated in the application submission.

5.13 Heritage Assets

The positioning of the proposed building, outdoor menage and access track site is adjacent to the Conservation Area and opposite several listed buildings. The site is also adjacent to the historic Cropredy Battlefield site. The HDCMD therefore considers that the proposed development affects the setting of heritage assets.

5.14 PPS5: Planning for the historic environment states in paragraph HE9.1 that *'there should be a presumption in favour of the conservation of designated assets'*. It goes on to state in paragraph HE10.1 that *'when considering applications for development that affects the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset'*.

5.15 Given the topography and nature of the site, the HDCMD considers that the proposed development will not harm the setting of the Conservation Area, neighbouring listed buildings or historic battlefield and therefore preserves the character of the heritage assets. Notwithstanding that, as part of the overall development, the HDCMD considers that enhancement of the site in the form a landscaping scheme is required.

5.16 In respect of Archaeological matters, English Heritage raise no comments in respect to the proximity of the development to the historic Cropredy Battlefield site, however, to ensure that any findings that occur during the construction phase, relative to any unknown remains, these are to be reported to the County's Archaeologist. The reporting of which would be either in the form of an informative or watching brief condition. This will be reported as an update at the meeting following the receipt of comments from Oxfordshire County Council's Archaeologist.

5.17 UK BAP site and protected species

Where development is likely to affect protected species, PPS9 advises that a survey should be undertaken prior to the determination of an application, as the presence of a protected species is a material consideration when a planning authority is considering a development proposal.

5.18 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application, as prescribed by Regulation 3(4) of the Conservation (Natural Habitats etc) Regulations 1994 (as amended). Under art.12(1) of the EC Habitats Directive, Member States requires that a system of strict protection of animal species be established to prohibit the deterioration or destruction of their breeding sites or resting places. The result is that there is in practice two linked systems of regulation. First under reg. 39(1)(d) it is a criminal offence to damage or destroy a breeding site or resting place but under reg.44 this does not apply if a licence has been granted for such operations and Natural England being that licensing authority. Secondly where planning permission is required reg.3(4) provides that local planning authorities must have regard to the

requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

5.19 Whilst the site is close to the area of woodland and UK BAP site, County's Ecologist raises no issue in respect of protected species and as no record of such has been identified in the immediate locality, no protected species survey was considered necessary.

5.20 The HDCMD considers that art.12(1) of the EC Habitats Directive has been duly taken into consideration and that the proposal therefore accords with PPS9 and policies C2 and C4 of the Adopted Cherwell Local Plan.

5.21 Conclusion

Based on the assessments made above the HDCMD considers that this application is acceptable as it extends an acceptable existing equestrian facility on the edge of the village that has no adverse impact on highway safety, residential amenity and preserves the setting of heritage assets. The proposal therefore complies with the relevant development plan and national policy guidance.

6. Recommendation

Approval subject to there being no adverse comments/objection from Oxfordshire County Council's Archaeologist and the following conditions:

1. 1.4A (RC2) – [Time: 3 years]
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the Drawing nos. 0701 220A, 201A, 202B, 203B, 204B received 03.02.2010.

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

3. 3.0 (RC10A) – submit landscaping scheme
4. 3.1 (RC10A) – carry out landscaping scheme
5. The indoor and outdoor riding arenas and stables hereby permitted shall be used for private use only and no commercial use including riding lessons, tuition, livery or competitions shall take place at any time

Reason: In order to maintain the character of the area and safeguard the amenities of the occupants of neighbouring properties and in the interests of highway safety and to comply with Policy BE1 of the South East Plan 2009 and Policies C28 and C31 of the adopted Cherwell Local Plan and Government guidance contained in PPG13.

6. Full details, including positions and specification of lights to be erected on the land or external elevations of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the

development. The development shall be carried out in accordance with the approved details. (RC50)

7. Notwithstanding condition no. 6 no further external lighting or floodlighting shall be erected on the land or access road without the prior express consent of the Local Planning Authority (RC50)

8. That, notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed along the line of access road hereby permitted without the prior express planning consent of the Local Planning Authority.

Reason – In order to retain the open character of the development and area in accordance with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan

9. Archaeological condition or informative

Planning Notes

1. XI – Biodiversity/protected species
2. T1 – third party interests
3. U1 – construction sites

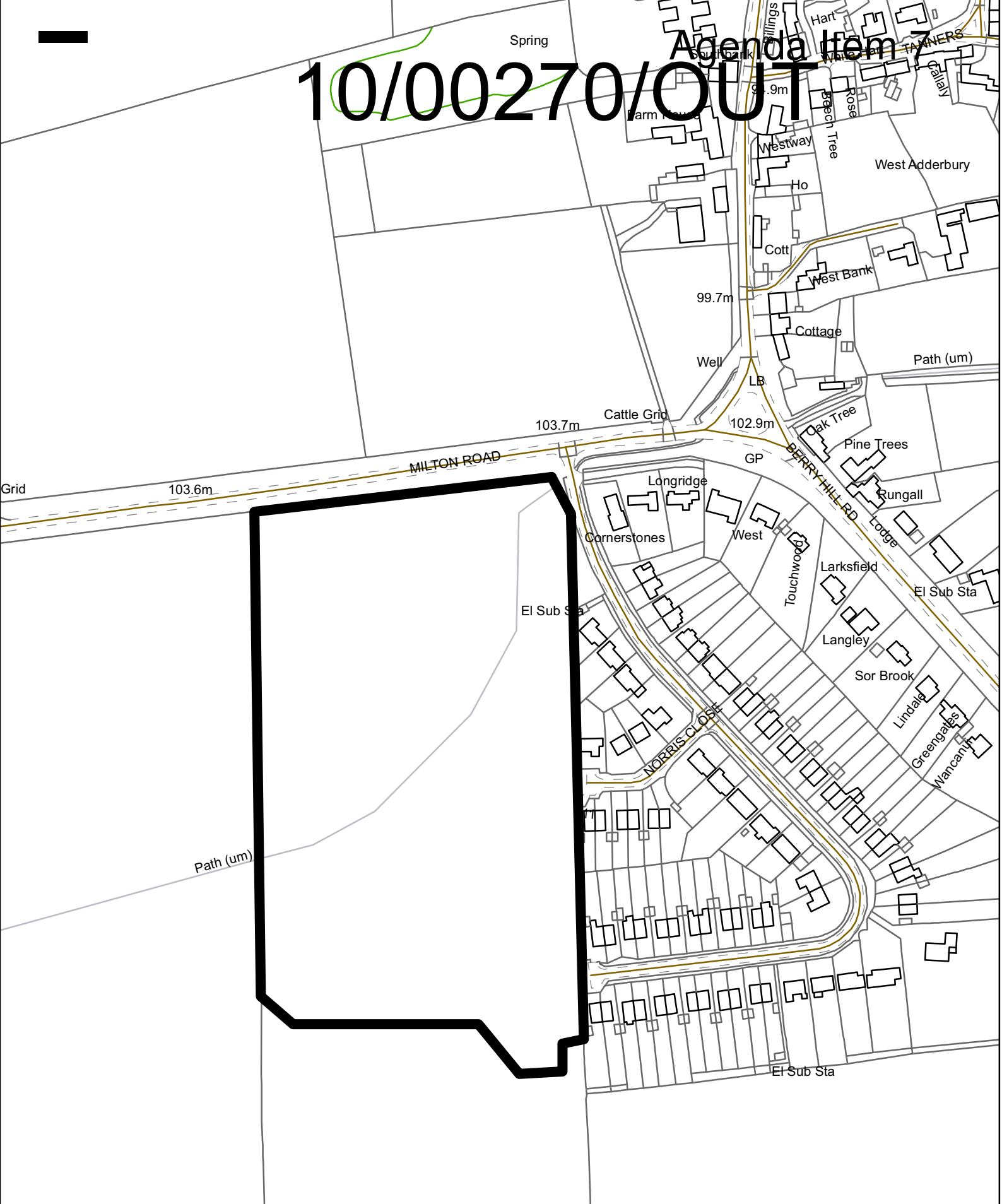
SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as it pays proper regard to the character and appearance of the immediate and surrounding locality and has no serious adverse impact on heritage assets, the amenities of neighbouring properties or highway safety. As such the proposal is in accordance with Policies CC6, C4, BE1, BE5 and BE6 of the South East Plan 2009, Policies AG5, C2, C7, C13, C14, C28, C30 and C31 of the adopted Cherwell Local Plan and Non-Statutory Cherwell Local Plan 2011 Policies TR11, EMP11, EN34, EN35, EN36, EN37 and EN39 and Government guidance contained in PPS1, PPS5, PPS7, PPS9 and PPG13. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Tracey Morrissey

TELEPHONE NO: 01295 221812

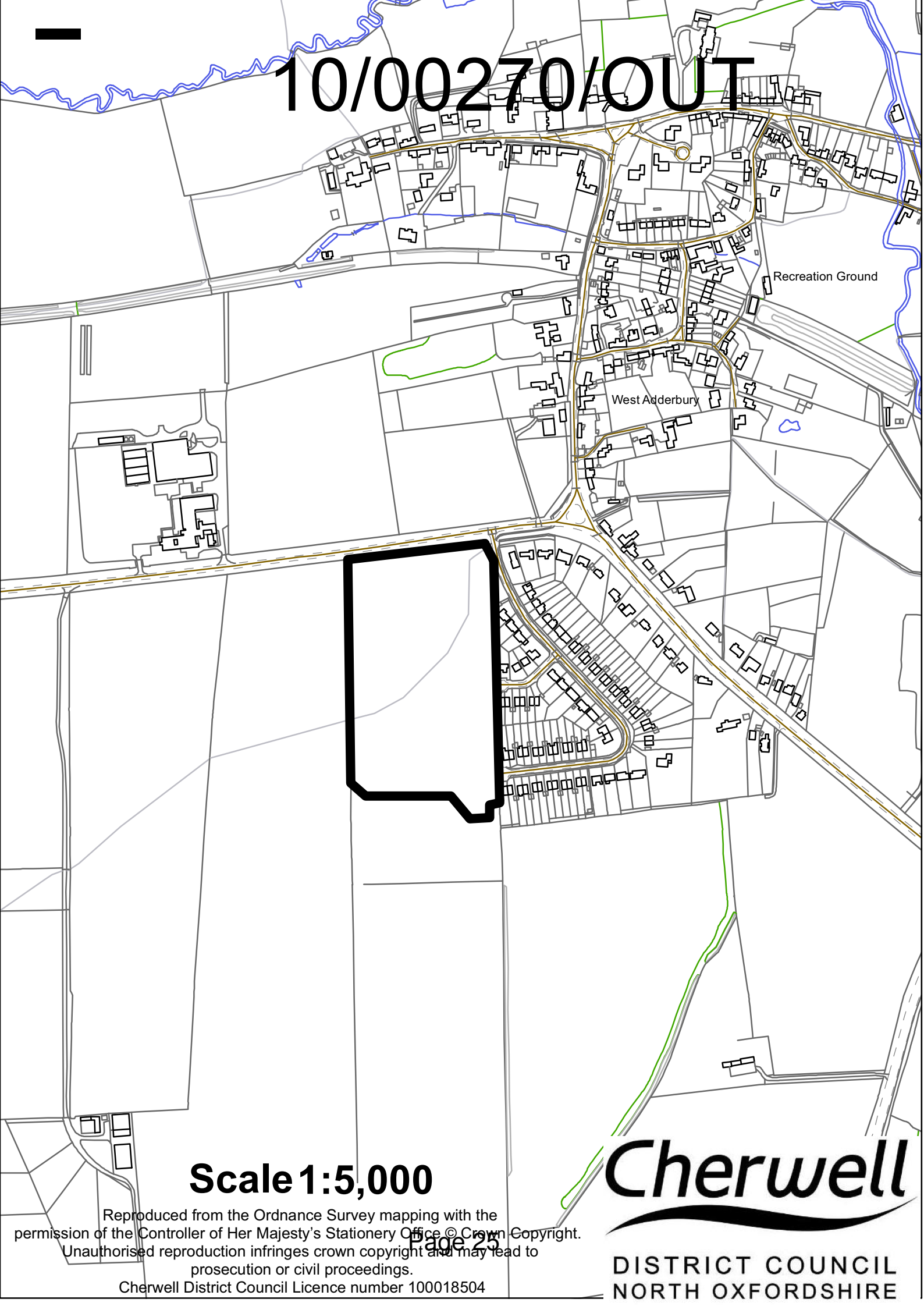
10/00270/OUT



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Recreation Ground

West Adderbury

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**DISTRICT COUNCIL
NORTH OXFORDSHIRE**

Application 10/00270/OUT	No:	Ward: Adderbury	Date Valid: 25/02/10
Applicant:	Berkeley Homes (Oxford & Chiltern) Ltd, Berkeley House, Abingdon Science Park, Barton Lane, Abingdon		
Site Address:	OS Parcel 4100 Adjoining and South of Milton Road, Adderbury		

Proposal: Erection of 65 dwellings with associated access, open space and landscape works and provision of a sports pitch with changing facilities and car park.

1. Site Description and Proposal

- 1.1 This is an outline application for a development comprising of 65 residential dwellings with associated access, open space and landscape works and the provision of a sports pitch with changing facilities and car park. The site is a 4.63 hectare parcel of land to the south of Milton Road and west of St Mary's Road and Norris Close. Access to the site is to be obtained via a vehicular access onto Milton Road, approximately 95 metres west of the existing access into St Mary's Road.
- 1.2 The site is rectangular in shape and is currently in agricultural use. The site consists of one field. A footpath crosses the northern third of the site. There are existing hedgerows that bound the site. The site lies within an Area of High Landscape Value.
- 1.3 The application seeks permission for 65 residential properties 40% of which are proposed to be affordable units.
- 1.4 This application is in outline only and all matters with the exception of the access are reserved to be considered in a Reserved Matters application should this application be approved. Although this application is in outline an indicative site plan has been submitted along with a Planning Statement, a Design and Access Statement, Transport Statement, Landscape and Visual Appraisal and Arboricultural Impact Assessment, Flood Risk Assessment, Ecological Survey, Foul Drainage Assessment and a Contamination Report.
- 1.5 **Planning History**
There is no recent planning history relevant to this proposal.

2. Application Publicity

- 2.1 The application was advertised by way of a site notice, press notice and neighbour notification letters. The final date for comment was 9 April 2010. However letters received after this date have also been taken into consideration.

2.2 59 letters of objection have been received. In some instances more than one letter was sent from the same address and in the majority of cases the letters are from St Mary's Road and Norris Close and also on a standard template. The main reasons for objecting to the proposal are;

- General points
 - The general need for housing is appreciated
 - There are more suitable sites closer to the school where there are bus routes and safer crossing places
 - Increased noise
 - Litter
 - Many attempts have been made to get housing on land at Milton Road
 - Most people in the area are unhappy with the proposals
 - Development would be contrary to the Adderbury Parish Plan, Cherwell District Council's Environmental Strategy, The Nottingham Declaration on Climate Change, Oxfordshire County Council's objectives and Environmental Policy
 - The balancing ponds will attract children who may be in danger after heavy rainfall
 - Development will result in loss of high grade agricultural land
 - Housing density too high
 - Development does not integrate into the village and the residents will find it difficult to integrate due to its remoteness
 - Development will increase the population by estimated 190 people of which an estimated 60 of these would be children 30 of which may be primary school age
 - Development on the north side of Milton Road would be in balance with the current buildings to the south and this would not be extending the village boundary
 - If the proposed development was mirrored on the site it would provide a village green environment between the existing and proposed housing, however this could cause its own problems with noise and disturbance from the pitch
 - If anything should be developed here it should be an alternative energy source, not housing and a pitch
 - Do not consider that St Mary's Road should have been allowed in the first place.
 - Development of this site would set a precedent for other future developments
 - The layout of the site allows for extensions to the development in the future
 - The social housing should not be clustered together – will result in a ghetto/slum
 - The reports, especially the Travel Plan, are considered to be inaccurate in several places and is therefore questionable

- Policy position
 - PPS1 – underlying principle is achieving sustainable patterns of development
 - PPS7 – focus development in or near to local service areas and where housing, shops, schools and other facilities can be provided close together
 - Policy H1 of Oxfordshire Structure Plan states that larger settlements are in more sustainable locations due to their range of jobs, services and the opportunity to encourage people to walk cycle or use public transport
 - Policy H13 of Cherwell Local Plan states that new residential development within Category 1 settlements are restricted to infilling, minor development within the built up area and the conversion of existing buildings
 - Policy H18 of Cherwell Local Plan states that new dwellings outside built up limits will be restricted to agriculture or other existing undertakings
 - This proposal is beyond the built up limit and in an area of attractive countryside – the proposal is not infilling nor within the built up area.
 - Policy SP3 of South East Plan – prime focus of development in urban areas, seek to achieve development on previously developed land
 - Policy BE5 of the South East Plan – new development should be subject to rigorous design and sustainability criteria is that distinctive character of village is not damaged
 - Development of this site would not contribute to brown field target and it would damage distinct character of the village.
 - Policy C8 of Adopted Local Plan seeks to resist sporadic development in open countryside
 - Policy C7 of Local Plan seeks to prevent demonstrable harm to the topography
 - Policy C30 requires the character of the built environment to be considered
 - The proposal does not comply with Sustainability Appraisal Objectives set out in Draft Core Strategy for example, accessibility to services, re-use of previously developed land, accessibility to countryside and historic environment, reduction in road congestion
 - PPS3 implies that permission should only be granted for housing, in relation to the 5 year land supply, if the site is suitable and if it would not undermine spatial vision.
 - Being an outline application suggests that the development is not deliverable
- Visual impact
 - The village will be ruined by these developments
 - The village will amalgamate to Milton and then Bloxham

- The development will have an urbanising effect and does not respect the character of the village
- Three storey development is not in keeping with street scene
- The development will look like a monstrosity
- The use of red bricks will be out of keeping with the rest of the village
- Highway safety
 - No thought given to congestion on narrow road of Milton Road, Berry Hill Road and Hornhill Road and through the village
 - Congestion would worsen by the school due to the proposed houses being distant from it
 - The sports pitch will add to the local congestion
 - Unlikely that people will walk the distances to the school, stores or Public House, increasing traffic movements in and around the village and therefore increasing the level of CO2 in the village
 - Parking is already an issue at the Primary School
 - The site is not a sustainable location
 - The cost of public transport is more expensive than a car journey
 - Traffic speeds are too high along the Milton Road
 - The junction of Horn Hill Road/Berry Hill Road and Milton Road is already a major hazard
 - It would be inappropriate to use St Mary's Road or Norris Close as access roads or even cycle or pedestrian access due to number of children living in the area
 - The proposal does not provide sufficient parking
 - Will further footpaths links be provided?
- Need for further dwellings
 - If this site is developed virtually all of Adderbury's allocation of houses would be in one development, other sites are more suitable
 - Given the amount of new build already extant in the Parish, this development would be outside of the local plan objectives
 - There are no jobs in Adderbury so no further houses are required
- Neighbour impact
 - Outlook from the neighbouring properties would be affected
 - The football pitch and club house will create noise at unsociable hours
- Ecology and drainage
 - The site supports wildlife including many species of birds, bats, hares and badgers
 - Newts and frogs exist in surrounding garden ponds
 - The field currently provides recreation for residents
 - Development on this land will result in flooding
- Services/infrastructure

- The proposal for one pitch does not benefit the village
- The parking provision for the pitch is too low
- Significant investment in the school would be required
- No capacity in Primary or Secondary School
- Pressure on limited village resources
- There is government funding that could be used to develop educational facilities on the site.
- The pitch will not be used by locals and will replace a perfectly good pitch in centre of village
- The existing pitch is fine and the village does not need another
- The proposed pitch will not be good for sport due to the wind
- The pitch offered on land north of Milton Road would be the preferred location

Non – planning matters

- Light pollution adversely affecting the value of properties on Norris Close and St Mary’s Road.
- The development is fuelled by greed
- The building work would cause stress for the current residents, particularly those who have gardens backing onto the site
- General significant devaluation of properties
- The developers have been offering inducements to the neighbouring residents

2.3 **Adderbury Conservation Action Group (ACAG)** made the following comments that are not covered in the summary of responses above.

- They do not consider the village to meet all the criteria of a class ‘A’ village therefore reject the premise on which the application has been made
- The Adderbury Village Assessment (2003/2004), which had a participation rate of 80% demonstrated that residents were keen to resist further developments outside the existing village envelope – it would be wrong to disregard this
- Large developments on the edge of the village would be unacceptable because of the historic and architectural setting, the development would diminish and devalue the whole
- Representations about the designations appear to have been ignored
- New residents will not contribute to the survival of the village services due to their remoteness from the village and the use of the car
- Employment opportunities are almost non-existent
- This development will provide dormitory accommodation for towns and further afield
- The provision of a new school will become necessary and this will have to be provided outside of the village

2.4 **Adderbury Football Club** has made specific comments in relation to the provision of the football pitch, these are summarised below;

- They confirm interest in proposal for recreational uses on land north

of Milton Road, Adderbury

- A pitch as positioned in present application would quickly deteriorate to a kick-about area, a football club could not be sustained in such an arrangement
- Proposals for a facility on north of Milton Road has support of Parish, District and Ward Member
- Football clubs plays vital role in community
- Current facilities can't cater for level of demand currently experienced, junior teams have to play elsewhere
- Current parking facilities inadequate and pitch experiences flooding
- Lack of consultation in relation to South of Milton Road scheme which is extraordinary and inappropriate
- Likely to be a reluctance for Parish or Club to take control of pitch
- The facilities proposed by the developer are inadequate in terms of number of pitches
- The access arrangement are inadequate
- Residential and sports uses would be bad neighbours due to proximity
- The proposed parking is inadequate. Overflow parking would spill onto the Milton Road
- The development itself could cause water to flow onto the pitches

2.5 Comments have also been made in relation to a scheme on the opposite side of the road. This is not part of this application therefore the comments have not been included in this report.

3. Consultations

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

They object to the application for the following reasons;

- No community facilities offered except those normally delivered on a development of this nature
- Too many houses at too high a density
- Not enough consideration given to design of buildings or use of materials
- Excessive number of affordable units. Adderbury already has sufficient affordable units. The proposed number of units is contrary to policies which require fewer than proposed and the units will not be taken up by local people
- It is major development outside the built up boundary of the village
- The entrance on to Milton Road has not given any thought to traffic calming
- Welcome the opportunity to soften the raw edge at entrance to village but there needs to be more planting on western boundary and in buffer next to existing properties

- Proposal for football pitch and changing facility has not been discussed with Parish or football club. It will be given to private club so should not be seen as village facility. Another scheme for a pitch has been discussed with another developer and if this application were to be successful it may result in unnecessary football pitches and none of the general facilities that are needed
- Car parking allocations are insufficient for houses and football facility
- Adderbury is not a sustainable location. It has very limited range of services for residents. The village is incorrectly categorised. Residents cannot easily access facilities by foot increasing vehicular activity
- Christopher Rawlins school has very limited capacity for additional children and there is very little expansion space and as such the developers contributions will not help the situation
- Support Environment Agency's letter of 30 March 2010. In flood event extra water will need to drain into small valley behind Horn Hill Road (south of Cemetery) – too big a surcharge through narrow pipes. There have been problems in 2007 where properties flooded. There are concerns for existing properties and the Cemetery.

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

- In 2006, the Parish Council made submission to Cherwell in respect of the earlier stages of the LDF process. They proposed a maximum build in Adderbury of 120 homes spread over the period 2006 to 2026.
- Note that Council's Core Strategy now proposing 350 houses for the four villages of Adderbury, Bloxham, Bodicote and Deddington over the remaining 16 years to 2026. Crude apportionment over the four villages, would represent 88 houses in each village over those 16 years and that averages to 5½ homes in each village in each year.
- Tempted to argue that Bodicote has recently had 400 more homes added peremptorily to the 1,000 already planned to the east of the Oxford Road in the Parish of Bodicote (described by Cherwell DC as "Bankside") and has therefore more than taken its share of housing. Therefore suggest that the remaining three villages might reasonably expect to see approx 120 homes each over 16 years - an annual build rate of 7½ homes per annum.
- It is against this background that I am writing to suggest that a single site in Adderbury of 65 homes is simply too large. It represents 8½ years of building as proposed in the Cherwell Core

Strategy.

- I interpret the Core Strategy for these villages as proposing modest growth in the four named villages and not mini-estates which extend the village boundaries.
- If Cherwell approves this application, what will prevent later applications for similarly-sized estates stretching along the Milton Road until they reach Milton and, later, Bloxham?
- There used to be a District policy to prevent coalescence of settlements. Where has this gone?
- National, regional, county and district planning policies are designed to support sustainable development which reduces car journeys and encourages walking, cycling and use of public transport.
- Inevitable that children living in these homes will be driven by their parent to the village primary school which is just under a mile away. There is already serious congestion around the primary school. This site will add to it. This proposed development will generate more car journeys for travel to work, school, shopping and leisure. There is no viable alternative to the car at this location.
- This proposed development is too big, on a single site, for this village. It will not enhance the quality of the immediate environment. I suspect it will detract from it significantly.
- The development is in the form of a cul-de-sac. If parking provision is inadequate, there will be inevitable congestion pressures elsewhere in the village.
- I hope it will be recommended for REFUSAL.

3.3 The **Ward Member** (Rick Atkinson), has made the following comments (In summary);

- There are no community facilities offered except inadequate football facilities and those normally found on this type of development. The following is a summary of the main objections from constituents which I have aligned with PPS's and other policy documents:
 1. **Too Big and Too Remote.** The proposed development is on green field land and outside the current village building boundary. It is 1.5 miles from the school, 1.2 miles from the village hall and 1 mile from the only village shop and the church. The small village shop is only open 4.5 days per week and the nearby mini post office is only open for 4 hrs per week. The bus service to Banbury is once per hour. This is all contrary to PPS 3 – 10 which states:*the*

planning system should deliver – Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure”. Residents would therefore take to their cars to reach the school and for shopping, tend to bypass the village and continue on to Banbury or Deddington (this occurs now with the residents in the adjacent St Mary’s Road area). Statistically, 65 dwellings would produce over 95 cars producing more air pollution and even more congestion in the village and at the school.

2. **Size is Contrary to LDF Core Strategy.** It is a major development not in keeping with the general village buildings or PPS 3 – 11.....*in particular, seeking to minimise environmental impact, taking account of climate change and flood risk.* The Core Strategy Document states that as a Cat ‘A’ village, Adderbury should only be subjected to “*minor developments, in-filling and conversions*”.
3. **Flooding.** The environment Agency report states that there will be problems with surface water flooding – which infringes PPS 25.
4. **Inadequate Parking.** PPS 3 – 16 states:*”Matters to consider when assessing design quality include the extent to which the proposed development – Takes a design-led approach to the provision of car-parking space, that is well integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly”.*The proposed car parking is inadequate; this would result in vehicles obstructing the roads and pavements - as can be seen in the new developments at Henry Gepp Close, Long Wall Close and Sydenham Close on the Aynho Road where parking is inadequate.
5. **40% Affordable Housing – Too High and Unnecessary.** The proposed 40% (26) affordable houses is too many. PPS 3 – 22 states: *”Local Planning Authorities should set out in Local Planning Documents: The likely overall proportions of households that require affordable housing.....”* The Adderbury Housing Needs Survey 5th Feb 07states: *This survey has shown there is a substantial [affordable] housing need within Adderbury (24 households) and a good level of support from within the community (65.6%) for a small rural exception site development in Adderbury. There are a further 7 households with a future housing need (3+ years). i.e. a total of 31 houses. Since then, 31 affordable houses have been built in Adderbury; half of these (15, as is the policy) have been offered to or are occupied by “Adderburyians”; therefore half the proposed 26 affordable houses (13) added to the existing 15 will more than make the required 27 affordable houses required for “Adderburyians”. However, the North Milton Road site (AD6) proposes 12 Affordable houses i.e. 6 more for “Adderburyians”. In addition, an exception site of 4 or 5 houses is proposed for Adderbury (all of which would go to “Adderburyians”) making a total 11 affordable houses “surplus” to Adderbury’s requirements.*

6. **Single Football Pitch Does Not Meet Requirements.** The proposed football pitch and “changing facilities” have been added to this development to try and compete with AD6 - where a carefully planned joint development containing 2 pitches, a football club building plus space for a junior pitch and a grounds maintenance building, has been put together. The single pitch would not meet the football club’s league requirements; it is therefore a waste of space. Moreover, some houses are only 25m from the pitch.
7. **Affordable Housing Ghetto.** It would appear that most of the affordable housing is grouped together at the southern end of the development. Experience has shown that this would cause an “us and them” situation leading to social strife etc. PPS 3 – 24 states “.....*the mix of housing should contribute to the creation of mixed communities.....*”. Most of the houses are small terraced dwellings which, experience has shown, will be bought up by landlords for rent to social housing schemes thus turning the whole development into a low cost ghetto.

This is a major high density site which is not in keeping with the village setting. It goes against the policies set out in PPS 3, PPS 25 and the LDF Core Strategy Document. The parking is inadequate, it is too remote and the subsequent increase in traffic will swamp the village and contribute to global warming. Surface water flooding will be a problem. The football facilities do not meet the requirements of Adderbury Park Football Club. The proportion and location of the affordable housing is in danger of turning the whole site into a low cost ghetto. Not one person in the village has said to me that they are in favour of this development; I therefore strongly object to the proposal on behalf of my constituents.

3.4 The **Local Highway Authority** (LHA) (check latest position) has made the following comments;

- The submitted TA states that there is unlikely to be an impact on the local highway network from the proposed development due to capacity within the highway network; from reading through (and checking) the information provided such an assessment, in my opinion is deemed reasonable.
- A review of the accident data for the area has been carried out, and has highlighted a couple of incidents that have occurred within the last 5 years. Looking through the information provided it appears the incidents that occurred were down to driver error rather than the characteristics of the Milton Road. In light of this data it is considered that the proposed development is unlikely to increase the number of recorded accidents in this area.
- The proposed access arrangements for the site meet the required design standards for a road in this location i.e. appropriate vision splay(s) can be achieved. As part of the access arrangements there is a proposal to extend the existing 30 mph speed limit which

is desirable. However a traffic calming scheme for this section of Milton Road will also be required, which is likely to include a gateway feature as well as Variable Message System (VMS) signing. Any scheme will need to be agreed with the Local Highway Authority prior to work commencing on site. A right turn lane must also be provided to serve the site.

- As part of the proposed off-site works a new footway is proposed to link up the site to the existing network, which is acceptable. The proposed pedestrian links into St Mary's Road and Norris Close are also acceptable. All the off-site works will require a Section 278 legal agreement with the Local Highway Authority, which will need to be part of a S106 Agreement.
- In my opinion the submitted TA appears reasonable.
- Parking levels – due to the location of the proposed site (edge of Adderbury) I will expect to see the site's parking levels to be to the maximum levels, which is around 2 off-street parking spaces per unit (up to 3 beds); 4+ units on merits i.e. 2+ spaces. I understand the level/detail of car parking is to be agreed as part of a future reserved matters application. For future reference the Local Highway will only consider a garage/car port as an off-street parking space when the internal dimensions are 6m x 3m. I note from the submitted (indicative masterplan SK08 REV B) that the sports pavilion is to be provided with around 18 parking spaces – I am unconvinced such a number is adequate and vehicles are likely to park on the main access road serving the site which would raise a safety issue. The number of spaces for this part of the site will require further thought for the reserved matters application.
- The layout of the site appears to take into account the guidance in MfS which is desirable, however there are a few issues that will need to be considered for the reserved matters application, such as:
 1. Access road requires calming features to deter speeding, currently straight road into site;
 2. Lay-by shown opposite sports pavilion – to serve who?
 3. A tracking plan will be required to demonstrate refuse vehicles can turn within site;
 4. Public Footpath No 10 – no details how this will be integrated into the site i.e. upgrade of surface etc;
 5. The site is located above the carriageway of Milton Road – therefore drainage of the site is essential; site must accord with SUDS. Please note new access is likely to require culvert due to ditch along site's frontage (guidance can be sought from OCC's Drainage Engineer Gordon Hunt 01865 815571).

The Public Transport Subsidy contribution of £32,082.70 and Travel Plan monitoring fee of £1000 is to be secured via a S106 Agreement. All the

off-site works will require a Section 278 legal agreement with the Local Highway Authority, which will need to be part of a S106 Agreement.

Conclusion

Taking the above into account it is my opinion that recommending refusal grounds would not be appropriate or sustainable at appeal; therefore I recommend the conditions are imposed (as well as securing the required financial contributions and off-site works by legal agreement).

That the Local Highway Authority for this proposal (65 units) will not require a right turn lane, but will require the Milton Road widened to enable vehicles to pass when vehicles are waiting to turn right into the proposed site. The widening works are to allow a HGV to pass while a car is waiting.

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

3.5.1 In our recent response to the consultation on the Cherwell draft Core Strategy, we expressed strong concerns that the district has identified that Adderbury together with Bodicote, Bloxham and Deddington should provide in total for 350 new dwellings, with each village providing site(s) for 85-90 dwellings. There are currently no spare places or room for expansion at Adderbury (and Bodicote) primary schools. Work to date has identified that schools at Bloxham and Deddington would be suitable for expansion but further assessment would be needed as to how this could be achieved and how catchments could be re-configured to accommodate children from all the development proposed. It is likely that the children from the new housing proposed in Adderbury (and Bodicote) would need to travel to out of village schools such as Deddington as a matter of need rather than parental choice. Development of this scale would impose extra costs upon the communities in terms of needing to transport children to distant schools. It would also be contrary to policies that seek to reduce the need to travel, SE Plan policy S3 which seeks to ensure that the locations of educational facilities are accessible to the communities they serve and would be detrimental to creating healthy, thriving communities.

3.5.2 The district has recently considered and is minded to approve an application on the eastern edge of the village of Bloxham to the west of Adderbury (application no. 09/01811/F) for 61 dwellings. The issuing of a planning permission is subject to the applicant first entering into a legal agreement to secure (inter alia) appropriate contributions to infrastructure. We did not

object to the proposal but recommended that should the district be minded to permit the application, they should be satisfied that development on the scale proposed was appropriate to support the viability of local services and justified to meet the needs of the immediate local population in line

with policy BE4 of the SE Plan and their emerging Core Strategy.

3.5.3 The district is also currently considering an application for 35 dwellings (ref no. 10/00512/OUT) to the north of Milton Road in Adderbury and for 86 dwellings on land south of Blackwood Place and Molyneux Drive/north west of Cotefield Farm, Bodicote.

3.5.4 **Relevant Development Plan and other Policies:**
Planning Policy Statement 3 (PPS3): Housing
Planning Policy Guidance (PPG)13: Transport
South East Plan (SE Plan) Policies:
SP3 (urban focus for development), CC1 (sustainable development), CC2 (climate change), CC4 (sustainable design and construction), CC7 (infrastructure and implementation), H3 (affordable housing), H4 (type and size of new housing), T1 (manage and invest), BE5 (village management), S3 (education and skills), AOSR1 (scale and location of housing development in the Rest of Oxfordshire)
Non-Statutory Cherwell Local Plan 2011 Policies: H1a (location of new housing), H4 (types of housing), H8 (villages)
Cherwell Local Plan adopted 1996: H12 (housing in rural areas), H18 (new dwellings in the countryside)
Relevant Oxfordshire 2030 Sustainable Community Strategy & County Council Priorities:
Healthy and thriving communities, environment and climate change and better public services
Oxfordshire Sustainable Construction Advice Note 2009
Comments:
Main Strategic Policy issues:

3.5.5 **Housing supply:** Cherwell District Council currently does not have a 5 year supply of land for housing. PPS3 (para 71) states that where local planning authorities cannot demonstrate an upto-date 5 year supply of available, suitable and achievable sites, they should consider favourably planning applications for housing, subject to a number of considerations. The District will need to assess whether the location and scale of development proposed in this application would be consistent with the spatial vision for villages in the emerging core strategy, specifically Category A villages in the north of the district.

3.5.6 **SE Plan Regional Spatial Strategy:** Adderbury is a rural community with a population of approximately 2,300 and about 1000 dwellings; development here would contribute to meeting the housing figure in policy AOSR1. Policy BE5 of the SE Plan on village management supports limited small-scale development which would help meet local housing needs of rural settlements, subject to sustainability criteria. Although 65 dwellings is not considered 'limited, small scale development', Adderbury

is identified as a Category A village in the draft core strategy as it is a relatively sustainable location with a reasonable range of services and facilities and together with Bloxham, Bodicote and Deddington, it is proposed to provide a total of 350 dwellings. In deciding the outcome of this application the district should be mindful of the granted permission in Bloxham for 65 dwellings plus the current applications to the north of Milton Road, Adderbury for 35 dwellings and 86 dwellings at Bodicote and how all these proposed developments fit with their ambitions for overall growth in Category A villages contained in the draft Core Strategy. To be acceptable it is our view that the cumulative effect of housing development should meet identified local housing needs and continue to strengthen the viability of Adderbury and the other 3 villages rather than (as it potentially the case here) have a detrimental effect on the character of the villages and place pressure on their services and facilities.

- 3.5.7 **Capacity of local primary school to cope with extra demands:** Currently, as detailed above, there is no spare capacity in the local primary school, Christopher Rawlins, and the school cannot be expanded on it's current site. If the application were to be permitted it is likely that the children from the new housing would need to travel to an out of village school which could be expanded; this would be as a matter of need rather than parental choice. This would be contrary to the objectives of SE Plan policy S3 which requires the location of education facilities to be accessible to the communities they serve to help develop and shape healthy sustainable communities. It would also run counter to the strategic objectives of Oxfordshire 2030 and this Council's priorities for creating healthy, thriving communities. Development which gives rise to a need to travel, particularly by motorised means is contrary to the thrust of PPG13, SE Plan policy CC2 which seeks to reduce the need to travel as a means to mitigate climate change, SE Plan policy T1 which seeks to locate development so as to reduce journey lengths and policy B5 which requires all development to be subject to rigorous sustainability criteria.
- 3.5.8 **Development in the open countryside:** the development would extend the built up area of the village further into open countryside. The district is best placed to assess the impact of the development on the landscape setting of the village.
- 3.5.9 **Affordable housing and mix:** The development would provide a mix of 2, 3 and 4 bedroom dwellings with 40% planned to be affordable. This mix is consistent with policies H3 and H4 of the SE Plan which seek to provide a minimum of 35% affordable housing in new developments; and provide housing to support the needs of the whole community respectively. The proposed mix of housing would assist in creating healthy and thriving communities - one of the County Council's priorities and an Oxfordshire 2030 objective.

- 3.5.10 **Infrastructure and Service Provision: SE Plan policy CC7:** The application is being considered by the County's developer funding team who are responding separately in the normal way. The scale of the proposed development would have a considerable impact upon local service and infrastructure needs. To satisfactorily accommodate a single proposal of this scale, with its relatively accelerated pace of delivery in the context of the proposed Core Strategy's timeframe, extra infrastructure capacity would be necessary. In line with the objectives of policy CC7 and in line with Government guidance on planning obligations, local schools in particular would need to be expanded. Any new service infrastructure needs to be close enough to the new housing to give the residents convenient access to services in line with strategic policy objectives for healthy and thriving communities and the objectives of SE Plan policy S3. If the application were to be permitted the majority, if not all, the children from the new housing would need to travel to Deddington or Bloxham Primary schools which could be expanded, subject to securing the necessary funding. Development of this scale and pace would therefore impose extra costs upon the communities in terms of needing to transport children to distant schools as well providing improved facilities. If the district is minded to approve the proposal, permission should be subject to a legal agreement to secure necessary improvements to supporting infrastructure, including the provision of additional school accommodation at an appropriate primary school (or schools) and to meet the additional school transport costs for a period of up to 5 years.
- 3.5.11 **Transport and Highways:** The comments of the County Council as Highway Authority will be dealt with separately in the normal way. The site is within acceptable walking distances to some local facilities (as noted: schools do not have spare capacity); however, residents would need to travel to Banbury to access higher order services and facilities and given the current level of bus services it is unlikely that residents would frequently use public transport as an alternative to the private car. If the district is minded to permit the proposal, permission should be subject to a legal agreement to secure contributions required to improve transport infrastructure, including public transport, cycleways and footpaths.
- 3.5.12 **Resource use, climate change and environmental issues:** Environment and climate change are County Council priorities and Oxfordshire 2030 objectives. The SE Plan seeks to achieve sustainable development through policy CC1 and to adapt to and mitigate climate change outlined in policy CC2.
- a. The Planning Statement accompanying the application says that the development would incorporate sustainable drainage measures to ensure that the development did not increase the risk of flooding elsewhere. This approach would be consistent with policy NRM4 of the SE Plan; and
 - b. We would encourage the dwellings to be built to Code Level 3 of Code for Sustainable Homes. This would be in line with policy CC4 of the SE

Plan and the Oxfordshire Sustainable Construction Advice Note (2009), which has been approved by Cherwell for development control purposes.

3.5.13 **Local Member Views:** No comments received. Cllr Keith Mitchell has expressed concerns directly to the district council

3.5.14 **Conclusion:** We would support in principle housing development which would meet identified housing needs and which contributed to the socio-economic well-being of the local community. However, the scale of development proposed in this application would be likely to lead to unsustainable travel patterns as the local primary school does not have capacity to cope with the extra demand for places from this scale of development and children would need to travel to school(s) out of the village where additional school places could be provided. This would be contrary to policy seeking to reduce the need to travel and would not be conducive to creating a thriving, healthy community. Nevertheless, should the district be minded to permit the development, it should be satisfied that the scale of development would meet an identified local need and permission should be subject to a legal agreement to secure contributions to improved transport infrastructure (including public transport, cycleways and footpaths) and necessary supporting non- transport service infrastructure, including additional primary school accommodation at an appropriate school and the additional school transport costs.

3.5.15 **RECOMMENDATIONS:** It is RECOMMENDED that the County Council from a strategic policy perspective informs Cherwell District Council in relation to the development proposed in application number 10/00270/OUT that:

a) It objects to the scale of development proposed in this application as the local primary school does not have capacity to cope with the extra demand for places and children would need to travel to school(s) out of the village where additional places could be provided. This would be contrary to the objectives of SE Plan policy S3 which requires the location of education facilities to be accessible to the communities they serve to help develop and shape healthy sustainable communities. It would also run counter to the strategic objectives of Oxfordshire 2030 and this Council's priorities for creating healthy, thriving communities. Development which gives rise to a need to travel, particularly by motorised means is contrary to the thrust of PPG13, SE Plan policy CC2 which seeks to reduce the need to travel as a

means to mitigate climate change, SE Plan policy T1 which seeks to locate development so as to reduce journey lengths and policy B5 which requires all development to be subject to rigorous sustainability criteria;

b) However, should the district be minded to permit the development, it should be satisfied that the scale of development would meet an identified local need and permission should be subject to a legal agreement to secure contributions to improved transport infrastructure (including public transport, cycleways and footpaths) and necessary supporting non-

transport service infrastructure, including additional primary school accommodation at an appropriate school and the additional school transport costs;

c) It supports in principle development in villages which would meet local needs and contributes to the socio-economic well-being of the local community.

3.6 The **Council's Strategic Housing Officer** has stated that there are currently 63 people on the housing register with a local connection to Adderbury.

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

- I feel that it is not ideal to have both LAP's in very peripheral locations.
- The LAP on the southern boundary has been squeezed between plots 55 and 57 between garages and a fence and is not overlooked which is far from ideal.
- There is very little room for buffer planting and it will not be easy to have 2 gates.
- An earlier plan showed this LAP in front of plots 36 and 37 which gives the advantage of overlooking, buffer planting and gates apart from each other.
- There isn't any hedge screen on the southern boundary, which will leave bare fences adjoining agricultural land.
- The LAP at the Milton Road end of the site is only overlooked by 2 dwellings and is also not located where very young children can easily use it. I think it would be better to locate the LAP's within the housing areas as most parents of under 5's would like to keep them within view.
- Some of the gardens are very small, for example plot 31 is tiny. There will be little opportunity to plant trees within the housing area due to the density of the dwellings.
- There is an opportunity to plant some larger trees on the open space and this should be taken advantage of.

3.8 The **Council's Head of Building Control and Engineering Services** has no objections.

3.9 The **Council's Environmental Protection Officer** makes the following comments;

The report submitted with this application has been undertaken in line with current guidance to demonstrate there is no potential risk to human health from the previous land uses. However, the site is underlain by the Marlstone Rock formation and this may contain naturally occurring arsenic which will require a risk assessment to show the site is suitable for its proposed use. I recommend applying conditions.

- 3.10 The **Council's Head of Planning & Affordable Housing Policy** comments as follows;
- 3.10.1 The site comprises 4.61 hectares of agricultural land. The site is not allocated for development in either the South East Plan 2009 or the saved (adopted) Cherwell Local Plan 2011; nor is it allocated in the Non-Statutory Cherwell Local Plan 2011. I consider the main planning policy considerations below.
- 3.10.2 South East Plan 2009
- Policy SP3 of the South East Plan states that the prime focus for development should be urban areas in order to foster accessibility to employment, housing, retail and other services and avoid unnecessary travel. LPAs are required to formulate policies which, amongst other things, concentrate development within or adjacent to urban areas and seek to achieve at least 60% of all new development on previously developed land.
- 3.10.3 Adderbury is not considered to be an urban area and as the application site comprises greenfield land it would not contribute to achieving this 'brownfield' target.
- 3.10.4 Policy BE5 states that in preparing Local Development Documents (LDDs), LPAs should plan positively to meet the defined local needs of their rural communities for small scale affordable housing, business and services. LDDs should define the approach to development in villages based on their functions performed, their accessibility, the need to protect or extend key local services and the capacity of the built form and the landscape setting of the village. All new development should be subject to rigorous design and sustainability criteria so that the distinctive character of the village is not damaged.
- 3.10.5 I consider Adderbury to be one of the district's most sustainable villages in terms of the presence of local services and facilities, including a regular bus service, and in view of its proximity to a large urban area. It is a Category 1 village in both the saved and non-statutory Local Plans and is proposed to be a Category A village in the Council's Draft Core Strategy (proposed policy RA1). It is therefore a reasonable location in which to consider accommodating limited development in the interests of meeting the needs of rural communities, particularly the need for affordable housing, in the context of policy BE2. The impact of the proposal on village character will of course need detailed consideration.
- 3.10.6 Policy H2 of the South East Plan states that Local Planning Authorities (LPAs) will work in partnership to allocate and manage a land supply to deliver both the district housing provision [13,400

dwellings from 2006 to 2026] and sub-regional/regional provision. In doing so, LPAs are required to take account of a number of considerations including:

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

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

3.10.8 Policy H3 requires a substantial increase in the amount of affordable housing in the region to be delivered including by taking account of housing need and having regard to the overall regional target that 25% of all new housing should be social rented and 10% intermediate affordable housing. The application's proposal for 40% affordable housing, higher than the Council's current requirement of 30%, is a favourable consideration. The Council's Draft Core Strategy (para' A.142) states that local housing needs estimates (2009) suggest a need for some 390 affordable homes per year (288 on top of the current average supply of 102 per year). The 2009 Annual Monitoring Report notes however (para' 5.57) that the Council remains on track to meet the Housing Strategy target of at least 600 dwellings from 2005 to 2011.

3.10.9 Saved (Adopted) Local Plan 1996

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

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

3.10.11 Non-statutory Cherwell Local Plan 2011

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

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

3.10.13 Policy R6 of the Non-Statutory Plan encourages the provision of new or extended sporting and recreation facilities. Policy R8 sets out standards for the provision of children's playspace and formal sports provision, and policy R9 seeks provision of amenity open space. I understand that comments on recreation / open space provision are to be provided separately from this response.

3.10.14 Housing Land Supply

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

3.10.15 The Council's 2008 Annual Monitoring Report (AMR) noted that the district had a 5.3 year rolling supply for the period 2009-2014. The 2009 AMR shows that for the same period the district now has a 4 year supply rising to 4.5 years for 2010-2015 and 5.1 for 2011-2016. However, on 11 March 2010 the Planning Committee resolved to grant permission, subject to legal agreement, for a development of 61 homes on land south of Milton Road, Bloxham. That development is considered to be deliverable by 2015 and increases the rolling supply of deliverable housing land for 2010-15 (i.e. for the current monitoring year - 10/11) from 4.5 years to 4.6.

3.10.16 PPS3 requires scenario and contingency planning to identify different delivery options, in the event that actual housing delivery does not occur at the rate expected. Policies and proposed management actions are expected to reflect the degree to which actual performance varies from expected performance, as indicated in housing and previously developed land trajectories. Where actual performance, compared with the trajectories, is within acceptable

ranges (for example within 10-20 per cent), and future performance is still expected to achieve the rates set out in the trajectories, PPS3 states that there may be no need for specific management actions at that time and that LPAs will wish to continue to monitor and review performance closely and consider the need to update the five year supply, of deliverable sites where appropriate.

3.10.17 In accordance with PPS3, the district's rolling supply of deliverable housing land takes no account of unidentified, small site windfalls. Planning permission does exist for some additional 500 homes which if 90% implemented would be more than enough to boost rolling supply over 5 years in 2010/11. However, small, unidentified windfalls cannot be considered until they are recorded as complete. New LDF sites will also emerge over the next couple of years, boosting both near and long-term supply. Once such sites are considered to be available, suitable and achievable as defined by PPS3 they could be considered as part of the rolling supply of deliverable sites.

3.10.18 At the present time, however, it is considered that there remains a need to increase the supply of housing that will be delivered over the period 2010/11 to 2014/15 so that the rolling supply of deliverable land increases back towards 5 years (from 4.6 years) for the year 2010/11. Recorded housing completions are expected to be low 09/10 with a provisional figure of 444 compared to a South East Plan requirement of 670 per annum. Completions are expected to be lower in 10/11 as projected by the AMR (181 excluding unidentified 'windfalls' on small sites of less than 10 dwellings).

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

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

3.10.20 In the context of the district's current housing supply position, this

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

- 3.10.21 As a 'regulation 25' consultation document, the Council's Draft Core Strategy carries little weight. However, it sets out proposed directions of growth for the district having regard to available evidence. I am of the view that, in principle, the proposed development would not prejudice the continued preparation of the Core Strategy. Although the site lies in a rural area, outside built-up limits, Adderbury is one of the district's most sustainable villages and has been identified (proposed policy RA2) as a village at which it would be sustainable to accommodate some additional housing. The scale of development proposed in the application is also in keeping with the draft policies for rural areas. Careful consideration should nevertheless be given to detailed issues including the site's relationship with the village's built up area and accessibility to services and facilities.
- 3.10.22 If the proposed development were to be considered favourably, it must be clearly demonstrated that the site is deliverable (available, suitable and achievable) and capable of being recorded as complete by the end of the next 5 year rolling period i.e. by 31 March 2015. Completions after this date would have no effect on increasing the rolling supply for 2010/11 from 4.6 years. Sufficient certainty is needed to enable the site to be added to the district's rolling supply of deliverable housing land upon any resolution to approve. If shown to be deliverable, it is expected that the site would increase the rolling supply of deliverable housing land for 10/11 from 4.6 to 4.7 years.
- 3.10.23 I understand that at the time of writing there are another four planning applications (for 10 or more dwellings) which together have the potential to generate about 324 dwellings. Please note that on this basis, if the application for south of Milton Road, Adderbury were not to be approved there would still be the potential to return to a 5 year rolling supply.
- 3.11 **Oxfordshire County Council's Archaeologist** suggests that the site concerned lies within an area of some archaeological interest. The possibility of finds occurring during the course of construction should be borne in mind, in which case the applicant is asked to notify the County Archaeologist in order that he may make a visit or otherwise advise as necessary.
- 3.12 The **Environment Agency** objected to the proposal for the reasons set out below;
- 3.12.1 In the absence of an acceptable Flood Risk Assessment (FRA) we **object**

to the granting of planning permission and recommend refusal on this basis for the following reasons:

Reason: The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25: Development and Flood Risk (PPS25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Provide necessary data, modelling or surveys.
2. Demonstrate that the development will not increase surface water flood risk on the site and to surrounding areas.

3.12.2 Following the submission of further information the EA maintain their objections for the reasons set out below,

3.12.3 The FRA submitted does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to provide the following:

1. The applicant has assumed a greenfield rate , including climate change, the baseline run-off rates should not include climate change.
2. It has not been specified what types of sustainable drainage measures would be feasible, with consideration that below ground storage should be a last resort.
3. There is no indication of where the ditch to the north goes, or it's capacity to accept the proposed discharge.
4. No assessment has been done in respect of suitable SUDS techniques.
5. Thames Water are unlikely to adopt SUDS as no connection is being made to a sewer.

3.12.4 The applicants/agent are seeking to resolve this matter prior to the committee meeting.

3.13 **Thames Water** has not yet commented on the proposal but a response is expected prior to the committee meeting.

3.14 **Thames Valley Police Crime Prevention Design Advisor** has made the following comments;

- It would be preferable to see the play spaces incorporated into the built environment as natural surveillance is currently limited
- Natural surveillance for parking areas should be provided through the appropriate positioning of active windows

- Conflict between residents and visitors should be avoided through the careful consideration of parking facilities for the pitches
 - Desire to see all properties meeting Secured by Design Standards
- 3.15 The **Council's Rural Development and Countryside Manager** has stated that the plans show footpath No. 25 retained on its existing line through the proposed development. This complies with out policy R4.
- 3.16 The **Council's Urban Design Officer** has made the following comments; This site lies on the south west fringe of the village adjacent to suburban development and outside the conservation area. The land is flat and relatively featureless save for boundary hedgerows. I consider that the principle of development on this site is acceptable, doing less harm than development within the conservation area, and that the applicant has demonstrated that the number of dwellings for which permission is sought can be satisfactorily accommodated on the site.
- 3.16.1 The indicative layout has evolved during pre-application discussions and the Design and Access Statement sets out the options explored and the design rationale behind the application is explained and justified.
- 3.16.2 The indicative layout shows the approach to Adderbury from the west to be an attractive one with frontage development seen across a backdrop of sports pitch and wet meadow.
- 3.16.3 The indicative layout provides good pedestrian linkages with the adjacent development and, although the dwellings here are indicated as 2 storey in height, their alignment and spacing relates well to the existing development.
- 3.16.4 The site can be accessed without undue harm to existing hedgerows and the public right of way is retained along its exiting alignment. Play areas are proposed in accordance with our policy and these and the sports pitch and pavilion will be of benefit to the whole community.
- 3.17 The **Council's Arboricultural Officer** has made the following comments; There are very few existing trees on the bulk of the site and most of the new properties will be affected by the subsequent landscape planting rather than the existing trees. However, there are a few trees to be retained on the periphery of the site which will need the following
- A plan showing the position of protective barriers as described in the report i.e. BS5837 fig 1. The suggestion of 4 - 5m from the hedge is acceptable (para 3.4)
 - Details of service routes and methods of installation where they encroach on the retained tree and hedge RPA's.
 - Extent of the sight lines marked on a plan and details of replacement

planting to mitigate for the loss of screening from the road.
- Details of site storage compounds, huts, top soil heaps, contractor parking and ground protection where necessary.
- Phasing of works e.g. Works necessary for Arboricultural reasons through to landscaping subsequent to construction.

- 3.18 **Natural England** raise no objections to the proposal but provides detailed guidance on how the application should be assessed in relation to protected species.

4. Relevant Planning Policies

4.1 South East Plan

SP3 – Urban Focus for development

CC7 – Infrastructure and implementation

H2 – Managing the delivery of the regional housing provision

H3 – Affordable Housing

H4 – Type and size of new housing

BE5 – Village Management

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

4.2 Adopted Cherwell Local Plan

H13 – Residential Development in Category 1 Settlements

H18 – New dwellings in the countryside

C13 – Conserve and enhance the environment in Areas of High Landscape Value

4.3 Non Statutory Cherwell Local Plan

H15 – Residential Development in Category 1 Settlements

H19 – New dwellings in the Countryside

EN34 – Conserve and enhance the character and appearance of the landscape

5. Appraisal

5.1 Main Planning Considerations

The main issues to consider in the determination of this application are as follows –

- Whether the proposal complies with the current policies in the adopted Cherwell Local Plan
- Whether the proposal complies with the policies in the Non-Statutory Cherwell Local Plan 2011
- Housing delivery
- Whether there is a need for additional housing in this location
- Whether the proposal would have an adverse landscape impact
- Whether the proposal is acceptable on Design grounds
- Whether the proposal would have an adverse impact upon

- amenities of neighbouring properties
- Whether the proposal would have an adverse highway impact
- Whether the proposal would have any other adverse planning impacts

Each of the above points will be considered in turn.

5.2 The Adopted Cherwell Local Plan

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

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

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

5.2.5 The site clearly lies beyond the existing built limits of Adderbury and in an area of open countryside. The built up limits of the village in this case are the rear and side boundaries of the properties within St Mary's Road and Norris Close.

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

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

5.3 Non-Statutory Cherwell Local Plan

5.3.1 The application site has no specific allocation in the Non-Statutory Local Plan and is therefore defined as open countryside.

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

residential development will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the village and conversions.

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

5.3.4 The proposal is contrary to Policies H15, H19 and EN34 of the Non-Statutory Local Plan for similar reasons to those outlined above in relation to the adopted Cherwell Local Plan.

5.4 Housing Delivery

5.4.1 The Council's current position on housing delivery is set out in the comments of the Head of Planning & Affordable Housing Policy's comments in detail at 3.10 above. These highlight that the Council currently has less than a five year housing land supply, as required by PPS3, identified at the current time. However for the current proposal to impact on this it would need to be demonstrated that it would be delivered by March 2015. Despite the application being in outline only the proposal seeks to demonstrate that this can be achieved. It is common practice when granting consent for outline proposals to allow up to 3 years for the submission of the reserved matters application and a further 2 years for the implementation of an approved reserved matters application. However in order to demonstrate deliverability the developers have set out the following suggested timetable for delivery;

- Submission of reserved matters application within 3 months of the grant of outline consent
- Start construction within 3 months of the grant of reserved matters consent
- Assuming the standard planning timescales are met it is expected that the first completions would occur in late 2011 with the scheme completed by mid 2012.

5.4.2 Given this commitment from the developers and to encourage the scheme to be delivered within the next five years it seems reasonable to shorten the timescales of both the outline and reserved matters applications to be no more than two years in total. Whilst an outline application is less favourable in deliverability terms than a detailed application, as the final layout and design of the scheme is not being considered, the ability to adjust the time limits on any approval means that the overall time limit is the same as that recently imposed on the application for residential development at Milton Road in Bloxham (09/01811/F).

5.4.3 A letter from the landowner's agent also confirms that the land is available for development immediately as terms have been agreed between the land owner and Berkeley Homes. An Option Agreement will mean that Berkeley Homes will be committed to purchasing the land if planning permission is

granted.

5.4.4 In addition to this demonstration of deliverability PPS 3 requires sites coming forward to meet the following requirements ;

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

5.5 Need for housing in this location

Adderbury has consistently been allocated as one of the District's most sustainable villages capable of accommodating further housing development. It continues to be allocated as such in the Draft Core Strategy. Therefore in general terms Adderbury is a preferred location for the allocation and provision of land for housing. This scheme provides a mix of market and affordable dwellings. It is considered that this contributes to the shortfall in housing land supply and at the same time will help meet local needs for affordable units of accommodation.

5.6 Landscape Impact

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

5.6.2 The site lies beyond the built-up limits of the village in an area of open countryside. The site is physically contained within existing hedgerows however given the relatively flat topography the development within it would clearly be visible, particularly from the west and north west along the Milton Road.

5.6.3 Currently the view from the west consists of the development on St Mary's Road and Norris Close. This is a development from the 1950's (approx.) which has little regard to the layout and design features of the existing village and provides a rather blunt edge to the village entrance with the rear and side elevations of properties visible from some distance. It is recognised that the proposed development would intrude into the open countryside but it does provide an opportunity to improve the appearance of the edge of the village with active frontages and appropriate use of

materials all helping to improve the general appearance on the approach to Adderbury. Despite this extension to the village and encroachment onto open countryside it is not considered that the visual impact would be so significant that the application could be refused on these grounds.

- 5.6.4 The Council's Landscape Officer has made some comments in relation to the position of the play space, size of some gardens and the ability to provide additional planting. Whilst these are very relevant points and can affect the overall quality of the final scheme they are not issues which should have a negative influence in considering this outline application. They are all issues which should be straightforward to resolve at the reserved matters stage by slight amendments to the layout of the scheme which is only indicative at this stage.

5.7 Design

- 5.7.1 The application has been submitted in outline only therefore the submitted layout plan is indicative only. What the indicative plan does demonstrate is that this the proposed number of units can be accommodated in a satisfactory manner providing satisfactory living environments, sufficient parking (although the size of garages will have to be assessed at reserved matters stage, as these will not be included as parking spaces if they do not meet the standards) and a good standard to layout and design that links into the existing development.
- 5.7.2 The proposed scheme results in a housing density of approximately 30 dwellings per hectare. This is not a precise figure as accurate calculations of the developable area and open spaces would not be reliable given the indicative nature of the plan. However such a density is likely to be greater than that found on adjoining sites but it is only just above the minimum of 30 dwellings per hectare as recommended in PPS3 Housing. This is therefore considered to be appropriate for a village location.
- 5.7.3 The indicative layout suggests that housing will be provided off one main spine road between residential properties and the football pitch. Smaller roads are shown to visually link and physically link by footpath to the existing cul de sacs of St Mary's Road and Norris Close. If this general principle is carried forward to the reserved matters stage it will help to integrate the two developments improving access to the pitch and play areas for existing residents or to the rest of the village for new residents.
- 5.7.4 Although detailed elevations have not been provided the scale parameters have been provided which indicate that houses will be no taller than 10.5 metres which is common for two storey dwellings. Whilst the precise details of the materials will also be determined at reserved matters and controlled by condition the proposed materials are likely to be a mix of stone and brick and slate and tile. These are all found in the vicinity of the site and are appropriate for the location. The Council's Urban Design

Officer has considered the proposals and is generally happy with the indicative layout and design of the scheme.

5.7.5 It is considered that the site can successfully accommodate the proposed number of properties and it is acknowledged that the applicants do design properties based on their location and do not impose the company's standard house types.

5.8 Neighbouring amenities

The site is bounded on its eastern edge by the rear gardens and side elevations of the properties on Norris Close and St Mary's Road. Some of the side elevations do have side facing windows so these will need to be carefully considered at the reserved matters stage to ensure that privacy is not adversely affected. Existing properties will experience a significant change in terms of outlook and the feeling of openness currently experienced due to their proximity to the agricultural field. However there appears to be scope to design a layout that complies with the Council's informal space standards in relation to overlooking, overbearing and loss of light.

5.9 Highway Impact

5.9.1 The Local Highway Authority (LHA) has not raised any objections in relation to highway safety issues that would be sufficient to recommend refusal for the scheme. Full comments are set out at section 3.4 above. The development includes proposals to extend the footpath to the east to link with St Marys Road and also widen the carriageway. The development is not large enough to require a right hand turn lane but widening of the carriageway will allow for vehicles to pass if others are waiting to turn into the site.

5.9.2 The application forms set out that the proposal includes 131 parking spaces for the development. Removing the spaces allocated to the changing pavilion results in 1.7 spaces per property. The LHA has questioned the level of parking proposed for the development. This largely results from the fact that it is not possible to determine the size and exact number of spaces from the indicative plans. The applicant is aware of the standards that need to be met in relation to parking provision and this is an issue that can be fully resolved at the reserved matters stage. However it appears that there is sufficient space on the site to accommodate additional spaces.

5.10 Other Considerations

5.10.1 Planning Obligation

The proposed development would generate a need for infrastructure and other contributions, that need to be secured through a planning obligation, to enable the development to proceed. Negotiations are underway which seek to secure sufficient contributions towards the infrastructure required as part of this development. Although details are still being discussed it is

likely that heads of terms will include;

- Affordable housing – the application proposes 40% affordable housing
- Open space contributions
- Public art
- Highways and public transport contributions
- County Council Education contributions, including funding towards primary school transport
- County Council Library contributions
- County Council Day Centre for the Elderly contributions
- County Council waste recycling contributions
- County Council Museum Resource
- District Council refuse bin contributions
- District and County Council administration/monitoring fees

5.10.2 In 3.5 above the County Council concludes that the development is likely to result in unsustainable travel patterns as Primary School students are likely to have to travel to schools outside of Adderbury and for these reasons they object to the proposal. This would occur because the County Council indicate that the Adderbury Primary School has insufficient capacity, and is not capable of being enlarged. The above education contribution would therefore be used expand capacity at the receiving schools (Bloxham and/or Deddington). The County Council goes on to state that if the district is minded to permit the development contributions should be sought to improve transport infrastructure and primary school transport costs. Contributions towards transport and education infrastructure are standard requirements and included in the list above. A request for contributions towards the cost of transportation to primary schools has recently been received from the County Council. Whilst this request has come from the County Council it does not result in the objection being removed as the contribution does not prevent the need for children to travel outside of the village. However what it would do is provide money towards communal modes of transport, which is more sustainable than if students were to be transported individually by private car.

5.10.3 In addition to the above contributions the applicants have included the provision of a sports pitch and changing pavilion as part of the scheme. These elements would not normally be required for a development of this scale but as they form part of the application they can be secured by the S106 agreement and will be required to be laid out and constructed to the specification of the Council.

5.11 Departure Procedures

This proposal is considered to be a departure from the development plan and in the past such an application would had to have been referred to the Government for the South East. However the publication of Circular 02/2009 revises this position and it is no longer necessary for applications

such as this to be referred.

5.12 Conclusion

The application is for development beyond the built up limits of Addebury in the open countryside. As such the application is contrary to both the adopted and Non Statutory local plan policies. However, given the current position on housing land supply which is below five years it is necessary to consider if it would be appropriate to release this site for development. This scheme, by providing 65 new dwellings, 40% of which are affordable, and demonstrating deliverability is considered to contribute to this housing land supply. In addition to contributing towards this shortage the proposal can meet the other tests set out in PPS3 (set out in the Head of Planning and Affordable Housing Policy section above). It is therefore recommended that this application be approved.

6. Recommendation

Approve subject to

- a) The objections of the Environment Agency being resolved and a positive response being received from Thames Water;**
- b) the completion/signing of a section 106 agreement as described in Para. 5.10;**
- c) the following conditions**
 1. SC 1.0A (RC1) Approval of reserved matters details
 2. SC 1.1 (RC1) Outline: Expiry of Application for Reserved Matters. Delete 'three years' and insert 'one year'
 3. SC 1.2 (RC1) Duration Limit. Delete 'two years' and insert 'one year'
 4. That prior work commencing on site the proposed means of access (including vision splays) onto the Milton Road is to be formed, laid out and to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
 5. That the vision splays shall not be obstructed by any object, structure, planting or other material height. (RC13BB)
 6. Prior to work commencing on site a traffic calming scheme is to be submitted the Local Planning Authority for written approval in consultation with the Local Highway Authority. (RC13BB)
 7. Prior to the first occupation of the development the traffic calming scheme (to be agreed) is to be constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
 8. That before any of the dwellings in Phase (phasing to be agreed by LPA prior to commencement of work) are first occupied the whole of the estate roads and footpaths of that phase, shall be laid out, constructed, lit and drained and if required temporary or permanent traffic calming to the Oxfordshire County Council's Specifications. (RC13BB)

9. That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with the specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. (RC13BB)
10. That a plan showing a car-parking provision in accordance with the District Council's parking standards for vehicles to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and that such parking facilities shall be laid out, surfaced (SUDS), drained and completed in accordance with the approved plan (*to be agreed*) before the first occupation of the development hereby permitted. The car parking spaces shall be retained for the parking of vehicles at all times. (RC13BB)
11. That all construction traffic serving the development shall enter and leave the site through the new access; wheel washing facilities on construction sites (for HGVs) should also be requested (when appropriate). Construction travel plan also required i.e. HGVs through middle of village.
12. That the garage/car port accommodation shall be retained as such and shall not be adapted for living purposes unless planning permission has first been granted by the Local Planning Authority on a formal application.
13. SC 9.6A (RC87A) Fire hydrants
14. The Hannah Reed "Land Contamination Preliminary Risk Assessment Report" submitted in support of this application identified this site is underlain by the Marlstone Rock formation. This rock formation may contain elevated concentrations of naturally occurring metals. Prior to the commencement of the development hereby permitted a risk assessment shall be carried out by a competent person in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*', in order to characterise the type, nature and extent of any contamination present, the risks to receptors and propose a scheme of remediation where necessary. This assessment shall be submitted to and approved in writing by the Local Planning Authority. **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV12 of the adopted Cherwell Local Plan.
15. Where a scheme of remedial works is shown to be necessary in condition {x}, remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect. The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority. **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out

safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV12 of the adopted Cherwell Local Plan.

Advice to Applicant

1. O1 - Archaeology

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

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

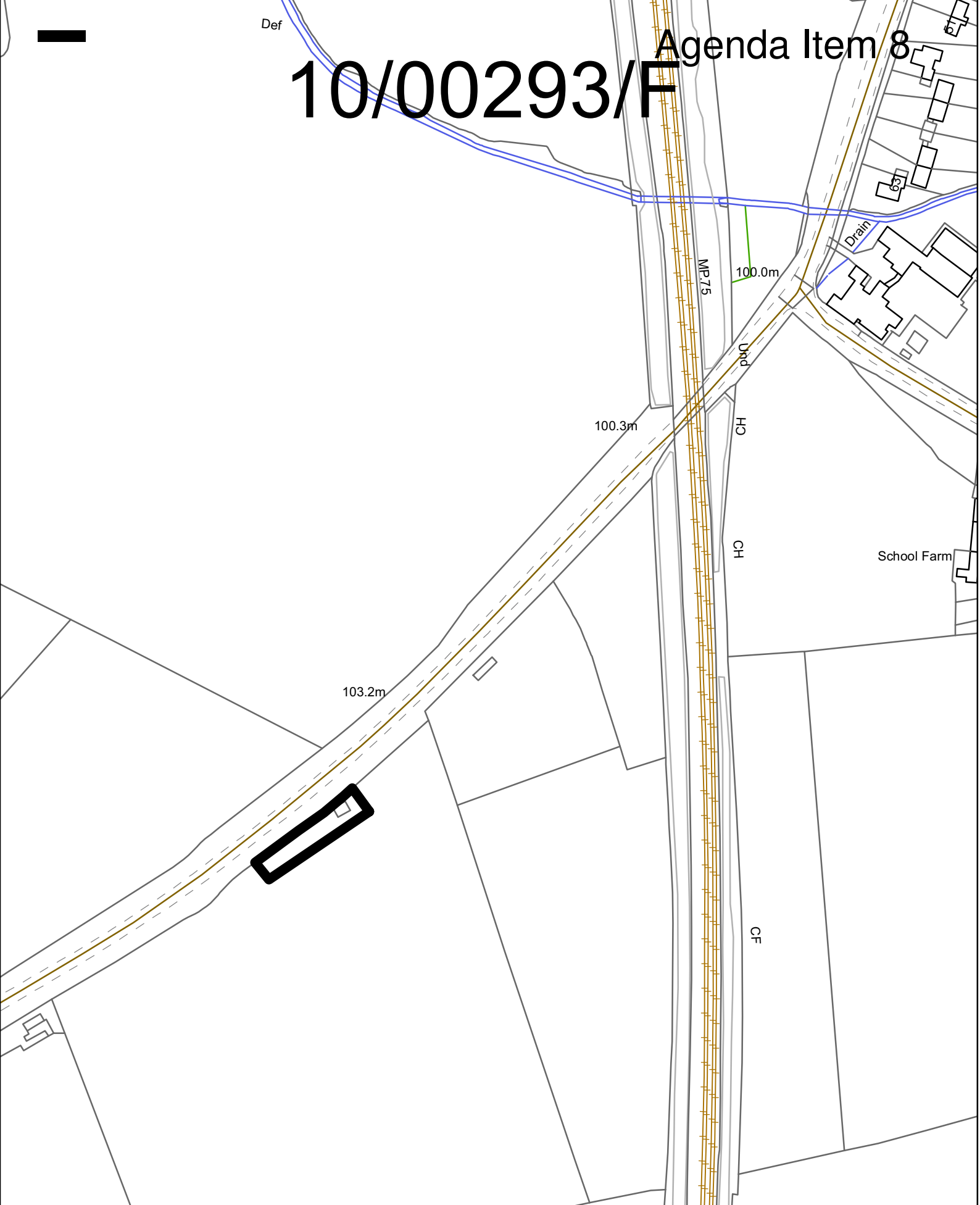
**CONTACT
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Caroline Roche

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10/00293/F

Agenda Item 8



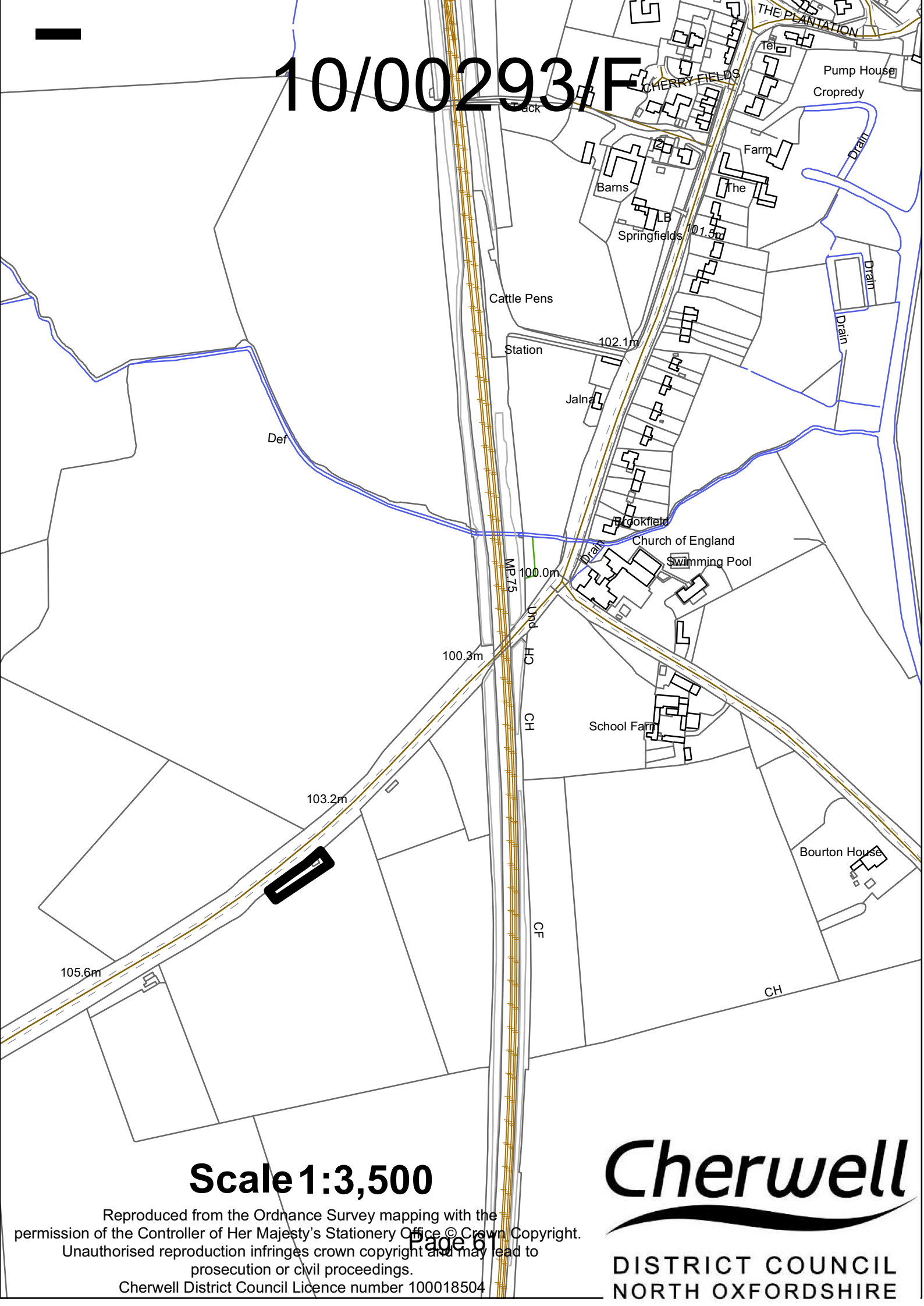
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Cherwell

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**DISTRICT COUNCIL
NORTH OXFORDSHIRE**

10/00293/F



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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application 10/00293/F	No:	Ward: Cropredy	Date Valid: 4 March 2010
Applicant:	Mr John Lapper		
Site Address:	OS Parcel 3873 North east of Hillside House, Street From Cropredy to Great Bourton, Cropredy		

Proposal: Installation of cess pit. The construction of store to side of brick animal shelter. Stoned and grassed drive/vehicle standing area. (Part Retrospective)

1. Site Description and Proposal

1.1 The application site is a field located on the southern side of the road between Great Bourton and Cropredy. There is an existing sheep shed on the site which has been rebuilt with the benefit of planning permission, there are also two or three small animal shelters which currently accommodate pigs and chickens.

An area of hard standing has been created using rubble and close to the siting of the proposed cess pit a metal container has been installed below ground. This form of foul storage is now not intended to be used and the agent and applicant have confirmed that this will be back filled rather than removed as it is secured by concrete.

1.2 Planning History

In September 2009 an application (09/00478/F) for the same proposal was considered by the Planning Committee and refused, contrary to recommendation, for the following reason;

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

When this proposal was being considered in September 2009 the site was very different in terms of the way it was being used and kept. There was a metal storage container being used to store non agricultural items, corrugated sheet huts and metal sheeting panels forming boundary enclosures. Hay bales were also being used to partially screen the site. Quantities of building materials and rubble were also being stored on site.

2. Application Publicity

2.1 The application was advertised by way of site notice and press notice. The final date for comment was 21 April, although any letters that have been received since this date have been considered.

2.2 9 letters/emails of objection have been received. Some letters make detailed comments about the neighbouring site which is in separate ownership and the history of the site and the buildings on it. The reasons for objecting to the application are;

- Conditions from previous consents have not been complied with
- CDC planning have taken no action to rectify the position
- Builders waste has been tipped along frontage of site and made into roadways that have not yet been given consent, the planning department did nothing to stop this
- The assistance of the Agricultural Land Agent, to reassess the agricultural nature of the site has been declined.
- A similar application has already been refused by Committee
- Area of land has been fenced off and turned into a garden, denying access for livestock
- The metal oil tank has been installed for use as cess pit
- There is no need for a cess pit
- Extension to the sheep shed is over development of the site, extra storage did exist but the owner sold it off
- A caravan and camping site could be installed without the need for planning permission
- If a caravan site is permitted it will give way to a permanent residence
- By approving these elements it will lead to the setting up of a camping and caravan site
- The site is an eyesore and is not concealed from view.
- As most of the work has been carried out already this application should be advertised as retrospective.
- The work carried out indicates that there is an intention to develop the site on a permanent basis.
- Site is clearly seen from the public footpath
- The village envelope is being extended
- Already have a camp site in Great Bourton – don't need a second site.
- The land and locality is prone to flooding. Drainage channels have been blocked due to the tipping of waste materials. This results in neighbouring fields flooding.
- The drainage of the site has been and remains to be important to the surrounding area

3. Consultations

3.1 **The Bourtons Parish Council** objects to the application and makes the following points,

- The applicant did not appeal the decision and has resubmitted a similar proposal which could only be considered for approval if;
 - Policy C7 was no longer in force.
 - The planning committee were wrong to have refused

permission – surely officers are not going to suggest this is the case. To go against the planning committee would undermine the planning process and would no doubt be extremely unpopular with Members...Members were overwhelmingly against the plans, with many members referring to the 'eyesore' that this green field had become under this applicant's ownership. It was agreed that the applicant's actions had already caused unacceptable erosion to the rural character as much of the work that the plans propose have already been carried out. Officers were urged by members to remedy the situation.

- The plans are sufficiently similar to those refused in September that refusal is the only option in this case.
- Local people and Members were in agreement that infilling the ridge and furrow landscape is unacceptable and that enforcement action should be taken to remedy the situation.
- This enforcement action is still not occurred despite repeated visits by the enforcement officer.
- The hard standing remains infilling the ridge and furrow, a caravan is on the site, the metal tank 'cesspit' remains and the sheep shed is still yet to see a sheep.
- As the applicant has not used the sheep shed for livestock it is unreasonable to request further storage on the site.
- There is no reason to further develop what should be a rural green field
- Livestock do not require a cess pit and it is not a residential site therefore there is no need for a cesspit
- Cows do not require hard standing.
- Request that enforcement action be taken to return field to original state
- Application should be refused to show consistent planning policy is in place in Cherwell

The Bourtons Parish Council also requested that their comments from the previous application be carried over onto this scheme and they are set out below.

- There are sufficient local caravan sites in more appropriate locations in the vicinity to meet the needs of touring caravans
- The proposed site is in open countryside isolated from the community
- Visitors are likely to use their cars to access local facilities or walk the long distance along a classified road with no footpath
- Most caravan licensing bodies would consider this an unsuitable site as it does not have someone living there 24 hours a day. A further application for this is likely to follow
- As this site is not adjacent to either village there is more of a security risk and there may be future need for security lights etc
- The site cannot be adequately screened. It will be visible from roads,

residential properties and footpaths

- It will be visually intrusive in an otherwise unspoiled part of the Cherwell Valley and Area of High Landscape Value
- The site was a paddock with ridge and furrows, these have been filled in
- The site in its natural state floods, making it inappropriate for a caravan site
- The use of shipping containers, metal fencing and builders rubble are inappropriate in this rural landscape
- There may be plans for further building on the site
- The applicant had other storage buildings on the site prior to it being subdivided
- Consents for previous buildings were based on their need for agriculture yet no agriculture is apparent
- The re-built cattle shed appears to be of a habitable standard and has to be accessed through the proposed caravan site
- There are inaccuracies with the application forms
- There are continually caravans on the site despite no consent for them
- It is believed the applicant wishes to live on the site. A letter box has been installed on the entrance.
- If this application is approved we have to consider what may follow
- Whilst the 5 caravan site constitutes permitted development it cannot go ahead without the cess pit therefore this should be refused to ensure that the site does not become a caravan site, as it is inappropriate in an Area of High Landscape Value
- We echo the Environment Agency's objections
- The plan does not show the ditches and we recommend that Brian Cannon's plans regarding the drainage are carefully considered. This is not a suitable site for a cess pit
- The cess pit being used is not fit for purpose
- The amount of hard standing has not been reduced
- Pleased to see removal of container from the plans but query why the applicant required additional storage

- 3.2 **Cropredy Parish Council** objects to the application and states that 'as with Mr Lapper's previous application (09/00478/F) this is a totally inappropriate development in a rural area and we believe that the proposed work will severely impact upon the drainage in the area putting the area of Cropredy by the school at further risk of flooding.
- 3.3 The Environment Agency has not provided detailed comments as the proposal is not of a scale that requires formal consultation with them. However following a request to provide detailed comments they added that in relation to surface water flooding the EA's preference is for permeable surfaces.

- 3.4 The **Local Highway Authority** has no objections subject to conditions relating to the laying out of hard standing and access.
- 3.5 **Thames Water** advises that with regard to sewerage infrastructure we would not have any objection to the planning application. On the information provided they have no objections with regard to water infrastructure.
- 3.6 The **Council's Anti-Social Behaviour Manager** makes no observations.

4. Relevant Planning Policies

4.1 Adopted Cherwell Local Plan

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

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

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

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

4.2 South East Plan

C4 – Landscape and Countryside Management

NRM2 – Water Quality

4.3 PPS7 – Sustainable Development in Rural Areas

5. Appraisal

5.1 The main considerations when assessing the acceptability of the lean-to extension, cess pool and hard standing are the visual impact of the proposal, its impact on neighbouring properties/land owners, impact on highway safety and potential contamination issues relating specifically to the installation of the cess pool. Given the application history for the site it is also necessary to consider any change in circumstances since the previous application.

5.2 Since the consideration of the previous application there has been no change to policy but the applicant has taken steps to improve the overall appearance of the site, namely the blue storage container, corrugated metal sheeting (being used as enclosures) and piles of builders rubble have been removed from the site. At the time of the officer's sit visit there were no caravans on site. It is also apparent that the site is now being used for small

scale agricultural purposes for example, pigs and fowl are now being kept on site.

5.3 Extension to cow/sheep shed

The applicant's justification for this extension to the shed is that it will be used as a storage building for feed. It was also clear from a site visit that some mechanical and agricultural equipment was being stored in the existing building and this would have to be relocated if the building was to be used at a later date for animal shelter.

5.4 It appears that much of the domestic paraphernalia that was being stored in the blue container has been removed from the site, although a few elements do remain in the existing building.

5.5 The extension to the cow shed is proposed to have the same depth and eaves height as the cow shed but be of a flat roof construction. It is proposed to have a corrugated metal roof and timber feather edged boarding walls. It is considered that the visual impact of this building will be minimal. It would be largely screened from the road behind the existing hedgerow but views of it will be obtained from the public footpath. Whilst the previous refusal reason stated that the extension, along with the hard standing would result in an intrusion into the open landscape it is considered that the presence of the large blue metal container and other inappropriate development added to this impact and the erosion of the rural character. It is now considered that following the removal of the blue container, building materials and metal boundary enclosures that the rural character has been somewhat restored. The introduction of an appropriately designed extension to an agricultural building is likely to maintain the rural character. It is less than half of the floor area of the existing building and concentrates development in one area of the site. It is not considered that this will cause harm to the landscape character and therefore complies with Policy AG2, C7, C13 and C28 of the Local Plan and Policy C4 of the South East Plan.

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

5.7 Installation of Under Ground Storage Container

The cess pool is proposed as part of this application is produced by Kingspan. Their underground storage tanks are designed to collect and retain substances like sewage, surface water and animal waste and are constructed from non-corrosive materials. This requires planning permission as it is considered to be an engineering operation. It is required to serve the five caravan pitches that the applicant is seeking an Exemption Licence for. That use does not require planning permission being permitted development

under Part 5 of the Town and Country Planning Act General Permitted Development Order. As this tank is to be installed below ground level it will not have a visual impact on the site or the surrounding area.

- 5.8 Concerns have been expressed regarding the adequacy of such a facility and indeed the fact that a metal tank has previously been installed to serve the same purpose. The applicant understands that the metal container will not be an appropriate means of collecting sewage and intends to back fill the existing container to prevent its use. This can be conditioned as part of an approval. The Environment Agency, in their response to the earlier application, considered the use of the Kingspan tank and given that Thames Water were unable to agree to a new connection to the main sewer they removed their objections to the proposal. The EA has not commented on this element of the current application. It is also understood that the Camping and Caravanning Club closely inspect proposed sites prior to issuing a licence and during its operation, to ensure it meets their own standards.
- 5.9 It is also worth noting a 2005 appeal decision relating to the installation of a chemical disposal tank in association with a certified touring caravan site within the Malvern Hills District Council area. The inspector considered the main issue was whether the chemical toilet waste would be likely to escape from the tank and pollute the local environment. The Inspector concluded for a number of reasons, relating to the level of use, the type of use by an exempted organisation, the advice received from the Environment Agency, and the massive level of spill that would be required to result in waste liquid entering a watercourse, that the risk of causing significant harm to the environment was minimal, and the appeal was allowed subject to a number of conditions.
- 5.10 Based on the information provided above it is not considered that the tank would cause sufficient harm to warrant its refusal. If approved, conditions can be imposed to restrict its capacity, ensure the tank is only installed following the confirmation from the Camping and Caravanning Club of their intention to issue a certificate and to require the installation of a warning system when the tank needs emptying. It is also worth noting that the installation of the cess pit was not an issue covered by the Council's earlier refusal reason.
- 5.11 Laying of Hard Standing
The area of hard standing requires planning permission as it is required in connection with the provision of a certified touring caravan site. If the hard standing was not required for that reason but was retained in connection with agricultural purposes, consent is still required as it is within 25 metres of a classified road.
- 5.12 The main consideration when assessing the area of hard standing is its visual impact and its impact on flooding and surface water run-off. It is worth

noting that the site does not fall within a classified flood zone area, and there is no statutory requirement to consult the Environment Agency with regard to the formation of hard standing. However in this instance the Environment Agency have had sight of the application and have only stated their preference for the use of permeable surfacing, they have not provided detailed comments in relation to this scheme. It is apparent that the hard standing has been laid prior to planning permission being granted. It would appear that these areas are made up of coarse rubble which is considered to be a permeable surface and unlikely to result in a significant increase in flood water run off. However the Parish Council have stated that neighbouring land owners say that the hard standing has exacerbated drainage problems in the area.

- 5.13 Whilst the hard standing may not initially have been laid to the highest standard it has been improved since earlier visits to the site. The hard standing is informal in nature and appearance and merges into the field beyond it. The impact of the hard standing was covered by the Council's earlier refusal reason as it was considered, along with the extension to the barn, to intrude into the open landscape, result in the loss of traditional ridge and furrow and erode the rural character of the rural character and topography. The Head of development Control and Major Developments considers that given the overall improvements to the appearance of the site (the removal of items referred to above) the hard standing is not so harmful in its appearance and impact that there is sufficient justification to recommend it for refusal.
- 5.14 The Local Highway Authority (LHA) has requested that a condition be included that requires the construction, surfacing, laying, marking out, drainage and completion of the hard standing in accordance with specification details to be submitted and approved prior to the commencement of development. However given that the hard standing is already laid it is not appropriate to include this condition. Whilst the hard standing may not be to the LHA's preferred specification it has not caused harm to highway safety and there has been no request from the LHA to remove it and replace it.
- 5.15 Whilst the earlier refusal reason and accounts of local residents reference the ridge and furrow landscape and it is regrettable that this may have been lost it is not a feature that can be truly restored (through the removal of the hard standing) or indeed a feature that is usually protected by the planning process. Furthermore, modern agricultural practices often result in its loss.
- 5.16 Other issues relating to the site
The number and nature of letters and emails received in relation to this application is acknowledged. The site has been improved in its appearance since the earlier application. However the nature of the uses are more akin

to a small-holding. Whilst the keeping of pigs and chickens result in the piecemeal construction of small shelters and enclosures which can be begin to erode the appearance of a green field they are agricultural and are therefore permitted.

- 5.17 It is noted that the applicant has received conditional consent for the demolition and rebuild of the cow shed and the construction of the access. In relation to the cow shed it has been determined that it would not be expedient to take enforcement action against the breaches as the building, although of different dimensions, has a similar footprint to the approved plans and the materials used are not harmful to the character of the area.
- 5.18 A number of comments have also been made in relation to the use of the land and building on the adjoining site to the east which was once in the applicant's ownership. The Council's Enforcement team is aware of the issues and is continuing to monitor that site. This however has no direct bearing on the consideration of this application.
- 5.19 Conclusion
Given the above assessment it is considered that the extension to the cow shed, the installation of the cess pool and hard standing does not cause demonstrable harm. It is also considered that the previous reasons for refusing the earlier application were substantially exacerbated by the other unauthorised development and unsightly paraphernalia that was on the site. However much of this has been removed and the general appearance of the site has been improved. Whilst the applicant has been reminded that the land is only permitted to be used for agriculture there are domestic benches, a bird table and planting on site which could be argued as being tantamount to a change of use. However the majority of the site is retained as paddock or used for agricultural purposes. Therefore given the minor nature of these domestic features it is considered that it does not result in a material change of use of the land.
- 5.20 It is therefore considered that the extension, cess pool and hard standing can be recommended for approval subject to the conditions set out below.
- 5.21 An Enforcement Notice was not served on the site as, with the exception of the hard standing which is covered by this application, the unauthorised development has been removed and there are no other breaches of development control that are considered to be harmful enough to take enforcement action at this time.
- 5.22 This application was brought to Committee at the request of the local Member and with the agreement of the Head of Development Control and Major Developments.

6. Recommendation

Approval subject to;

1. SC 1.4A Full permission: Duration Limit (3 years) (RC2)
2. SC 2.2AA Samples of Walling Material (RC4A) 'timber boarding' 'extension to the barn'
3. SC 2.2BB Samples of Roofing Materials (RC4A) 'corrugated tin roof' 'extension to the barn'
4. SC 4.0BC Access Specification Existing – Improved as plan no. JL-02b (RC13BB) 'first use' 'extended barn'
5. SC 6.19AA Restriction to Agriculture (RC64AA) Delete 'development' Insert 'extension to the barn'
6. That, with the exception of timber post and rail fencing to match that existing on the southern boundary site as identified on the site block plan received on 1 June 2009, and notwithstanding the provision of Class A of Part 2, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within or around the site without the prior express planning consent of the Local Planning Authority. Reason: In order to retain the open character of the countryside and to comply with Policy C7 of the adopted Cherwell Local Plan.
7. The underground storage tank shall not be installed until a letter from an exempted organisation confirming their intent to issue a certificate for the site under paragraph 5 of Schedule 1 of the Caravan Sites and Control of development Act 1960 has been obtained and submitted to the local planning authority. Reason: To ensure that the cess pool is not installed unless it is necessary for the purposes of using the site for exempted organisations ,in the interests of preserving the environment and to comply with NRM2 of the South east Plan.
8. The underground storage tank shall be installed in accordance with the Kingspan manufacturers details as submitted as part of the application and of a capacity to be first agreed in writing by the Local Planning Authority. There shall be no outlet from the tank to the ground or any watercourse. Reason: To ensure that the disposal point is appropriately designed, and that the cess pool is water tight in the interests of preserving the environment and to comply with NRM2 of the South East Plan.
9. The underground storage tank shall not be installed until full details of the chemical toilet disposal point leading to the tank inlet, and details of a high level alarm designed to provide a timely visible indication of the impending

need to empty the tank, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Reason: To ensure that the disposal point is appropriately designed, and that the cess pool is water tight and fitted with an appropriate high level warning system to indicate when it needs emptying in the interests of preserving the environment and to comply with NRM2 of the South east Plan.

10. The high level alarm approved under condition 8 above shall be made operational before the tank is first brought into use. Thereafter it shall be retained in full working order for so long as the tank remains in use. Reason: To ensure that the disposal point is appropriately designed and fitted with an appropriate high level warning system to indicate when it needs emptying in the interests of preserving the environment and to comply with NRM2 of the South east Plan.

11. Within 3 months of the date hereof the metal oil tank already installed below ground shall be either removed from the ground or filled with a material to be first agreed in writing by the local planning authority. Reason: In the interests of preserving the environment and to comply with NRM2 of the South east Plan.

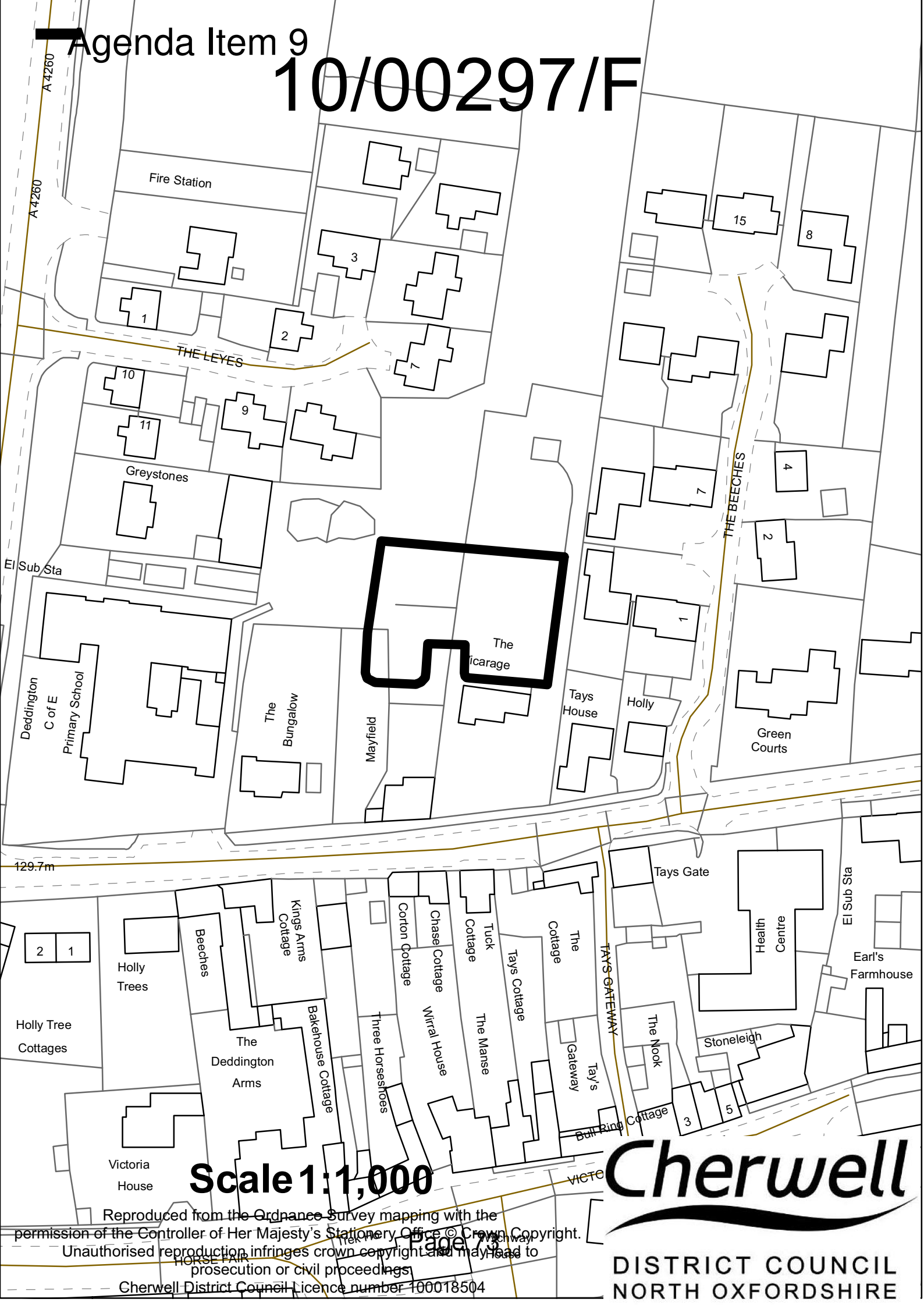
Recommended Summary of Reasons for the Grant of Planning Permission

The Council, as local planning authority, has determined this application in accordance with the development plan unless material consideration indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal does not cause demonstrable harm to the character of the rural landscape, an Area of High landscape Value, residential amenity, water quality or highway safety. As such the proposal is in accordance with Policies C4 and NRM2 of the South east Plan 2009 and Policies AG2, C7, C13 and C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to the appropriate conditions, as set out above.

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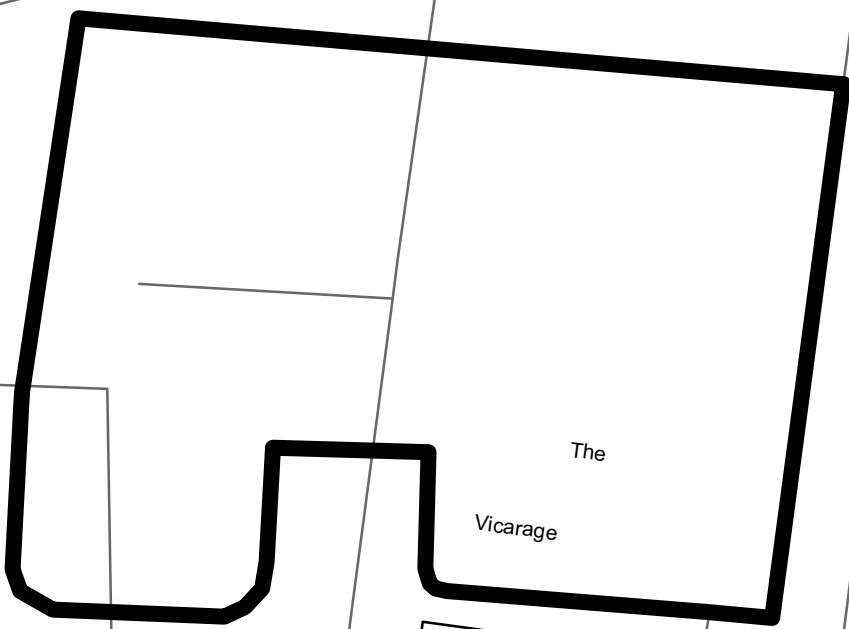


Scale 1:1,000



DISTRICT COUNCIL
NORTH OXFORDSHIRE

10/00297/F



The
Vicarage

Bungalow

Mayfield

Tays
House

Holly
House

Scale 1:412

Cherwell

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DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application 10/00297/F	No:	Ward: Deddington	Date 01/03/2010	Valid:
Applicant:	Coralgate Ltd			
Site Address:	Land to the rear of New Vicarage, Earls Lane, Deddington, Oxfordshire			

Proposal: Four dwellings with garages, parking and private gardens

1. Site Description and Proposal

- 1.1 The site is currently vacant and situated to the rear of The New Vicarage accessed from Earls Lane and is 0.1360ha in area. The access to the site is situated between Mayfield and The Bungalow and serves the site and The New Vicarage. There is also an emergency access to Deddington Primary School sited here. The site is bounded by The Beeches to the east and the school grounds to the west. The area is largely residential and outside the Deddington conservation area. There are no listed buildings within proximity of the site. The site is situated on potentially contaminated land.
- 1.2 This application seeks permission for the above development. The four dwellings will consist of two detached four bedroom properties and two semi-detached three bedroom properties. The four bed properties will benefit from a double garage each, with parking availability at the front of these. The three bed properties will benefit from a single garage with a parking space available in front of these. All parking will be accessed from the existing access road and turning head. Each property will gain a private garden to the north of the property. The heights of dwellings 1 and 4 are 5m to the eaves and 8.6m to the ridge and of dwellings 2 and 3 are 5.4m to the eaves and 9m to the ridge. Each property has a rear projecting two storey element. Bin stores are positioned to the front of each dwelling behind a front boundary wall.
- 1.3 Planning history
04/01713/OUT (Permitted) Demolition of existing Vicarage and erection of new Vicarage, 2 no building plots and new access to the highway
04/02722/REM (Permitted) Reserved Matters (04/01713/OUT) Demolition of existing Vicarage and erection of new Vicarage, 2 no building plots and new access to the highway (this also granted reserved matters approval for the two houses to the rear of the New Vicarage).

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 08/04/2010.
- 2.2 12 letters of objection have been received (3 letters/ emails from 3 The Beeches) raising the following matters:
- Much larger development than originally approved plans show no respect or sympathy for the current neighbourhood being disproportionate and is designed solely to maximise return for the developer.

- Not in keeping with surrounding development on this side of Earls Lane
- The Vicarage is an investment in Deddington and the proposed development swamps its attraction, devaluing the investment
- Current planning permission has lapsed and new permission has not been granted, however trees have been cut down and greenery removed in preparation
- Rapid greenery has disappeared over the past six years, an outside classroom has been built next to garden and a massive playground and a further largely developed adventure playground built next to property bringing extensive noise throughout the day. Had a reasonable brownfield development turned down and this development is an extensive, crowded urban development in comparison.
- Planned development will be overbearing on the surrounding area and will invade privacy, block light, increase noise and air pollution; generally degrade the quality of life of the neighbours
- Proposal will block all late afternoon sun in the winter and early evening sun in the summer into the garden and west elevation of 3 The Beeches and the north elevation of Tay's House and their garden
- Traffic will be significantly increased. The access road is the fire access to the school, parking is currently a significant problem due to the school and the health centre on Earls Lane and throughout the Beeches
- No access to the site for refuse vehicles so bins will need to be wheeled down to Earls Lane and left on the pavement, on certain days bins will increase from 2 to 10 or more.
- Block light into 3 The Beeches as proposal builds house 4 very close to the boundary making it overbearing and having a greater impact on light than if it was further away from the boundary, positioning of house 4 forward on its plot in relation to the rear of 3 The Beeches and with a rearward extension would block light into all windows on the west elevation (2 lounge and study) and significantly reduce light into 2 windows on the south elevation (lounge and bedroom 4). All windows in the lounge will have light impacted making the main room of the house much darker, will also reduce light into the Vicarage
- Proposal will reduce privacy of 3 The Beeches as the two storey east elevation of house 4, which is forward of 3 The Beeches, has second floor windows directly overlooking the garden and allowing residents to look directly down into the lounge and study of 3 The Beeches via the west elevation windows.
- Parking for 12 cars on the site and the fact that the garage and parking of house 4 are very close to the garden boundary with 3 The Beeches will significantly increase the level of traffic noise and air pollution
- When the owners purchased 3 The Beeches they were assured by the planning department that the current approved plan would now set the precedent for any future planning application. New application bears no resemblance to the original plan, which consisted of only 2 houses, built further from the boundary line and with a design which did not impact light into property as much.
- Access road is fire access to the school so it is important this does not become blocked by bins or parking for future residents.
- Appalled that the Council is considering 4 dwellings
- Block light into garden of Tays House, as the erection of The Vicarage did when it was built, 3 The Beeches will also suffer and it will be worse in the winter, autumn and summer when the sun is low in the sky
- Traffic in Earls Lane is very heavy with both sides of the road being full of cars,

the Beeches is often used for parking and it can be very dangerous with parents dropping off children for the primary school, which is at the end of Earls Lane and so having another 'road opening' onto Earls Lane will cause more havoc.

- Concern regarding loss of privacy/ overlooking to The Bungalow particularly from house 1 having an impact to the full length of their property and garden. Should the application be accepted, an increase in the boundary wall height and screening would help to mitigate this negative aspect somewhat and request this is taken into consideration and a planning condition imposed if necessary.
- Parochial Church Council of Deddington concerned that this is in excess of what is appropriate for the site. In particular concern is raised over the number of vehicles that may need access to the properties. Restrictive covenants should be imposed to limit the size of vehicles, caravans etc that may be parked at the properties.
- Central two houses will overlook Mayfield
- Deddington Primary School Governors object to the application, which is causing severe concerns. Site is not large enough for so huge a development, which is totally out of keeping with the surrounding area; access road is unsuitable for this amount of potential occupants and the resulting traffic. This issue has been the subject of several meetings with OCC over the past few months as there are grave concerns with regard to child safety. Road provides emergency access to the back of the school, particularly the nursery and field, this cannot be blocked. Properties will overlook the school playground and nursery; houses are adjacent to the fence which is very concerning. School Governing body is in favour of new housing in the village but it needs to fit in to the environment, needs an affordable element and must not increase any potential risks to children. This development is totally unsuitable.
- Contrary to the Council's design guidance as the windows on the east elevation of house 4 overlooks 3 The Beeches and the 22m guide between these windows and this property has not been applied. The obscure glass on these windows is unacceptable as they will still over look and they should be moved to the south elevation. Houses 1, 2 and 3 overlook the garden of Mayfield and even though the 22m guide has been applied, additional screening should be provided. East elevation of house 4 is only 6.3m from 3 The Beeches, the Council's guide states a windowless elevation should be at least 14m from the nearest habitable window to avoid over shadowing, this elevation has a window so should be 22m from the side of 3 The Beeches, however if the window is moved it should be at least 14m away (as there are habitable room windows on the side of 3 The Beeches). The 45° rule has been taken from the patio doors on 3 The Beeches, but what about the side windows? If a 45° is taken from the side window, the dwelling should be re-sited in a northerly direction.
- Development meets the 30 houses per hectare policy, but does not meet the guidelines that gardens should receive sunlight in the winter, this is due to their design and positioning. The Council's guidelines state this is a measure of over development. Are the gardens a useable size for the size of property?
- The conditions refer to the existing hedge between the site and 3 The Beeches; this is not a hedgerow but a collection of overgrown plants and weeds. Request a condition that a close boarded fence is installed and that the 3m hedge is planted with mature evergreen plants prior to the building works commencing. There was a fence drawn into the original plans. The

bungalow also requested a fence and this has not been addressed.

A response has been received from the agent for the application raising the following points:

- The density of the proposed development, at a fraction under 30 dwellings per hectare, is at the low end of the density range advised by Planning Policy Guidance in PPS3 and is comparable with other recent permissions granted by Cherwell.
- Garage and parking provision for the development exceeds the required standards and there is no objection from Highways.
- The development does not face onto or obstruct the access lane which affords emergency access to the adjoining school.
- The east and west facing elevations of Houses 4 and 1 respectively have no windows at upper floors other than obscured bathroom windows to bathrooms.
- The site lies to the North of the properties on Earls Lane and will cause no loss of daylight or sunlight in respect of these houses.
- In respect of the relationship between House 4 and 3 The Beeches the proposal complies with the recognised standards of Design for Sunlighting and Daylighting.
- The layout of the proposed development meets the required overlooking distances from adjoining properties. Specifically, House 4 is 22m from the New Vicarage and over 30 metres from Mayfield. In respect of 'The Bungalow,' which is not directly overlooked, the raised ridge of the garage to the front of House 1 prevents any view from south facing first floor windows of the new house towards either the bungalow itself or its garden. Similarly, the placement of the garage roof to the front of House 1 prevents any view from its first floor windows towards Tays House and its garden.
- The plot sizes and spacing of the new houses are comparable with those of adjoining development at 'The Beeches.'
- The new houses, with varied use of Hornton stone, stock facing brick and tiled or slated roofs have been carefully designed to be appropriate in their surroundings.

3. Consultations

- 3.1 **Deddington Parish Council** objects to the application on the grounds
- That this is over development of the site. The original application sought permission for three properties on the site of the former Vicarage, the new Vicarage takes up a considerable area of the site and the new proposal asks for four large houses on a site originally intended for two.
 - New houses will have 6 garages between them with a provision for 6 further off road parking places. No other parking provision on site and the Vicarage would be expected to have more visitors and therefore more vehicles arriving than most normal domestic premises. Extra development likely to cause problems
 - Access road is a service road to the school and its playing field. It is also an access road for emergency vehicles. Any parked vehicles would cause an

obstruction. Leads off of Earls Lane, which is already congested and subject to waiting restrictions. Proximity of school and health centre do not ease the situation.

- Traffic concerns about the extra manoeuvres in and out of turning especially at school times. Already considerable congestion in the vicinity.
- Concern regarding the collection of refuse and access for the waste vehicles. What provision is made for the placing out of bins? Surely they can't be placed the night before the collection in Earls Lane as there is no suitable site. How soon would they be removed? This could cause a hazard for children and parents going to the school.
- Site of houses is close to existing properties some of which will suffer loss of light, and be left in shadow for parts of the day. Concerns regarding loss of privacy for these properties and any spatial feeling currently enjoyed will be lost. The placing and glazing of windows is important.
- Appreciated that the site will be developed at some stage but a more modest scheme is needed. A mix of two and three bed houses might not be so cramped. What is proposed is a 'quart in a pint pot'.
- Aware of neighbours concerns and support these
- Whatever development is granted on this site should contain a condition that the garage space must not be used for living purposes. Such a condition would hopefully relieve some pressure on the adjacent road and its lack of parking provision.
- Request a site meeting is made and that the application is brought before committee.

- 3.2 **Oxfordshire County Council (Highways)** No objections subject to conditions relating to the parking and manoeuvring areas and their specification and that the garages cannot be converted within the prior planning permission from the Local Planning Authority.
- 3.3 **Natural England** has no comments to make on this planning proposal. Asks the Local Planning Authority to give consideration to the possible protected species on the site and the need for possible biodiversity enhancements.
- 3.4 **Cherwell District Council (Anti Social Behaviour Manager)** When an outline application was received in respect of this site some time ago the proximity of Deddington Primary School playing fields was carefully considered. At this time it was felt that the primary schools facilities would be in use for limited periods of time during week days and its presence should not be considered a barrier to the development of this site. No objection was previously made by the then Environmental Protection team. With the passage of time nothing has emerged that has lead us to change that advice. Accordingly the Anti Social Behaviour team would not object to the approval of this planning application.
- 3.5 **Cherwell District Council (Urban design)** comments that the outline approval for 2 dwellings on this site, by virtue of the approval of 04/01713/OUT is for two detached dwellings which created an approach to development not dissimilar to what is now proposed, with a courtyard effect albeit the current proposal is an increase in actual footprint. She does not consider the development of four dwellings makes a significant difference, however is concerned that, the buildings have a generous footprint in relation to the size of the plot, there are windows still relatively close to the boundary with the school playground and we should seek the

opinion of the Thames Valley Design Advisor on the matter of overlooking, the scale of house 4 (1 on the plans) in relation to the adjacent bungalow and single storey school building may be rather dominant, although she is pleased to see this gable is not blank, appears from the elevations that the central semi detached houses have lost the rooms in the roof as no windows are shown, but the plans still indicate access to the roof space. The intention here needs checking. She recommends approval once the matters described have been satisfactorily resolved.

- 3.6 **Cherwell District Council (Head of Building Control and Engineering Services)** has no comments.
- 3.7 **Cherwell District Council (Environmental Protection)** raises no objections to the application, however requests a condition is applied relating to contaminated land.
- 3.8 **Thames Water** comments that with regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. Further comments in relation to surface water drainage have been formed into a planning note for information to the developer. No objections are raised in terms of sewerage infrastructure or water infrastructure.
- 3.9 **Thames Valley Police (Crime Prevention Design Advisor)** comments that after visiting the site and checking local crime records, he has no objections to this development.
- 3.10 **The Environment Agency** have advised it is likely to have a low environmental risk and due to work prioritisation are unable to make a full response

4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport
- 4.2 The South East Plan: Policies CC1, BE1, T4, C4
- 4.3 Adopted Cherwell Local Plan: Policies H13, C28 and C30
- 4.4 Non Statutory Cherwell Local Plan: Policies H15, D3, D6, TR5 and TR11

5. Appraisal

- 5.1 Principle of the development
As described within the planning history of this site, a previous application has been granted for two dwellings on this particular site. This has established the principle for residential development. Notwithstanding the planning history of the site, Deddington is classified as a category 1 settlement under policy H13 in the adopted Cherwell Local Plan and policy H15 in the non statutory Cherwell Local Plan. Villages within this category can support limited extra housing growth because of their physical characteristics and the range of services they provide. Within category 1 settlements new residential development is restricted to infilling, minor development comprising small groups of dwellings on sites within the built up area

of the settlement or conversions of non residential buildings. The development of this site is considered to be minor development comprising a small group of dwellings within the built up area of the settlement and therefore residential development on this site is considered to comply with policy H13 of the adopted Cherwell Local Plan.

- 5.2 The current proposal for four dwellings must be considered in accordance with the most up to date policy, which is PPS3: Housing. This document sets out that new housing development should be to a density of at least 30 dwellings per hectare (dph) in order to make the most efficient use of land. Four dwellings on this site equates to 29.4dph, which complies with PPS3 and ensures that the best use of this land within a sustainable location is made.

Given these comments, it is concluded that subject to all other material planning considerations, which are addressed below, the proposal is acceptable in principle in accordance with the policies set out above.

5.3 Impact on visual amenity

The proposed dwellings will not be widely prominent in the local area given their positioning to the rear of The New Vicarage and Mayfield. This area of Deddington is made up of a range of house types and is not situated within the conservation area or in proximity of any listed buildings. The dwellings are considered to be well designed and make use of traditional materials, which will ensure they are appropriate for the local area. Given the positioning of the dwellings, behind neighbouring properties, means they will be seen in the context of surrounding development causing limited harm to the visual amenity or character of the area. The Bungalow, situated on Earls Lane is single storey; however the new dwellings are not considered to have an unacceptable impact in relation to this property as they are set back and with the garage in front of the main dwelling, the perspective will mean they are not overly prominent. Furthermore, the design of the dwellings is similar to the design of the New Vicarage, meaning they will integrate into the character of the area. Each dwelling has a two storey rear projecting element, which is set down from the ridge of the main dwelling to appear subservient, which is appropriate. At the rear of houses 2 and 3, a rather wide span results from the rear projecting element, this would not be widely visible, although some views will be gained. This detail is unfortunate, however is not considered so unacceptable the application could be resisted on these grounds, particularly given the limited visibility. Bin stores are positioned to the front of the site however will be tucked away, particularly given the enclosure details proposed. The dwellings are not considered to cause undue harm to the visual amenity of the area being sympathetic to the rural context of that development and the proposal therefore complies with policy C28 of the adopted Cherwell Local Plan.

5.4 Neighbouring amenity

With regard to the impact upon the residential amenity of neighbouring properties, the proposal is considered to be acceptable. The positioning of the dwellings largely complies with the Council's informal space standards, with the front elevation of the two storey element of the proposed dwellings being at least 22m from Mayfield, The New Vicarage, The Bungalow and Tays House. This distance will ensure that the impact by loss of light, loss of privacy or over dominance to these particular neighbouring properties is to an acceptable level. The garages to the front of houses 1 and 4 are closer to these neighbouring properties; however these are

single storey with a height of 4.4m to the ridge, which again, together with the distance between the garage and the neighbouring properties limits the impact to an acceptable level.

- 5.5 The neighbouring property to the east, 3 The Beeches is set 6.4m from the side of house 4. This neighbour has no windows at first floor on the side elevation, but three at ground floor level (two serving a living room and one serving a study), the living room also benefits from a set of double doors at the rear and the study benefits from a second window. It is recognised that some impact will be caused to this neighbour, however taking a 45° sight line from the middle of the double doors on the neighbouring property, based on the Council's informal space standards guidance, only the garage will protrude into this area, which is single storey and will have a pitched roof sloping away from this neighbour. The concerns regarding the distance of house 4 to 3 The Beeches is recognised, however properties side to side have different space standards (they cannot be expected to be 22 or 14m apart given that this would result in development not making the best use of land), particularly where the windows are ground floor (as boundary treatment, which could be erected under permitted development would have an impact on these windows in any event), and the room is served by another window (in this case the patio doors at the rear) and the windows facing this neighbour serve non-habitable rooms (bathrooms where the windows are obscurely glazed), which are treated differently. The 45° line is for guidance only, however as explained above, the windows on the side elevation of 3 The Beeches serves a living room (where other windows are present) and any boundary treatment could impact upon these windows. Furthermore, under the original outline planning permission (04/01713/OUT) a condition was included to ensure that the existing hedgerow/ trees along the eastern boundary of the site must be retained and properly maintained at a height of not less than 3m and that any hedgerow/ tree which may die within five years from the completion of the development shall be replaced and properly maintained in accordance with the condition. This condition was included for the interests of the visual amenity of the area and to provide an effective screen to the development. This condition has been recommended for this proposal, which will help to reduce the impact of the development on the residential amenity of the residents of 3 The Beeches. A condition has also been recommended to require details of all boundary treatments to be submitted to and agreed by the Local Planning Authority, which will ensure acceptable boundary treatments for all boundaries including within the site. It is also considered that the positioning of the garage will have no greater impact than a 3m hedge. With regard to windows located on the new dwelling and the potential for loss of privacy to 3 The Beeches, the two windows facing directly towards this neighbour are to serve bathrooms and therefore would be obscurely glazed (which can be secured via condition and the condition can also specify they will be non-opening with any part to open more than 1.7m above the floor level of the room it serves) windows serving bedrooms on this property are situated on the front and rear elevations and therefore any overlook from these windows will be at an obscure angle, with only the bottom of the garden being visible from the front bedroom window. The potential for loss of privacy is considered to be to an acceptable level. It is the view of the HDCMD therefore and given these comments that the impact upon 3 The Beeches by loss of light, loss of privacy or over dominance is to an acceptable level.
- 5.6 All other neighbouring properties (other than those mentioned above) are set a sufficient distance from the proposed dwellings to ensure the impact on their

residential amenity is acceptable. The school grounds surround the site to the north and west and a classroom is positioned close to the boundary with the site. Given the use of this building, the impact is considered to be to an acceptable level. Furthermore the comments of the Council's Anti Social Behaviour Manager and Thames Valley Police are noted here. The proposal is considered to comply with Policy C28 of the adopted Cherwell Local Plan.

5.7 Highway Safety

The comments of neighbouring properties in relation to highway safety and parking are noted here, however the Local Highway Authority raises no objections to the application subject to the imposition of conditions, which are recommended below. It is therefore considered that the application complies with policy T4 of the South East Plan and policies TR5 and TR11 of the non statutory Cherwell Local Plan.

It is recognised that an emergency access to the school runs alongside the position of the house 1, however the Local Highway Authority raises no objection in relation to this matter, particularly as the road is private and therefore this is not a matter the application could be resisted on. Furthermore, there is sufficient parking available for each dwelling that there ought not to be any parking on the access road.

5.8 Other matters

Sufficient bin storage is provided for each dwelling within the site. The road accessing the site is a private road and therefore bin collections are made from the adopted highway (Earls Lane). The comments of neighbouring properties in relation to the amount of bins on collection day are noted here and it is appreciated that this will be an increase from the current situation, however this issue alone is not considered a reason to resist the application.

With regard to protected species, Natural England's advice is noted. It is not anticipated that there would be the potential for any protected species and therefore a planning note is recommended to ensure the developer is aware of their responsibility with regard to protected species and to consider the potential for incorporating features which are beneficial to wildlife. The previous reserved matters application approved details for the two dwellings on this site and therefore as the permission has been implemented with the development of the Vicarage, this permission is still extant.

The Council's Environmental Protection Officer has no objection to this application, however recommends the full contaminated land condition, which is suggested.

The comments of Thames Water are noted and have been incorporated into a planning note to ensure the applicant is aware of their responsibilities.

The comments of the Council's Urban Designer are noted and have largely been addressed within the appraisal section of this report. The comments of the Thames Valley Police design advisor have been sought and no objections have been raised. Furthermore, the two semi detached dwellings are three bedroomed. It is recognized the properties are to be large, however their impact is limited as described above and the gardens are a sufficient size.

5.9 The comments of Deddington Parish Council are noted and are largely addressed within the report and below.

It is recognised that local residents were anticipating this site to accommodate only two dwellings, given the history of this area. This is appreciated; however this does not mean that a proposal for four dwellings cannot be submitted. The application must be considered in accordance with current planning policy, taking all material planning considerations into account. As described within this appraisal, the density complies with PPS3 and all other material considerations are satisfied to an acceptable level leading to the recommendation of approval for this proposal. It is also important to add that PPS3 (para 50) states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing form. This applies in this case. The comments from neighbouring properties in relation to the garden sizes is also noted, however the above statement from PPS3 applies in relation to garden sizes also in that they do not need to reflect the sizes of nearby garden sizes. The HDCMD recognises the garden sizes are fairly small, but they are considered adequately sized and do not make the scheme unacceptable.

The comments regarding highway safety are noted, however again, the Local Highway Authority raises no objections and sufficient parking is provided on the site, which includes provision for visitor parking. A condition is recommended to ensure the garages cannot be converted without prior permission.

The loss of property value is not a material planning issue that could be taken into consideration as part of this application. The issue of restricting size of vehicles/ no caravans is not an issue a planning condition could address.

5.10 Conclusion

Given the above assessment it is considered that the proposal is acceptable in principle and would not cause undue harm to visual nor neighbouring amenity. Furthermore it would not be detrimental to highway safety. As such and having had regard to the adopted Cherwell Local Plan and the non-statutory Cherwell Local Plan 2011, the application is recommended for approval subject to the conditions below.

<p>6. Recommendation</p> <p>Approval; subject to the following conditions:</p> <ol style="list-style-type: none"> 1. 1.4A (RC2) [Full permission: Duration limit (3 years)] 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: location and block plans and drawing numbers 735/P1, 735/P2, 735/P3, 735/P4, 735/P5, 735/P6, 735/P7, 735/P8, 735/P9, 735/P10 and 735/P11, photographs and design and access statement Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009. 3. 2.2AA (RC4A) [Samples of walling materials] insert 'stone and brick' 'dwellings and garages' 4. 2.2BB (RC4A) [Samples of roofing materials] insert 'tiles and slates' 'dwellings and garages' 5. 5.5AA (RC4A) [Submit new design details] insert 'doors and windows, which shall be

- constructed from timber'
6. 2.9AA (RC6A) [Obscured glass windows] insert 'bathroom and en-suite' 'east elevation of house 4 and west elevation of house 1' add at end 'and shall be fixed shut unless any opening element is at least 1.7m above the floor level in the room in which it serves'
 7. 2.10A (RC7A) [Floor levels]
 8. 3.7AA (RC12AA) [Submit boundary enclosure details (more than one dwelling)]
 9. 3.0A (RC10A) [Submit landscaping scheme]
 10. 3.1A (RC10A) [Carry out landscaping scheme and replacements]
 11. That the existing hedgerow to the eastern boundary of the site shall be reinforced by additional planting in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority and carried out in the first available planting season following the occupation of the dwellings or on the completion of the development whichever is sooner. The approved hedgerow shall be retained and properly maintained at a height of not less than three metres, and that any hedgerow/ tree which may die within five years from the completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition (RC11A)
 12. 4.13CD (RC13BB) [Parking and manoeuvring area retained]
 13. 6.2AA (RC32A) [Residential – No extensions]
 14. 6.3A (RC33) [Residential – No new windows]
 15. 6.6AB (RC35AA) [No conversion of garage]
 16. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.
 17. If a potential risk from contamination is identified as a result of the work carried out under condition 16, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

18. If contamination is found by undertaking the work carried out under condition 17, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

19. If remedial works have been identified in condition 18, the remedial works shall be carried out in accordance with the scheme approved under condition y. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

Planning notes

1. X1 insert at end 'Natural England have advised that this application may provide opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Further information can be obtained from Natural England on the number above.
2. S1
3. T1
4. U1
5. The applicant is advised that in respect of Surface Water, Thames Water have recommended that it should be ensured that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer services will be required. They can be contacted on 0845 850 2777.

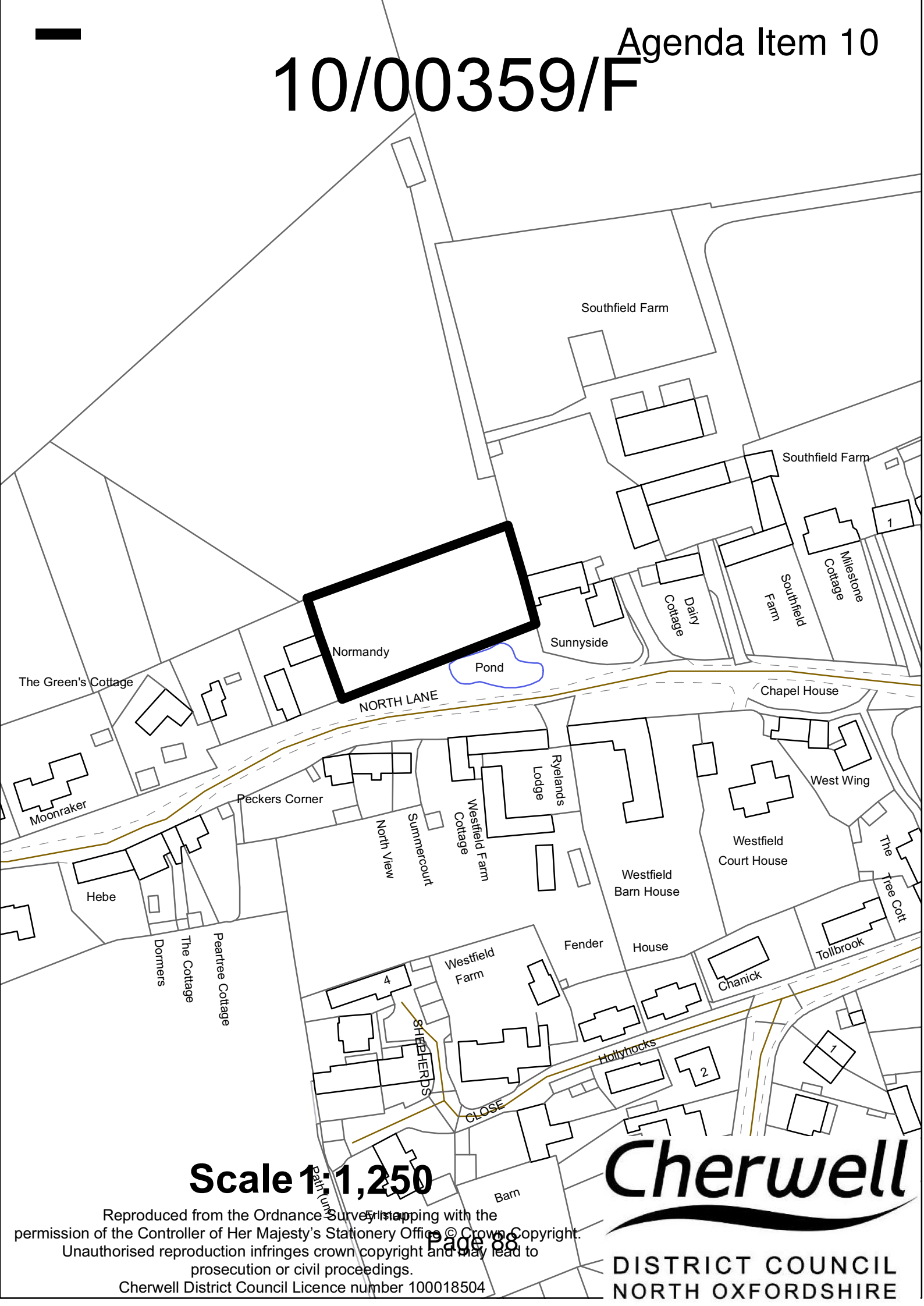
SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal is acceptable in principle and will not cause undue harm to neighbouring or visual amenity or highway safety. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS3: Housing, PPG13: Transport, Policies CC1, C4, BE1 and T4 of the South East Plan 2009, Policies H13, C28 and C30 of the Adopted Cherwell Local Plan and Policies H16, D3, D6, EN25, TR5 and TR11 of the Non-Statutory Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Caroline Ford

TELEPHONE NO: 01295 221823

10/00359/F



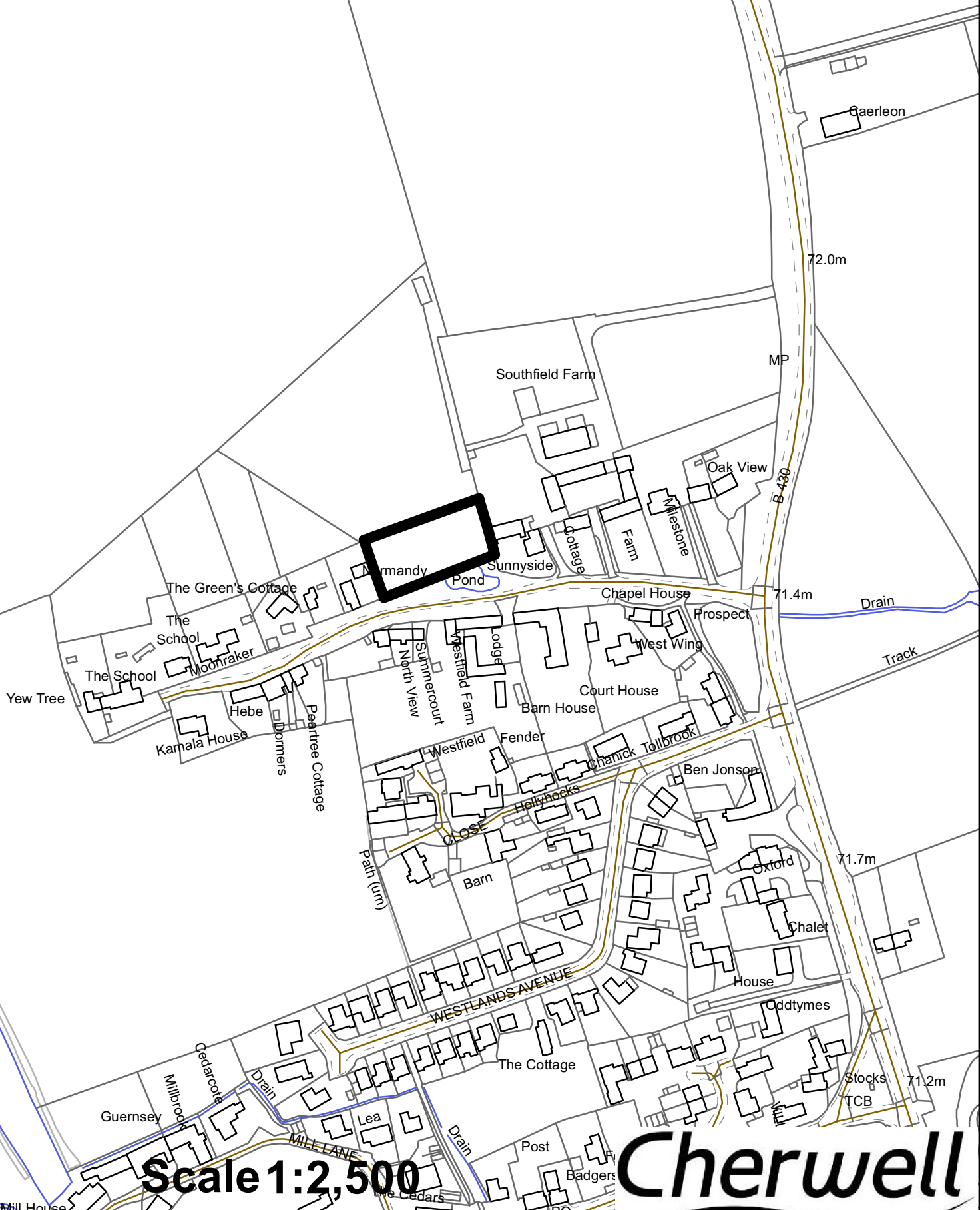
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Cherwell

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**DISTRICT COUNCIL
NORTH OXFORDSHIRE**

10/00359/F



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Cherwell

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**DISTRICT COUNCIL
NORTH OXFORDSHIRE**

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Application 10/00359/F	No:	Ward: Kirtlington	Date 18/03/2010	Valid:
Applicant:	Mr Sam Cook			
Site Address:	Land between Normandy and Sunnyside, North Lane, Weston on the Green			

Proposal: Erection of single storey four bedroom house, garage and green house

1. Site Description and Proposal

- 1.1 The application site is an open field, on the northern side of North Lane in Weston on the Green with a stone wall to the front and trees with fencing/hedging to the rear. The site lies within the Weston on the Green Conservation Area, behind the village pond. Public footpath 404/22 runs through the Western edge of the site. The boundary walls of Normandy (to the West) and Sunnyside (to the East) form the edges of the site.
- 1.2 Sunnyside, on the Eastern boundary of the site and Westfield Farm Cottage, opposite the site are both Grade II listed.
- 1.3 The proposal is for the erection of a partly underground single storey dwelling in the rear (Northern) half of the site; presenting a stone wall to North Lane, with a tall glazed gable element forming the entrance. The proposal also seeks consent for a garage in the South-Western corner of the site.
- 1.4 The proposal has been designed in response to the context of the site; its' location within the Conservation Area, the adjacent listed buildings, the public right of way and the previous appeal and application decisions.
- 1.5 Reflecting the site constraints, the applicant has proposed to give an area of the site to the front of the dwelling, immediately behind the village pond to the Parish Council (Area 1 on drawing 005) and has identified an area of land to be protected to preserve the public right of way (Area 2 on drawing 005).
- 1.6 The application is before the committee due to the level of public interest and the call-in request of the local member.

2. Application Publicity

- 2.1 The application has been advertised by way of site notices, press notice and neighbour letters. The final date for comments was 23 April 2009.
- 2.2 Letters of objection were received from 36 addresses. Material comments raised were as follows;
 - impact of the proposal on the character and/or appearance of the Conservation Area
 - impact of the proposal on the setting of the listed buildings
 - impact on the established open space within North Lane
 - impact of the proposal on the public right of way through the site

- effect of the site history on this proposal
- the design of the proposal is inappropriate in the context
- potential impact on protected species
- that development on this site could open up land to the North for further residential development
- that the site is not an infill site
- highway safety
- loss of light
- potential for flood risk
- the impact of the proposal on the village pond

Non material comments raised were as follows;

- disturbance arising from construction traffic

2.3 In addition to the letters of objection received, a petition was also submitted containing 155 signatures. The petition cited objections based on the impact of the proposal on the pond and its setting.

3. Consultations

- 3.1 Weston on the Green Parish Council – objects to the proposal;
- the proposal is not infill
 - the proposal does not preserve or enhance the character or appearance of the Conservation Area
 - the proposal would infill the last piece of open space in North Lane, an important feature in the area
 - the design of the proposal is inappropriate
 - the proposal would cause unacceptable harm to the footpath running through the site
 - the proposal would be detrimental to the environmental importance of the site
- 3.2 Conservation Officer – considers that this proposal has addressed the reasons for refusal from the 2006 application and that the proposal is not likely to cause substantial harm to the character or appearance of the Conservation Area. She does however have concerns over specific design elements and considers herself unable to recommend approval because of the implications of the 1984 appeal decision.
- 3.3 Urban Designer – objects to the application; considering it harmful to the character and appearance of the Conservation Area, harmful to the valued town/street-scape, harmful to features which make a positive contribution to the area and considering that the proposal fails to respect the settlement structure.
- 3.4 Oxfordshire County Council Highways – objects to the scheme and recommends refusal as set out in the printed reason in Section 6 below.
- 3.5 Oxfordshire County Council Rights of Way Officer – no objections subject to conditions controlling the location of parking.
- 3.6 Head of Building Control and Engineering Services – considers that the proposal could be acceptable, subject to conditions detailing and controlling drainage across and from the site in order to protect the pond and dwelling.

4. Relevant Planning Policies

- 4.1 National Policy Guidance:
PPS1 – Delivering Sustainable Development
PPS5 – Planning for the Historic Environment
PPS9 – Biodiversity and Geological Conservation
PPG13 - Transport
- 4.2 Regional Policy in the South East Plan 2009:
Policy CC6 – Sustainable communities and character of the environment
Policy NRM5 – Conservation and improvement of biodiversity
Policy C4 – Landscape and Countryside Management
Policy C5 – Managing the rural-urban fringe
Policy C6 – Countryside access and rights of way management
Policy BE5 – Village management
Policy BE6 – Management of the historic environment
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:
Policy H14 – Residential development in Category 2 settlements
Policy C23 – Retention of features contributing to the character or appearance of a Conservation Area
Policy C27 – Development in villages to respect historic settlement pattern
Policy C28 – Layout, design and external appearance of new development
Policy C30 – Design of new residential development
Policy C33 – Retention of undeveloped land which is important for the character of a settlement
- 4.4 Weston on the Green Conservation Area Appraisal 2009

5. Appraisal

- 5.1 There is a history of applications for dwellings on this site, which is important to the consideration of this application (as seen in the references to the history in comments received and contributor comments);

- **CHS 454/83**: Construction of 2 stone built dwellings. This application was refused because the site was considered to form a “*significant and pleasing open space*” which contributes to the “*rural character of this road and it is therefore considered that in the interest of protecting this character the site should remain undeveloped*”. A second reason held that the proposal would be “*out of character with existing development in this locality*”.

An appeal against this refusal was dismissed in 1984 by an Inspector who found that North Lane had, up to that point, absorbed development “*without losing its unequivocally rural character*” and that this rural character is created by the open space of the appeal (now application) site which was the “*last remaining open space along North Lane*” and which was, in his “*view crucial to the maintenance of the character and appearance of North Lane*”. The conclusion of the inspector was that “*development of the appeal site in the manner proposed would be so detrimental to the character and appearance of North Lane that planning permission*

ought to be refused".

- **CHS 231/87**: Erection of 2 houses. This was a similar scheme to that of 1983 and was refused for the same reasons. This refusal was not appealed.

- **06/02429/F**: Erection of 1 dwelling. This scheme was essentially the same as the earlier two applications, but proposing only one dwelling to the West of the site, in the same location as the earlier applications. The Conservation Officer for this application considered the proposal acceptable, but it was refused for being "*functionally unsatisfactory*" in terms of the footpath and because it would infill the "*last remaining open space along North Lane...which is an important feature*" of the Conservation Area. This refusal was not appealed.

- 5.2 It is also important to note that since the appealed application, Weston on the Green has been designated as a Conservation Area (in 1990). Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 therefore requires that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
- 5.3 In order to assess the character or appearance of the area, which it is desirable to preserve or enhance, the Council has undertaken a Conservation Area Appraisal; the most recent being published in 2009. This appraisal identified the application site as lying within the 'Farms' character area; a part of the village considered outside the village limits in 1978, but now identified as being of open, agricultural character interspersed with dwellings, predominantly from the 17th and 18th centuries but with elements of 20th century infill. The Conservation Area Appraisal states (in para. 12.8) that the informal rural character is formed by the "*meandering lane, lack of kerbing and footways and grassed verges*". This element of the Appraisal also recognises that the pond is a feature of special interest within the village. The view from North Lane through the site is identified as a positive vista in the Appraisal, but the open space which forms the site is not specifically identified or mentioned.
- 5.4 In addition to the statutory requirements of the primary legislation towards this application and the site, it is important to establish the acceptability of the proposal in terms of the national and local policies as set out in Section 4 above.
- 5.5 Before addressing the issues of the impact of the proposal on the Conservation Area and wider design and contextual acceptability of the proposal, the Council must first be satisfied that the location and nature of the proposal is infill as defined in Policy H14 of the Local Plan. The site is considered to be infill, and this has been tacitly accepted in the previous applications. Concerns have been expressed by contributors to the application that this proposal could lead to further residential development of the land to the North of this site; this proposal would not set such a precedent as such development is clearly unacceptable in terms of the policies of this authority.
- 5.6 In terms of the historic settlement pattern of Weston on Green the proposal is considered acceptable in terms of the Local Plan requirements as it respects the existing established linear settlement pattern of North Lane; the proposal does not significantly impact on the mixed age, mixed type, loose knit, dispersed nature of North Lane.

- 5.7 Whilst the proposal is not of traditional form, the particular design of the proposal is considered to be sympathetic to the character of the context of the development and is not considered to cause harm to the surroundings. It should also be noted here that the supporting text to Policy C28 states at para 9.68 that “*it is not the object... [of this policy]... to suppress innovation and creativity of design*”.
- 5.8 A key issue in the consideration of the acceptability of the principal of this proposal is its’ impact on the open space in North Lane. Taking a considered approach to the relevant policies, the proposal is considered to be acceptable. The importance of the open space to the character of North Lane is difficult to quantify; the Conservation Area Appraisal notes that there is a positive view through this site, and that the pond does positively contribute to the character of the area. However, the open space behind the pond (the application site) is not identified as contributing to this character. The wording of the supporting text to Policy C33 in particular suggests that applications within existing open spaces are essentially acceptable if proposals do not cause harm to an areas’ appearance and rural character. It is considered that the proposal, by virtue of its design (the height, facing materials and distance from the highway and pond) does not cause harm and is therefore acceptable in terms of this policy.
- 5.9 Various comments have also been received and concerns expressed about the loss of views across the open countryside as a result of this proposal. Whilst this is an important consideration, especially in relation to the impact of the proposal on the established character of the area as set out above, it is not considered that this proposal would block or detrimentally affect the views out of North Lane across the site.
- 5.10 It is not at issue that the proposal will be visible from the public domain; be that the highway or the public footpath, but it is considered that the visual impact of this proposal will not cause significant (and therefore unacceptable) harm to the views across and out of the site. In assessing the impact of the proposal on these views, it should be borne in mind that at present, there are no long views across the countryside as referenced in the appeal decision from 1984.
- 5.11 At present, there are views across the site but framed within the context of the pond, the lane, buildings to either side and the trees to the rear. In terms of ‘long-views’ these are also severely limited by the field boundary to the rear of the site (along the North North-Western edge of the blue-line area), which forms a strong visual barrier between the paddocks (and increasingly urbanised, enclosed land to the rear of North Lane) and the farm-land beyond. It is therefore considered that this proposal, by virtue of its particular form, design and relationship to the site is acceptable in terms of its impact on the views across, out of and into North Lane.
- 5.12 The impact of the proposal on the character and appearance of the Conservation Area is a key issue in this proposal. Whilst it is accepted that there are policies at local, regional and national level which could be used to preserve open spaces within settlements, it is considered that the proposal is on balance acceptable in this regard.
- 5.13 It is considered that there has been a significant change in the appearance, built form and therefore, the established character of North Lane since the 1984 appeal decision; frontages have been increasingly enclosed (a development which does

not require planning permission) and Weston itself has expanded Northwards. As a result, whilst this decision is important to consider when determining this application, it is not appropriate to refuse this application based solely on the precedent set by that decision.

- 5.14 It is the opinion of the HDCMD that the contribution which this site makes to the character and appearance of North Lane and the wider Conservation Area is not harmed by this application, and is in fact preserved by the surrender of the front portion of the site to the Parish Council. This will ensure that the immediate setting of the pond is preserved, as well as preserving the character of that part of the site which has the most impact on the broader character and appearance of the Conservation Area.
- 5.15 In terms of the recently published guidance set out in PPS5 – Planning for the Historic Environment, the proposal is considered acceptable. The significance of the site and the contribution it makes to the character and appearance of the Conservation Area and the setting of the Listed Buildings has been established by the applicant, and the impact of the proposal on this significance is considered to be minor and therefore acceptable.
- 5.16 The pond is clearly an important feature in Weston on the Green, and its significance is established by the comments received concerning the application and the Conservation Area Appraisal. It is therefore important to establish that the proposal would not detrimentally impact on this feature.
- 5.17 It has already been established above that the proposal is not considered to be detrimental to the setting of the pond in visual and legibility terms. Following consultation with the Head of Building Control and Engineering, and receiving the results of an initial ecology survey it appears that the proposal would not be detrimental to the ecological interest of the pond or its viability in terms of water supply and drainage.
- 5.18 On balance, the proposal is considered to be acceptable on its planning merits as the proposed development is appropriate and will not unduly impact on the neighbouring properties, public, private or other amenity, or the appearance of the street-scene. As such the proposal is in accordance with government guidance contained in PPS1, PPS5 and PPS9, Policies CC6, NRM5, C4, C5, C6, BE5 and BE6 of the South East Plan 2009 and Policies H14, C23, C27, C28, C30 and C33 of the adopted Cherwell Local Plan. In addition the proposal is considered to preserve the character of the Conservation Area, and is not considered detrimental to the setting of the Listed Buildings; it is therefore in accordance with government guidance contained in PPS5.
- 5.19 It should be noted that the above assessment relates solely to this particular scheme and design, which responds to the particular constraints and characteristics of the site. It is the particular design and appearance of this proposal, over and above previous schemes which is considered to preserve the elements of North Lane and make this scheme acceptable.
- 5.20 Notwithstanding the above, there is a highways objection to the scheme which, being based on a technical assessment of the character and capacity of the lane should not be put aside. For this reason, whilst the principle of this particular

scheme is considered acceptable, the recommendation is as set out below.

6. Recommendation

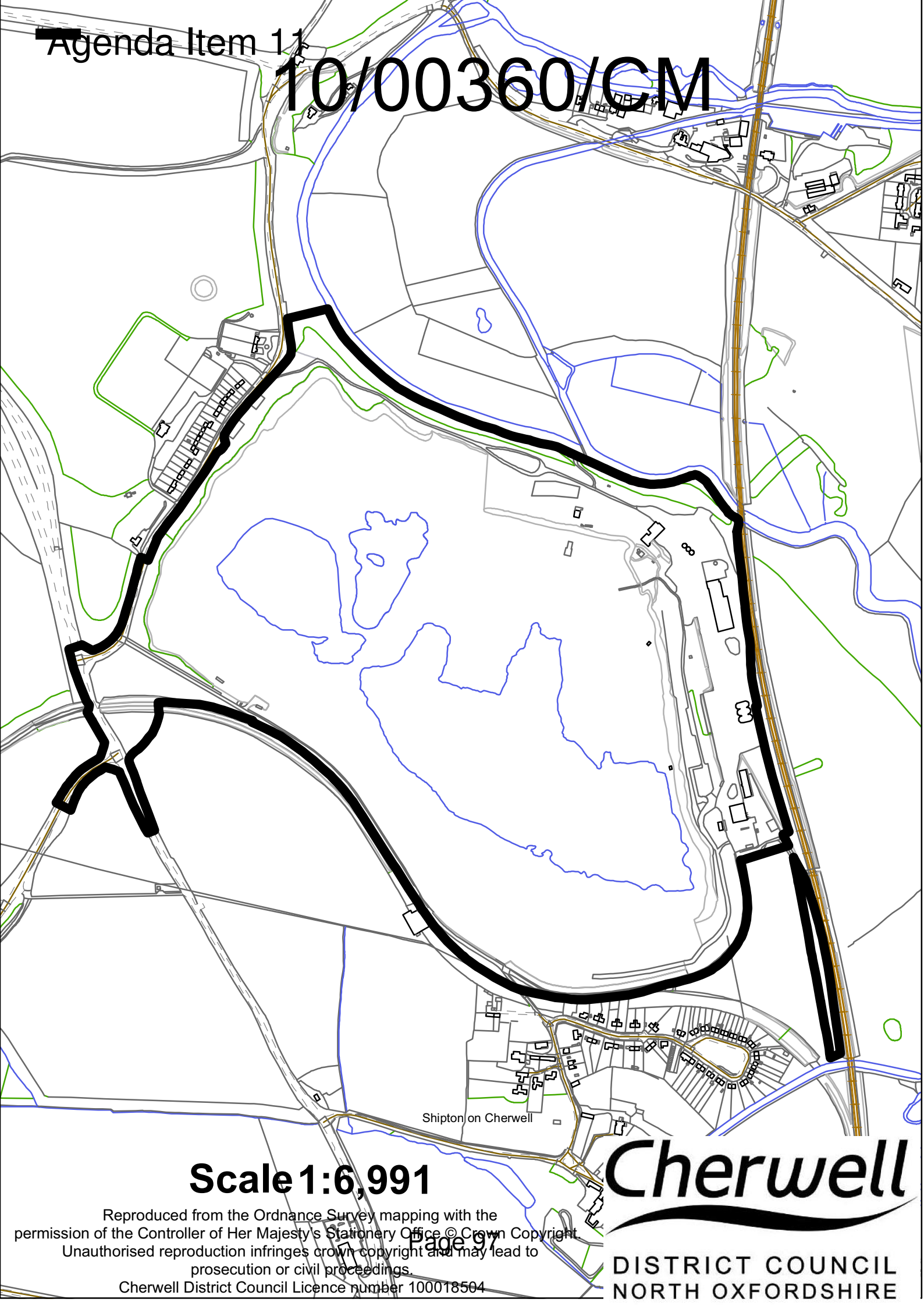
Refuse, for the reason set out below;

- 1) The road network in the vicinity is unsuitable for further development, it being narrow, lacking a turning head and separate footway. Traffic generated as a result of the proposal would result in detriment to the safety and convenience of other road users. The proposal is therefore contrary to the provisions of PPG13 - Transport.

CONTACT OFFICER: Simon Dean

TELEPHONE NO: 01295 221814

10/00360/CM



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Cherwell

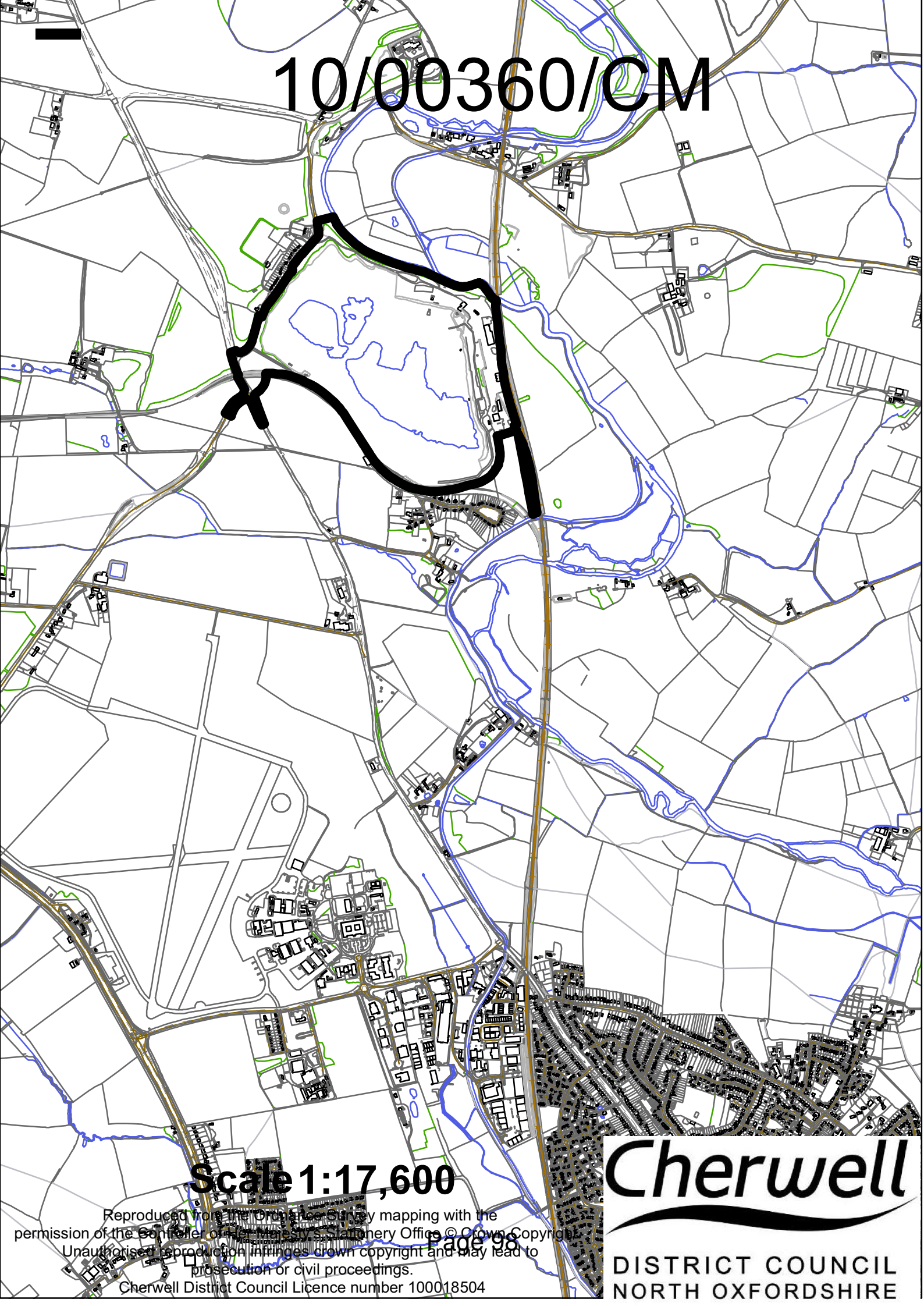
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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application No: 10/00360/CM	Ward: Kirtlington	Date Valid: 08/03/2010
Applicant:	Enzygo Ltd, c/o Oxfordshire County Council, (FAO James Irvine), Speedwell House, Speedwell Street, Oxford	
Site Address:	Shipton-On-Cherwell Quarry, Shipton-On-Cherwell	

Proposal:

To continue the development of the Shipton-on-Cherwell Quarry site without complying with conditions 26 and 36 of 06/02046/CM.

1. Site Description and Proposal

- 1.1 This consultation, by the Minerals and Waste Planning Authority, relates to the former cement works and adjacent quarry at Shipton-on-Cherwell. The site has an area of 71.3 hectares. In 2006 a comprehensive scheme for the redevelopment of the site was approved (06/02046/CM). The schedule of works are:
- i. The undertaking of mineral extraction.
 - ii. The importation of inert fill and reprofiling of the quarry floor/sides.
 - iii. Proposals for after use:-
 - a) Restored land/pond with visitor trail and car park.
 - b) Rail storage depot.
 - c) Rail served aggregates depot with associated concrete batching plant and asphalt/tarmac coating plant.
 - d) Open storage area (16 hectares) suitable for car storage
 - e) Building of 3,716m² (40,000 sq. ft.) to serve (d) above.
 - f) Two B8 storage buildings (one 4,650m² (50,000 sq. ft.) and one 2,790 m² (30,000 sq. ft.).
- 1.2 Permission is now being sought to continue the development without complying with conditions 26 and 36 of the aforementioned approved scheme.
- 1.3 Condition 26 requires the submission of a scheme to deal with the risks associated with contamination at the site as well the completion of appropriate remedial works at the site prior to the commencement of the development. Condition 36 relates to former landfill of high alkaline content in the northern corner of the site and requires this material to be removed off site or the submission of a remediation strategy to deal with this historic contamination prior to the commencement of the development. The applicant is of the opinion that these conditions are too onerous and that a phased submission of details and mitigation works will offer the necessary environmental protection whilst not causing an unnecessarily delay to the implementation of the permission.

2. Application Publicity

- 2.1 None required as the Council is acting as consultee.

3. Consultations

- 3.1 Environmental Protection Officer - Following revision to the proposed mitigation scheme, no objections are raised.

4. Relevant Planning Policies

- 4.1 PPS23: Planning and Pollution Control
- 4.2 ENV12 of the adopted Cherwell Local Plan

5. Appraisal

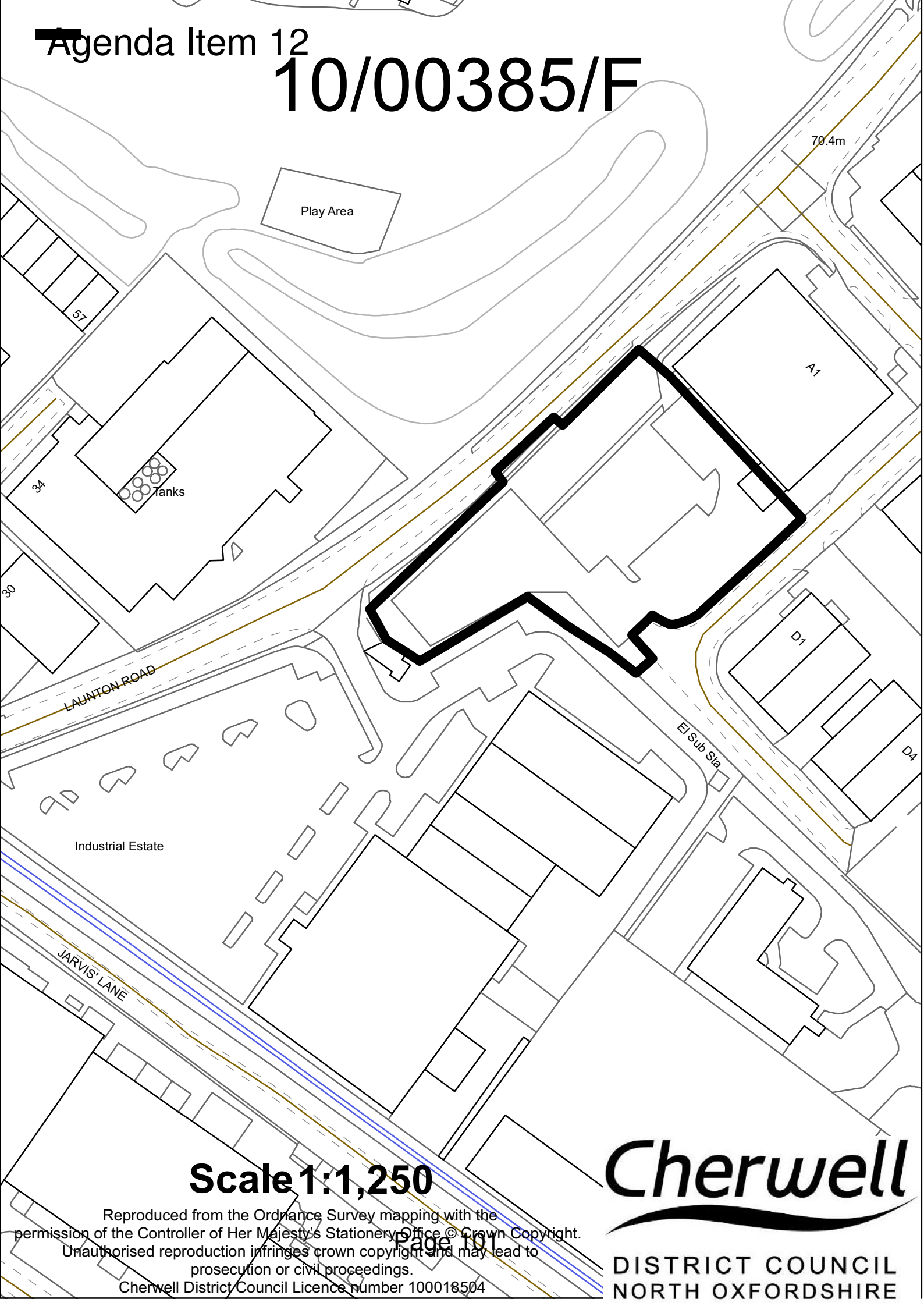
- 5.1 The Council's Environmental Protection Officer raised concerns in respect of the applicant's original submission. He was concerned that the proposed schedule of works would not adequately characterise the risk from ground gas in the first phase of the development, prior to commencement of this phase. Following discussions, a revision to the proposed schedule of works and contamination assessment was agreed.
- 5.2 As the Environmental Protection Officer has withdrawn his objection, the HDC&MD is now satisfied that the proposal is acceptable and that it complies with Government advice contained within PPS23: Planning and Pollution Control and ENV12 of the adopted Cherwell Local Plan.

6. Recommendation

That Oxfordshire County Council be advised that Cherwell District Council raises no objection to the revised *Proposed Schedule of Staged Activities and Schemes Pursuant to Conditions 26 & 36* dated 14 April 2010.

CONTACT OFFICER: Paul Ihringer

TELEPHONE NO: 01295 221817



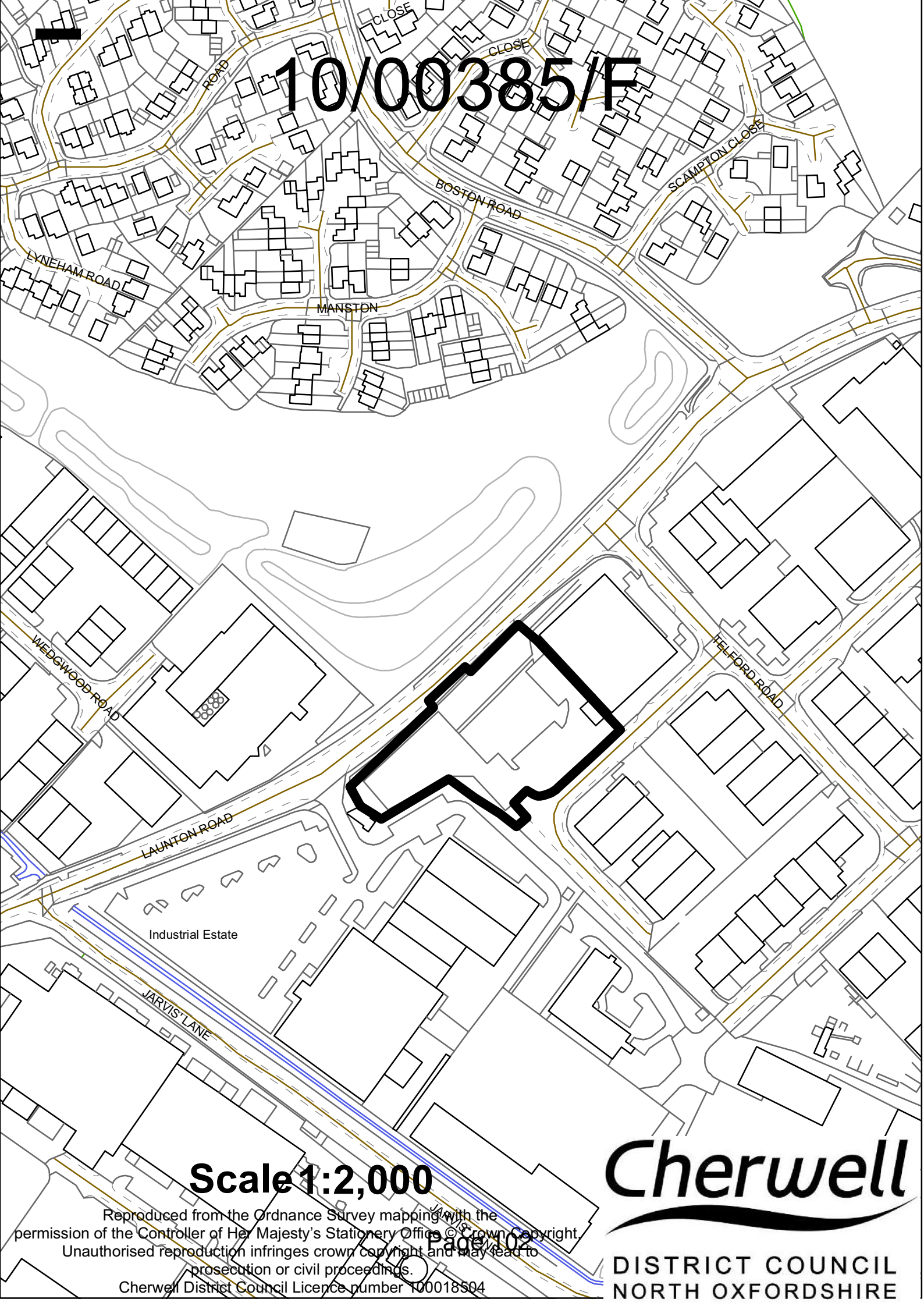
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**DISTRICT COUNCIL
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10/00385/F



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DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application No: 10/00385/F	Ward: Bicester East	Date Valid: 11/03/2010
Applicant:	Lidl (UK) GmbH & Mr Brian Gardener, Mr Stephen McDonald, Wellington Parkway, Magna Park, Lutterworth, Leicestershire	
Site Address:	Land adj Former Publishing House, Telford Road, Bicester	

Proposal: Erection of discount foodstore (Class A1) including 75 no. car parking spaces, servicing area and landscaping

1. Site Description and Proposal

- 1.1 The site is located approximately 1 mile to the northeast of Bicester town centre to the southeast of the Launton Road. Access is along Telford Road which leads to the industrial estate. Launton Road retail park is just to the south of the site.
- 1.2 The red line of the site does not include the industrial building which occupies the northeast half of the site but utilises only a small level access dock to the southern corner of the vacant industrial unit and the parking area for 94 cars. The site area is 0.52ha (1.3 acres) and flat. The majority of the current landscaping is quite unremarkable with isolated planting beds confined to the boundaries. However, there are a number of trees affected by the scheme.
- 1.3 The character of this area is commercial in nature. Much of the built form is single or two storey buildings clad in a mixture of brickwork and metal which feature on both the Telford Road and Launton Road estates. The land opposite, on the west side of Launton Road is grassed open public spaces with residential dwellings beyond.
- 1.4 The proposed scheme is for a Class A1 retail foodstore of 1672 sqm gross (1286 sqm net tradable area) together with 75 No. car parking spaces, a new access and landscaping. The proposed occupier is Lidl who are joint applicants. A parallel application (10/00387/F) has been submitted for 4 trade counter units of B1 and B8 use and ancillary sales, on the part of the site occupied by the former Publishing House building.
- 1.5 The store is proposed to be sited to the north eastern side of the site against the existing industrial unit. Just to the south of the store would be a new access created directly off the Launton Road. The access route (for both customers and deliveries) would pass across the store frontage and car parking features on the remaining half of the site. Landscaping is proposed at the boundaries with 2m high fencing along the southern boundaries which are shared with the commercial areas.
- 1.6 The store is proposed to be sited sideways on to the Launton Road with a width of 29m facing onto the road and the length of the store is proposed to be approximately 54m. The mono-pitched roof graduates at a height from 4.5m to 7.5m on the store frontage where a canopy feature marks the entrance. The roof materials are proposed to be silver aluminium cladding, walls of white and grey

render and aluminium framed windows.

- 1.7 The store would be open from Monday to Saturday from 8am to 9pm and on Sundays and bank holidays from 10am to 4pm. The store would employ 10 full time staff and 20 part time (20 FTE in total).
- 1.8 The application is supported by evidence relating to retail impact, transport assessment, the building condition, ground contamination, arboriculture and Lidl case studies and waste management. There is also a design and access statement and the application is supported by a Section 106 undertaking document.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, neighbour letter and press notice. The final date for comment was 16 April 2010. At the time of writing, one letter has been received from a local resident supporting the application because it provides an alternative foodstore provision at low prices and people will no longer have to travel long distances.
- 2.2 The applicant held an open day/consultation event at the Courtyard Youth Arts Centre on Wednesday 21 April and a list of comments was received as this report was going to print. The applicant reports that of the 85 responses, all are in support of the application. A presentation was also given to Bicester Town Council on 8 April.

3. Consultations

- 3.1 Bicester Town Council – **No objection.**
The application is welcomed with the provision of further competition and the accompanying job opportunities. However, the impact on traffic generation on the Launton Road needs further investigation to ensure it is managed effectively. The likely increase in traffic movements, once the proposed Evergreen 3 railway improvements are in place needs to be considered. It is requested that, in line with Bicester's eco-town status, the building is designed to be environmentally friendly, for example, by reducing its demand for utilities and sustainable, by reducing its carbon footprint.
- 3.2 Oxfordshire County Council (Highways) - **No objection**, subject to conditions and entering a section 106 agreement for a financial contribution towards Bicester ITS. They comment as follows:
The proposed access arrangements are appropriate and meet relevant highway safety standards. The relatively wide verge allows for appropriate visibility and sweeping junction radii. Turning movements associated with the proposal would not cause any significant delay to the network and in general vehicles travelling northward on Launton Road would be able to pass stationary vehicles turning right into the site.
The proposal will increase movements on the local highway network. The increase to the network will be less than the turning movements reported in the submitted transport assessment as the site would attract pass-by trips and may divert some trips from similar outlets. A financial contribution toward Bicester ITS, transport infrastructure and services, has been calculated on the basis of new trips to the

network ie a discount has been applied for pass-by and diverted trips.

The submitted documents have considered parking accumulation at the site and an appropriate level of parking has been proposed which accords with local standards and would not add to on-street parking pressures.

Delivery vehicles are accommodated within the site. Vehicles would be loaded/unloaded within the site and would not cause any obstruction to the adjacent highway. Delivery vehicles would turn within the site, allowing for egress and ingress in a forward gear and avoiding the hazard and delays associated with manoeuvring in the highway.

The site lies to the periphery of the town, within an industrial area with, other retail outlets nearby and segregated from residential areas by Launton Road and areas of the aforementioned uses. Whilst walking distances to many residential areas are within recognised maximums, the nature of most routes would deter the majority of customers from walking. Local bus services are available but the frequency of buses and routes to and from bus stops would not necessarily encourage the use of public transport. The sustainability of the location could therefore be questioned but a pragmatic approach must be taken; there are alternatives to the car and the car is the mode of choice for journeys which involve food shopping and the inevitable need to lug a multitude of ready to burst carrier bags.

3.3 Thames Water – Waste and water comments: **No objection.**

3.4 Head of Building Control and Engineering Services – **No objection.**

3.5 Head of Planning Policy & Economic Development (Policy)

The advice given is inconclusive as to whether or not there is a policy objection to this application because further detailed information is required. There are policy concerns relating to the principle of the use of this out of centre site for retail uses given the advice in PPS4, and the recommendations of the Employment Land Review to limit further retail incursion in the area. Although PPS4 states that LPAs should adopt a positive and constructive approach towards planning applications for economic development, it continues to seek to focus growth and development of 'town centre uses' in town centres in order to promote their vitality and viability. This notwithstanding, specialist advice from GVA Grimley may indicate that the proposal accords with the sequential approach and the impact assessment set out in PPS4. Furthermore there may be characteristics specific to this proposal which represent special considerations in overcoming these concerns (specifically, the reference in para 8.8 of PPS4 Companion Guide relating to discount food retailers). In this case, and since the submitted retail assessment has been confined specifically to this sector, it may be appropriate to impose conditions to ensure these characteristics do not change (see also para 8.6).

3.6 Economic Development Officer – **Object**

The conclusions are that the proposal may provide a suitable site for the applicant's 'business model' and widen the range of retail outlets but does remove land which would otherwise be available to general and light industrial uses. If there is a shortage of retail land that is not being addressed by neighbourhood centres in the new housing developments, one could understand the need to accept this proposal. I remain, however, unconvinced and in light of the imminent eco-town development would expect such industrial sites to be more sought after if offered at reasonable rates.

- 3.7 Landscape Services Manager (Landscape Architect): **No objection** though this is subject to details and conditions. Revised landscape proposals are required to address the following:
As much of the existing boundary treatment as possible should be retained because:
1. the established trees, fastigate Hornbeams, already provide amenity and environmental benefits to what would otherwise be a rather bleak industrial estate: car park immediately to the SE, and it would take some time for new tree planting to achieve this.
 2. They have established themselves with sufficient height and spread and will provide instant mitigation to the development proposals. It is best to leave the established understory of the aforementioned trees to ensure that no damaging cultivations are done to the soil (but the shrubs will require some pruning). This is the case with the 2 no Hornbeams with the Prunus 'Otto Luyken' under planting on the SE boundary vehicle entrance and the Hornbeams with Pyracantha and Berberis darwini under planting on Telford Road side. All retained trees must be protected in accordance with BS 5837: 2005 Trees in relation to construction and all work methods around the root protection areas to be in accordance with this BS also. Refer to comments from the Arboricultural Officer below.
 3. A bird nest exists in a tree adjacent to the a vehicle entrance, proposed to be widened, on Telford Road, as the this is the bird nesting season, no works are to commence until it has been ascertained if the nest is 'live' as it is illegal to disturb nesting birds under the Wildlife and Countryside Act 1981.
 4. The landscape scheme must acknowledge the recent bat survey and include ornamental shrubs within the boundary foraging corridors that are attractive for food source for insects (bat food).
- 3.8 Landscape Services Manager (Arboricultural Officer): **No objection** though this will be subject to details and conditions.
The proposal requires the removal of a significant proportion of the existing trees on the site boundary whilst retaining a smaller percentage of tree coverage to the SW corner. A number of these trees (T2 & G7) are category B trees and designated for removal but should be retained and protected. They provide a high level of amenity value and are considered suitable for a TPO. They also provide a significant level of screening for the adjacent industrial units from Launton Rd as well as architecturally softening the side of the existing unoccupied unit and will also benefit the proposed structure when completed.
The remaining trees are predominantly identified as category C (though G13, G17 and T18). None of these are considered suitable for a TPO and along with the remaining Cat C trees should not be considered a constraint to the proposal.
- 3.9 Environmental Protection Officer: **No objection**, subject to condition(s).
This site has historically been occupied by a factory or industrial works. As such the full phased contaminated land conditions are recommended.

4. Relevant Planning Policies

- 4.1 Central Government Guidance in the form of:
PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPG13: Transport
PPS23: Planning and Pollution Control

- 4.2 South East Plan Policies: SP1, SP3, CC1, CC2, CC4, CC6, CC7, RE3, T4, T5, NRM5, W1, W2, BE1, BE3, S1, CO1 and CO2
- 4.3 Adopted Cherwell Local Plan 1996 Saved Policies: C28, C32, ENV1 and ENV12. The site is unallocated.
- 4.4 Non-Statutory Cherwell Local Plan 2011 Policies: S1, TR1, TR2, TR3, TR5, TR9, TR11, EN17, D1, D2, D3, D5 and D9. The site is unallocated.
- 4.5 Draft Core Strategy – February 2010. Whilst at this time little weight can be given to this document, in terms of it being a material consideration, it should be noted that the Council’s broad strategy is to focus growth in and around Bicester
- 4.6 Employment Land Review (2006). The site is identified as part of the Telford Road Industrial Estate cluster.

5. Appraisal

- 5.1 The main issues for consideration are principle of the development; loss of employment land/premises; retail impact; effect on the visual amenities of the area including design, layout, scale and materials; parking provision and highway safety; impact on amenities of neighbouring properties; sustainability and Section 106 matters.
- 5.2 Principle of the development
The application seeks a retail use on an employment site which is outside the town centre. The Adopted and Non Statutory Cherwell Local Plans do not include policies specifically relating to the reuse or protection of the site for employment uses. Nor are there now policies regarding out of town retail foodstores as policy S11 has not been saved.
- 5.3 The South East Plan policy SP1 identifies Bicester within the Central Oxfordshire sub region, which is an area of focus for growth and regeneration. Policy SP3 promotes an urban focus for development in order to foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel. Local Planning Authorities (LPAs) are required to formulate policies which, amongst other things, concentrate development within or adjacent to urban areas and seek to achieve at least 60% of all new development on previously developed land.
- 5.4 Planning Policy Statement 4 (Planning for Sustainable Economic Growth) sets out national planning policies for economic development and states that “local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably” (para EC10.1).
- 5.5 Planning applications for economic development should be assessed against the following (para EC10.2):
- Limiting carbon dioxide emissions, and minimising vulnerability and providing resilience to climate change
 - Accessibility by a choice of means of transport

- Whether the proposal secures a high quality and inclusive design
 - Impact on economic and physical regeneration
 - Impact on local employment.
- 5.6 The proposal represents a town centre use (retail) in an out of centre location. PPS4 requires a sequential assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan. LPAs should ensure that:
- Sites are assessed for their availability, suitability and viability
 - All 'in centre' options have been thoroughly assessed before less central sites are considered
 - Where there are no town centre sites, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access
 - In considering sites in or on the edge of existing centres, developers have demonstrated flexibility in terms of scale, format, car parking provision, and the scope for disaggregating specific parts of a development
- 5.7 An impact assessment should also be undertaken to assess impacts on existing centres including on town centre vitality and viability. The PPS4 Companion Guide highlights that where centres are particularly vulnerable it may be appropriate to take a cautious approach to potential impacts. If significant adverse effects are demonstrated under these two requirements, planning permission should be refused. Where no significant adverse impacts are identified, applications should be determined taking account of:
- The positive and negative impacts of the proposal and any other material considerations
 - The likely cumulative effect of recent permissions, developments under construction and completed developments.
- 5.8 The Companion Guide to PPS4 (paragraph 8.8) suggests that discount food retailers have particular characteristics, and can compliment other types of local convenience retailing and provide a positive contribution in areas of social deprivation by providing accessible low costs convenience goods. It highlights such retailers as exemplifying how the case to support specific proposals can be predicated on a particular type of operation. It should be noted that there is no 'deep' discounter foodstore located in Bicester with the nearest Lidl's being in Oxford (Cowley Road), Witney and Aylesbury. Aldi are represented at Oxford (Botley Road), Banbury and Aylesbury and the nearest Netto is at Milton Keynes.
- 5.9 Sequential Approach
 The site is located adjacent to a main road which is served by several bus routes and can be accessed by alternative means of transport other than the private car. Nevertheless, as required by government policy, the applicants have considered the potential alternative town centre and edge of centre sites and conclude that for various reasons there are no sequentially preferable sites that are available, suitable or viable for use. It is noted that the Lidl website actively seeks submissions of suitable sites for consideration and state a minimum requirement of 0.8 acres for stand alone stores though their report states a minimum of 1.5 acres. Taking each site that they identify in turn:
1. Bure Place – HDC&MD accept that with Sainsbury's presence, opportunities for

Lidl here are unlikely;

2. Claremont Car park – A 0.91ha (2.25 acre) site but it is recognised as not being available because of its ongoing need to meet the town centre parking requirements especially during the Bure Place works.
3. Corner of Victoria Rd and Linden Road – 0.39ha (0.9 acres) noted as being suitable for commercial activity but again it is not immediately available.
4. Crumps Butt – 0.4ha (1 acre) – recognised as been a complex site with several interests and unlikely to be available in the short term.
5. Cattle Market – 0.7ha (1.73 acres) Lidl classifies this site as being out of centre but it is only 350m from the primary shopping area. Government policy suggest edge of centres are generally classified as up to 300m away but links to the centre are good and it is suggested that this site would best be described as edge not out of centre. Although currently car parking and needed to accommodate the extra car park demands during development of Bure Place and used as overspill so there is relief elsewhere and close by, it may well be available in part after 2012. It is considered that this site may be suitable as it is not so constrained which would enable opportunities to mitigate neighbour impact issues and should be considered in more detail.
6. Other sites identified in the Options Paper 2007. These have been bracketed together under the assumption that because there is no specific mention for retail, they would be given over to urban extension/residential development. A further notable element arising from their review of these sites is that they are discounted on grounds that this would 'place a strain on the District's employment and residential land supply' as several currently represent either allocated or existing employment land. This is difficult to reconcile and is potentially significant given the current status of the application site. Also, notwithstanding the fact that the cattle market site could be considered further, the sequential test asks that consideration be given to central sites first and then move out gradually not to simply jump to out of town locations. Nevertheless, further consideration has been given to:
 7. Corner of Launton Road and Bessemer Close: HDC&MD accepts that this location should be for non-food retail unit provision. A recent planning application has received a resolution to approve for non-food uses (08/00709/F refers).
 8. National Grid Site, Launton Road: Located approximately half a mile from the centre of Bicester. This site has attracted the attention of Aldi who have publicly stated that they have an interest in the site but as yet no planning application has materialised. It seems to differ little in terms of its use to the site currently under consideration but is sequentially preferable to the Lidl site.

5.10 For the sequential test to be effective, retailers need to be flexible and this is a requirement of government policy. Lidl state that the benefits they offer can only be achieved as a consequence of their business model, critical components of which are the size and layout of the store. Lidl claim in their submission that this restricts their ability to be flexible yet claim also on their website that unit sizes can be flexible on design and scale between 8,000 and 19,000 sqft (743 and 1765sqm). It seems that because Lidl are seeking a 'neighbourhood' format they consider that they cannot be flexible, but this is not demonstrating the flexible approach required by Government advice.

5.11 Impact Assessment

The submitted Retail Assessment discusses Lidl's differentiated business strategy

of offering discount prices by selling a narrow range of primarily 'own brand' food products bought in bulk across Europe, and operating a 'no frills' policy to avoid unnecessary expense on packaging, presentation, store fit out and operating costs. As a result, the retailer has limited competition with other convenience stores and instead performs a complementary role. The applicants' evaluation of the impact of Lidl stores on other town centres demonstrates that because of the size of Lidl stores and the company's deep discount business model, they are unlikely to have a detrimental impact on the vitality and viability of town centres and will in fact provide for increased customer choice. It concludes that the proposal will not lead to significant adverse impacts of the kind described in PPS4 and will help to meet the 'qualitative need' set out in the Companion Guide to PPS4, particularly relating to 'hard discount' products.

- 5.12 The Council has an existing Retail Study to assess retail demand and supply in the District, which is currently being updated to inform the Local Development Framework. In the meantime GVA Grimley have been asked to critically review the applicant's submission on the retail impact side which was received just at the time of writing this report. Their report has concluded that 'there would be no significant adverse impact arising from the proposals and as such there would be no reason to refuse the application on retail grounds'. Trade diversions are most significant from the Tesco at Pingle Drive which is an out of town store so will not affect the town centre. It is likely that a Lidl store would improve the range of goods available within the catchment and remove the requirement for people to travel elsewhere to do their shopping.
- 5.13 It is further noted that recently elements of retail have grown strongly and will continue to do so. Development of 5,000 new houses at NW Bicester will add to demand for retail and other services locally, as well as to the need for employment. The town centre regeneration works which have started will be providing a new supermarket and retail employment and strengthen the vitality and viability of Bicester town centre.
- 5.14 Loss of Industrial Land
The application is supported by evidence which demonstrates that the existing building is unsuitable and should be demolished. The HDC&MD does not wish to take issue with this. There is no doubt that the building has been neglected since November 2008 when the last occupier released their interest. Until that point the building was maintained and distinctly marketable being a prime location at the entrance to an established commercial park.
- 5.15 To release the site from its prime purpose of industrial premises, it is reasonable to seek evidence that it has been marketed for at least 2 years (preferably 5) at a reasonable price and with reputable local and countrywide agents. The applicants state that they have been undertaking this exercise. The property was viewed by CDC internally in 2008 with the agent of that time. The building was simply being used for the storage of pallets of books printed elsewhere. It had at that point just begun to suffer break-ins and by the nature of its unkempt appearance was at risk of arson. Nevertheless, at least one offer to purchase the freehold had evidently been received but was turned down. Boards were subsequently placed over the broken door but since this time there have been many window breakages and vegetation has grown to effectively screen/encourage the further deterioration of the building.

- 5.16 The existing building would lend itself to occupation by a single business, or by smaller businesses, in a variety of uses that would complement the District's Economic Development Strategy. The building has some flexibility with high eaves access to the warehouse and open plan office layout on two floors, with prime road frontage and easy access to the strategic road network. The site as a whole has great flexibility, especially with the car park allowing related development. The Cherwell Investment Partnership has received enquiries directly from businesses seeking such a building with its associated car parking at a realistic price for general industrial use.
- 5.17 The current economic and property recession has undoubtedly reduced demand for commercial property in the short term. However, this is unlikely to continue, especially with the eco-town designation of Bicester and the growing interest in the town as a location for eco-technologies and spin-outs from Oxford. The District's Economic Development Strategy seeks to "maintain the capacity to create new space when it is required... and make best use of existing sites" (pg 23). It would appear that best use has not been made of this site in the recent past and even if the building should be demolished this should not suggest that the land should be released from an industrial/employment generating use.
- 5.18 Putting the building to one side (as it is not within the red line site) this site remains of particular importance to the 'gateway' to Bicester's established industrial estates. Although it is underused and its current neglected state reflects badly upon other businesses, this is not a reason to necessarily change its use. The car park area remains a prominent site in itself and is clearly capable of re-use for employment generating purposes and its loss has broader implications than loss of employment land. The site is already serviced by infrastructure and located in an existing commercial area. It, therefore, represents more in terms of economic development than purely abstract land supply.
- 5.19 To conclude this issue, it is the opinion of HDC&MD that losing the car park to this significant building would diminish its flexibility and potential re-use. If the trade counter application (10/00387/F) was not implemented, for whatever reason, development of this site would have a huge detrimental effect on the marketability of the former Publishing House building as it would have no car parking associated with it. Its future as effective employment generating premises would be severely threatened thereby compromising government policy to foster economic growth. If the trade counter application was implemented, the site still holds a considerable prominence and is clearly capable of re-use for employment generating purposes.
- 5.20 Design, scale, layout, materials and appearance
The store is proposed to be single storey with a metal decked mono pitched roof at a height not dissimilar to the surrounding buildings. It is orientated so that the entrances face onto the public domain fronting onto Launton Road whilst the delivery loading dock is set back adjoining the other commercial industrial unit along Telford Road. Being a modern retail facility which needs to be welcoming to customers the design will set it apart from the other industrial units but is acceptable in this context.
- 5.21 Further, the store itself is designed to minimize energy loss and incorporates energy efficient features including solar heating, natural lighting and ventilation. A

“Sustainability and Energy” Statement is to be submitted by the applicant detailing the developments ‘green’ credentials but at the time of writing this had not been received. Nevertheless, the HDC&MD is confident that these aspects will be adequately addressed and considers that this is not a contentious issue.

5.22 Parking provision and highway safety

The layout has provision for access directly off Telford Road. This arrangement and the carparking shown meets County standards and the application has not met with an objection from the County. HDC&MD is satisfied that matters of parking and highway safety are adequately addressed.

5.23 Impact on amenities of neighbouring properties

The immediate surrounding properties are industrial/employment and there are other retail uses nearby and these uses will not be affected by this proposal given their commercial nature. The nearest residential properties are some distance to the northwest separated by a main road and amenity land so will remain protected from any potential acknowledged harmful impacts.

5.24 S106 Agreement

A development of this nature would require an agreement on requirements from the County Highways and a contribution to public art both of which the applicant has undertaken to enter an agreement on so there is no issue in this regard.

5.25 Conclusion

The Government’s over arching objective is sustainable economic growth and to help achieve this the objectives for planning include, inter alia, promoting the vitality and viability of town and other centres. New development of main town centre uses should be focused in existing centres. This application represents an out of centre food retail store which immediately conflicts with that principle aim. Further, the land is prime industrial/employment land which is a valuable resource and should remain in employment generating use.

5.26 The Council has been actively promoting an overall strategy and vision for Bicester, a strong element of which is now being progressed as the town centre redevelopment scheme. This application pre-empts the Council’s retail study for the LDF so the sequential approach and the impact test required by PPS4 are key considerations when assessing this proposal. It is considered that there are sequentially preferable sites including edge/adjacent of centre and sites out of centre but closer than this site which should be pursued, but it is not considered that this proposal would harm the vitality and viability of Bicester Town Centre. To this end, the reasons for refusal are confined to the remaining issue relating to the loss of this employment site.

6. Recommendation

Refusal, on the following grounds:

- 1. In the opinion of the Local Planning Authority there are other sequentially preferable sites for the development proposed (defined as a town centre use in PPS4) which would not require the applicant to significantly or unreasonably alter their format or utilise an important employment site. The use of this site for retail would fail to make the most efficient and effective use of the land which has a**

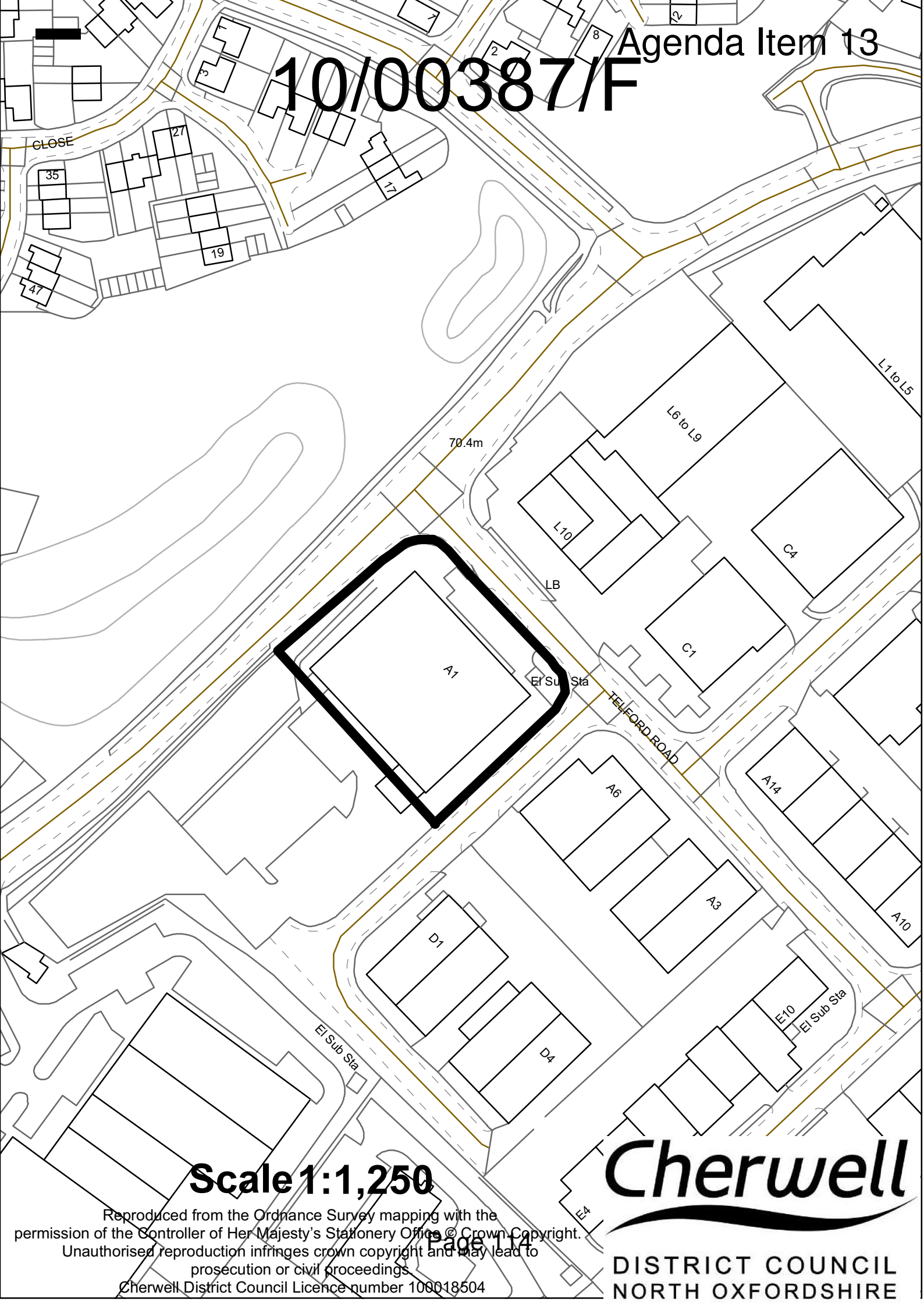
reasonable prospect of re-use for employment generating development. The proposal is, therefore considered to be contrary Policy SP3 of the South East Plan 2009 and government advice contained in PPS4.

- 2. If the trade counter application (10/00387/F) were not implemented the existing former Publishing House building would have a chronic shortfall of car parking to the detriment of its future re-use for employment generating purposes thereby restricting the potential for Bicester to accommodate new business development in an established industrial area. In undermining the future employment use of the wider site, the proposal is considered to be contrary Policy SP3 of the South East Plan 2009 and government advice contained in PPS4.**

CONTACT OFFICER: Rebecca Horley

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10/00387/F



Scale 1:1,250

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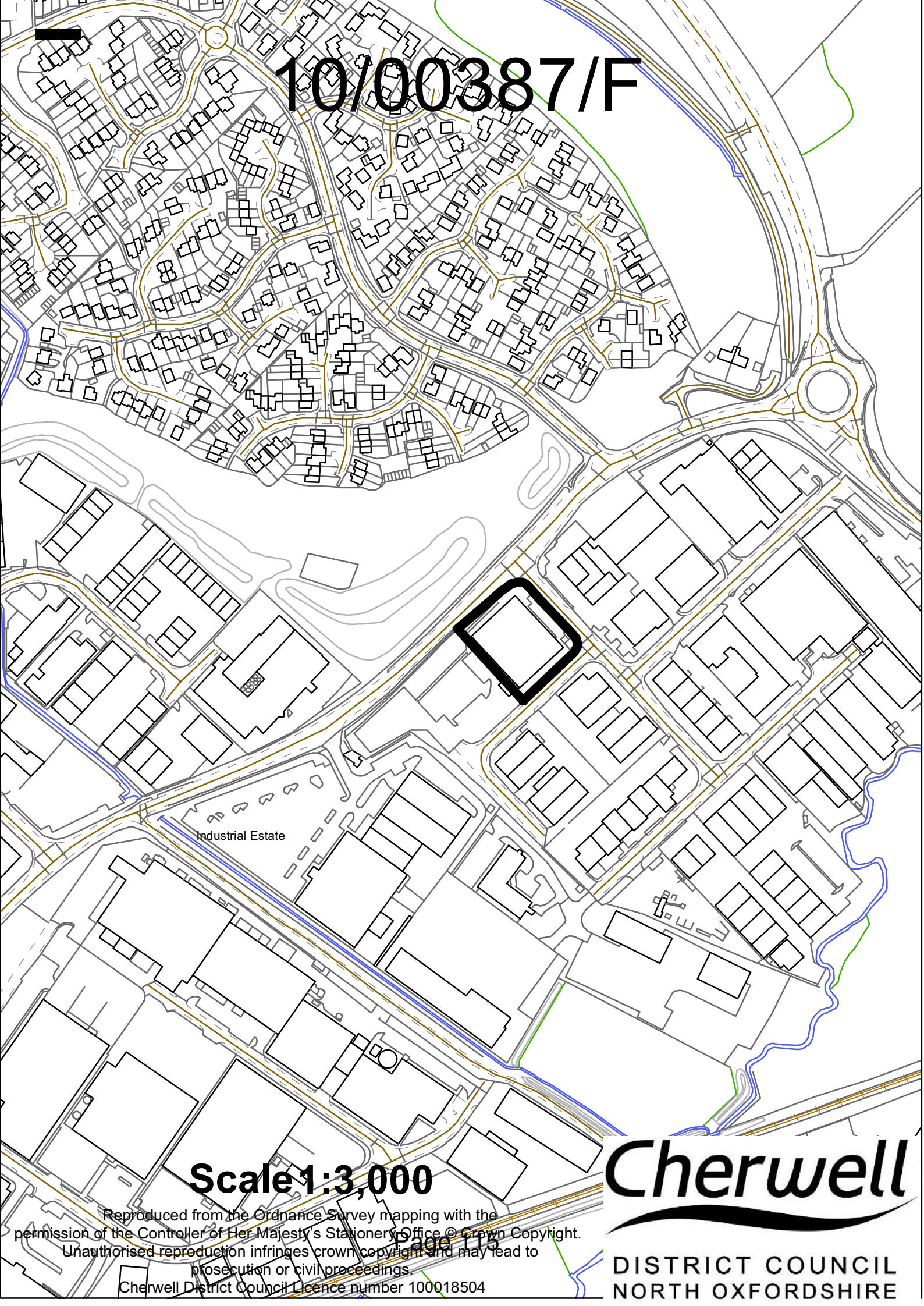
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**DISTRICT COUNCIL
NORTH OXFORDSHIRE**

10/00387/F



Industrial Estate

Scale 1:3,000

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Cherwell

**DISTRICT COUNCIL
NORTH OXFORDSHIRE**

Application No: 10/00387/F	Ward: Bicester East	Date Valid: 11/03/2010
Applicant:	Mr Brian Gardener c/o G L Hearn Property Consultants, 20 Soho Square, London, W1D 3QW	
Site Address:	Former Publishing House, Telford Road, Bicester	

Proposal: Demolition of the Former Publishing House and erection of a single storey building to provide 4 No. trade counter units (use class B1 and B8 with ancillary sales area), car parking for 24 No. vehicles, improved access and associated landscaping.

1. Site Description and Proposal

- 1.1 The site is located approximately 1 mile to the northeast of Bicester town centre to the southeast of the Launton Road. Access is along Telford Road which leads to the industrial estate. Launton Road retail park is just to the south of the site.
- 1.2 The red line of the site which is 0.87ha (0.35 acres) includes the industrial building which occupies the northeast half of the site fronting onto Telford Road and some 18 no. car parking spaces on the northeast and southeast of the building. The site does not include the parking area to the rear. The majority of the current landscaping is quite unremarkable with isolated planting beds confined to the boundaries. However, there are a number of trees affected by the scheme.
- 1.3 The industrial building (The Former Publishing House) is a steel framed building which is finished in cladding and stone chip concrete panels. The roof is pitched and clad with metal profiled sheets. There are 2 roller shutter loading doors with canopy protection that serves the warehouse. It provides offices, printing and binding production and warehousing (use classes B1 and B8) with a gross internal area of 2688 sq m.
- 1.4 The character of this area is commercial in nature. Much of the built form is single or two storey buildings clad in a mixture of brickwork and metal which feature on both the Telford Road and Launton Road estates. The land opposite, on the west side of Launton Road is grassed open public spaces with residential dwellings beyond.
- 1.5 The proposed scheme is for a single storey building to provide 4 trade counter units of B1 and B8 use and ancillary sales, car parking for 24 No. vehicles, improved access and landscaping on the part of the site occupied by the former Publishing House. A parallel application (10/00385/F) has also been submitted for a Class A1 retail foodstore (1286 sqm net tradable area) together with 75 No. car parking spaces, a new access and landscaping on the car park which serves this industrial building. The occupier of that foodstore is proposed to be Lidl who are joint applicants of that application with Mr Gardener (sole applicant of this application).
- 1.6 The trade counter building is proposed to be located in the approximate position of

the existing building and have a footprint of 1678 sq m (being approximately 60m x 29m external). It will be a single storey steel portal frame with an overall height of approximately 9.7m. Although pitched, the roof will be hidden by a small parapet to the front elevation and each unit will have a glazed front entrance with glazed canopy and space for signage. The walls will be clad in white metal and the roof similar. The buildings are designed to allow flexible internal arrangements e.g. for future mezzanine floors.

- 1.7 Access is directly from Telford Road into the site at 2 points which are existing but will be widened. This will serve customers, staff and deliveries. The access to the site from the southeast will be blocked off. The car parking provision is for both staff and customers.
- 1.8 The application is supported by evidence consisting of a transport assessment, the building condition report, ground contamination report and arboriculture report. There is also a design and access statement.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, neighbour letter and press notice. The final date for comment was 16 April 2010. At the time of writing, no letters had been received

3. Consultations

- 3.1 Bicester Town Council – **No objection.**
The application is welcomed with the provision of further competition and the accompanying job opportunities. However, the impact on traffic generation on the Launton Road needs further investigation to ensure it is managed effectively. The likely increase in traffic movements, once the proposed Evergreen 3 railway improvements are in place needs to be considered. It is requested that, in line with Bicester's eco-town status, the building is designed to be environmentally friendly, for example, by reducing its demand for utilities, and sustainable, by reducing its carbon footprint.
- 3.2 Oxfordshire County Council (Highways) - **No objection**, subject to conditions.
The proposal would reduce the potential trip generation of the site. Vehicular access would be taken to the front of the existing, and proposed, building with the access to the South becoming redundant. The two existing accesses, to the front, would be widened to ease turning movements. The front of the site would be laid out to provide off-street parking and manoeuvring areas.
An appropriate level of parking would be provided, in accordance with local standards, and it is not expected the development would lead to any addition to on-street parking pressures. The manoeuvring areas provide simple turning provision for cars and vans; turning for larger vehicles is more complicated, however, the submitted plans demonstrate a pantechnicon (11m x 2.5m) could be turned within the site in a reasonable manner.
- 3.3 Thames Water – Waste and water comments: **No objection.** Details of requirements are provided in the letter correspondence.

- 3.4 Head of Building Control and Engineering Services – **No objection.**
- 3.5 Head of Planning Policy & Economic Development (Policy) – **No objection**
 This proposal for employment generating development on a brownfield site can be supported in policy terms on the basis that the retail element is ancillary to the employment uses. There is no objection in principle subject to there being no demonstrable harm created (in the context of the criteria set out in paragraph EC10.2 of PPS4).
- 3.6 Economic Development Officer – **Object**
 The industrial estate is owned by individuals who have recognised that environmental improvements are required. The Council is currently working with land owners, businesses and Bicester Vision to rename and number the whole estate, and to remove inappropriate signage clutter. As such, the owner of Publishing House would be welcome to participate, and therefore expected to benefit from the enhancements to the area in marketing this property. This is a longer term solution to the problem but this proposal, which provides a 'quick fix' solution for these poorly managed premises would further reduce the available opportunities for general industrial uses in Bicester. At an appropriate price, this site (including these premises) would be attractive for businesses less likely to conflict with existing industrial estate occupiers.
- 3.7 Landscape Services Manager (Landscape Architect): **No objection** though this is subject to details and conditions. Revised landscape proposals are required to address the following:
 As much of the existing boundary treatment as possible should be retained because:
1. the established trees, fastigate Hornbeams, already provide amenity and environmental benefits to what would otherwise be a rather bleak industrial estate: car park immediately to the SE, and it would take some time for new tree planting to achieve this.
 2. They have established themselves with sufficient height and spread and will provide instant mitigation to the development proposals. It is best to leave the established understory of the aforementioned trees to ensure that no damaging cultivations are done to the soil (but the shrubs will require some pruning). This is the case with the 2 no Hornbeams with the Prunus 'Otto Luyken' under planting on the SE boundary vehicle entrance and the Hornbeams with Pyracantha and Berberis darwini under planting on Telford Road side. All retained trees must be protected in accordance with BS 5837: 2005 Trees in relation to construction and all work methods around the root protection areas to be in accordance with this BS also. Refer to comments from the Arboricultural Officer below.
 3. A bird nest exists in a tree adjacent to the a vehicle entrance, proposed to be widened, on Telford Road, as the this is the bird nesting season, no works are to commence until it has been ascertained if the nest is 'live' as it is illegal to disturb nesting birds under the Wildlife and Countryside Act 1981.
 4. The landscape scheme must acknowledge the recent bat survey and include ornamental shrubs within the boundary foraging corridors that are attractive for food source for insects (bat food).
- 3.8 Landscape Services Manager (Arboricultural Officer): **No objection** though this will be subject to details and conditions relating to confirmation of a TPO.
 A number of existing trees around the boundary are considered to be suitable for

protection and retention. There are 2 No. Hornbeams on the SE boundary suitable for a TPO along with another Hornbeam adjacent to the existing entrance on the northern corner and another Hornbeam on the NW boundary adjacent to the Launton Road. The remaining trees along the boundary of this section should not be considered as constraints to the proposal.

- 3.9 Environmental Protection Officer: **No objection**, subject to condition(s).
This site has historically been occupied by a factory or industrial works. As such the full phased contaminated land conditions are recommended.

4. Relevant Planning Policies

- 4.1 Central Government Guidance in the form of:
PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPG13: Transport
PPS23: Planning and Pollution Control
- 4.2 South East Plan Policies: SP1, SP3, CC1, CC2, CC4, CC6, CC7, RE3, T4, T5, NRM5, W1, W2, BE1, BE3, S1, CO1 and CO2
- 4.3 Adopted Cherwell Local Plan 1996 Saved Policies: C28, C32, ENV1 and ENV12. The site is unallocated.
- 4.4 Non-Statutory Cherwell Local Plan 2011 Policies: S1, TR1, TR2, TR3, TR5, TR9, TR11, EN17, D1, D2, D3, D5 and D9. The site is unallocated.
- 4.5 Draft Core Strategy – February 2010. Whilst at this time little weight can be given to this document, in terms of it being a material consideration, it should be noted that the Council's broad strategy is to focus growth in and around Bicester
- 4.6 Employment Land Review (2006). The site is identified as part of the Telford Road Industrial Estate cluster.

5. Appraisal

- 5.1 The main issues for consideration are principle of the development including retail impact; effect on policy; loss of industrial building/premises; effect on the character of the area including design, layout, scale and materials; parking provision and highway safety; impact on amenities of neighbouring properties and sustainability.
- 5.2 Principle of the development
Trade counters are not well defined in legislation, circulars or guidance notes but the term generally relates to a small discrete area separated from the rest of the premises in which specialist purchases are made, usually by tradesmen, either from a small display or some form of catalogue or computerized system. Purchased goods are retrieved from the warehouse stock accessible only to staff behind the counter and goods are not kept within any display area. This application seeks consent to allow such trade counters within 4 No. B1/B8 units which would permit the operator of such a unit to sell directly to trade. By definition no retail sales should take place, save for an ancillary element which is a level of tolerance for

another use which differs from the primary use. The application supporting information states that there will be 'ancillary retail which will provide a range of goods accessible to the general public'.

- 5.3 Members should note that there is no firm definition in terms of percentages and floorspace requirements that can further inform the meanings of the terms "small discrete area" or "level of tolerance" or "ancillary". Unit 7 Telford Road gave permission for a "A Touch of Pine" to operate a retail use/area on not more than 25% of its total floor area (with the remainder being B8) which experience has shown is generous because this amount has proved to be sufficient to change the nature of the unit. This would demonstrate that the only effective means of ensuring that retail sales are kept ancillary is to limit the amount of display space.
- 5.4 Further, if a mezzanine is intended for an ancillary use such as storage, display, or staff facilities, it is unlikely, by itself, to prejudice town centre objectives. However as it may release floorspace elsewhere which can be used for retail purposes, this could act against town centre objectives where it is not within the primary shopping area.
- 5.5 Being a speculative application, there is limited evidence to demonstrate how the sales areas will be configured (to allow flexibility to future occupants). Advice from planning consultants GVA Grimley on the matter states that the use of conditions on a planning permission are an effective way to resolve the issue because to allow the units to trade in a retail capacity would be inappropriate in this out of centre location. GVA Grimley recommend that a condition to limit the publicly accessible floor area of the trade counter space to 42 sqm should be imposed. They note that without an understanding of the nature of goods to be sold from these trade counters it is difficult to estimate a maximum threshold for ancillary sales area. However, given the limited floorspace required to provide a sales desk, catalogue system and small display area this level recommended would be sufficient to accommodate the appropriate and genuine operations of a trade counter.
- 5.6 Effect on policy
The Adopted and Non Statutory Cherwell Local Plans do not include policies specifically relating to the reuse or protection of the site for employment uses. Nor are there specific policies regarding trade counters.
- 5.7 The site is outside of the town centre and is not allocated for employment use within the Adopted or Non Statutory Cherwell Local Plans. The building was formerly in employment use although it is now vacant. The site is however identified in the Employment Land Review (2006) as part of the Telford Road Industrial Estate cluster. The ELR considers the cluster to be in 'good or very good' condition, and notes:
- The estate is well occupied and active although there were a number of vacant units available at the time of the survey
 - Comprises a mix of commercial uses ranging from small scale manufacturing and high tech firms to aggregates production
 - The southern end of the site has some retail elements and further incursion should be discouraged
 - Some premises appear to be in poor condition, road infrastructure is well maintained but the overall environment could do with some improvements.

- 5.8 The South East Plan policy SP1 identifies Bicester within the Central Oxfordshire sub region, which is an area of focus for growth and regeneration. Policy SP3 promotes an urban focus for development in order to foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel. Local Planning Authorities (LPAs) are required to formulate policies which, amongst other things, concentrate development within or adjacent to urban areas and seek to achieve at least 60% of all new development on previously developed land.
- 5.9 Planning Policy Statement 4 (Planning for Sustainable Economic Growth) sets out national planning policies for economic development and states that “local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably” (para EC10.1).
- 5.10 Planning applications for economic development should be assessed against the following (para EC10.2):
- Limiting carbon dioxide emissions, and minimising vulnerability and providing resilience to climate change
 - Accessibility by a choice of means of transport
 - Whether the proposal secures a high quality and inclusive design
 - Impact on economic and physical regeneration
 - Impact on local employment.
- 5.11 The proposal includes what is stated to be an ancillary sales area. PPS4 contains policies to focus the growth and development of the main ‘town centre uses’ (i.e. retail) in existing centres in order to promote the vitality and viability of town and other centres as important places for communities. However, PPS4 also states that “the town centre policies in this PPS apply to planning applications for the above uses [town centre uses] unless they are ancillary to other uses” (para EC14.2). As the retail element is ancillary, a sequential approach and impact assessment to demonstrate that there is no significantly adverse impact on the vitality and viability of the existing town centre is not required.
- 5.12 This proposal represents an appropriate employment use (B1/B8) on a site which is designed for such a purpose. In pure land use planning terms, the application is acceptable as there is no conflict. The loss of the building is unfortunate but if the employment demand is for trade counters then it is appropriate to consider this favourably and not stifle such opportunities. A judgment on whether or not there would be any demonstrable harm is made by assessing the application against the criteria outlined in paragraph 5.10 above.
- 5.13 In energy and sustainability terms regarding the building itself, being a modern building it will have enhanced eco credentials. It is proposed to be constructed to include in the roof structure photovoltaic and solar heating panels. Rooflights will exploit natural daylight and low energy lighting operated by proximity sensors will be included. Being on a main road served by several bus routes, the site is accessible by a choice of means of transport. The design of the building is detailed in paragraph 1.7 and considered acceptable and will serve to help support job and wealth creation.
- 5.14 Loss of Industrial Building
The application is supported by evidence which demonstrates that the existing

building is unsuitable and should be demolished which HDC&MD would not wish to take issue with. There is no doubt that the building has been neglected since November 2008 when the last occupier released their interest. Until that point the building was maintained and distinctly marketable being a prime location at the entrance to an established commercial park.

- 5.15 That said, the simple facts remain that the building for employment generating uses is vacant and needs to be brought back into use for the same purpose. Notwithstanding the points raised by the economic development officer about the building not being put to its best use, the final conclusion made is that if the building needs to be demolished it should not be released from an industrial/employment generating use. This application represents an opportunity for it to remain B1/B8.
- 5.16 Design, scale, layout, materials and appearance
The building is proposed at a not dissimilar scale to the existing building in terms of footprint and height which in turn is characteristic of the surrounding buildings. It is orientated so that the entrances face onto the public domain fronting onto Telford Road and will not compromise any future layout of the land to the rear currently used as car parking. The choice of materials is modern and contemporary which, whilst contrasting with the rest of the estate would not be detrimental.
- 5.17 Conceptually the landscaping proposals are acceptable in principle and it is only matters of detail that require further consideration and can be adequately addressed by condition and will not prejudice the outcome of this application.
- 5.18 Parking provision and highway safety
Vehicular access would be taken to the front of the existing, and proposed, building with the access to the South becoming redundant. The two existing accesses, to the front, would be widened to ease turning movements. The front of the site would be laid out to provide off-street parking and manoeuvring areas for customers, staff and deliveries. The comments from the County as Highway Authority are noted and with no technical objection to the scheme, there is no harm in this regard, subject to the proposed conditions.
- 5.19 Impact on amenities of neighbouring properties
The immediate surrounding properties are industrial/employment and retail uses and will not be affected by this proposal given its commercial nature. The nearest residential properties are some distance to the northwest separated by a main road and amenity land so will remain protected from any potential acknowledged harmful impacts.
- 5.20 Conclusion
The Government's over arching objective is sustainable economic growth and an application which seeks to foster such growth by providing employment generating opportunities should be welcomed. HDC&MD considers that this site is prime industrial/employment land which is a valuable resource and should remain in employment generating use.
- 5.21 In recommending approval for the scheme it should be made clear that the trade counter itself is an ancillary element of the principle use which will remain B1/B8. Each trade counter will form a small section of the B1/B8 unit from which a percentage of retail can be tolerated and allowed as an ancillary element. The

recommended condition to limit the publicly accessible floor area of the trade counter space to 42 sqm represents approximately 11% of the total for each unit and will in turn be effective in ensuring that any retail element of the units is not exploited such that it would harm the vitality and viability of Bicester town centre.

6. Recommendation

Approval, subject to the following conditions:

- 1. 1.4A (RC2) Full Permission: Duration Limit (3 years)**
- 2. Except where otherwise stipulated by conditions attached to this permission, the development, shall be carried out strictly in accordance with the drawings and documents detailed on the schedule 09.001.B1 by Seymour Harris Architecture. Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.**
- 3. 3.0A (RC10A) Submit Landscaping Scheme**
- 4. 3.1A (RC10A) Carry Out Landscaping Scheme and Replacements**
- 5. 3.2AA (RC10A) Retained tree. From the date of this decision notice.**
- 6. 3.3AA (RC72A) (a to q) Scheme to be submitted to protect retained trees.**
- 7. That the 4 No. trade counter units hereby approved shall be retained as 4 separate units and shall not be amalgamated or split and notwithstanding the provisions of Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting the order with or without modification) no internal alterations, including the provision of mezzanine floorspace, shall be carried out without the prior express planning consent of the Local Planning Authority.**

Reason - To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with PPG13: Transport and Policies T4 and T5 of the South East Plan.

- 8. The units hereby permitted shall be used for purposes within classes B1 or B8 of the Town & Country Planning (Use Classes) Order 1987, or any amendment thereto, and any retail sales of items direct to the public shall be ancillary to the main use. As such customers shall not access any area of the building other than that marked on a floorplan which is to be submitted to and approved by the Local Planning Authority prior to the occupation of each unit. That area shall not exceed 42 sqm for each unit or 168 sq m for the whole building.**

Reason – To enable the Local Planning Authority to retain planning control over the development of this site in order to maintain its character and ensure that the units are not used inappropriately for retail purposes which would conflict with Government Advice in PPS4 Planning for Sustainable Economic Growth, Policy

B1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 9. That before the development is first occupied, the access, parking and manoeuvring areas shall be provided in accordance with the submitted plans and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter. (RC13BB)**
- 10. That before the development is first occupied, the redundant vehicular access to the south east of the site shall be closed and the footway and kerb reinstated to an appropriate height. (RC13B)**
- 11. 4.22AA (RC13CC)**

Planning Note:

- 1. With regard to condition 10, all works in the highway must be in accordance with the Local Highway Authority (LHA) specifications. Please contact the LHA on 08453 10 11 11 to obtain the appropriate permission.**
- 2. This permission shall not imply or be deemed to imply approval for any advertisement material shown on the plans accompanying the application for which separate consent would need to be obtained from Cherwell District Council.**
- 3. Thames Water has been consulted in respect of the application and a copy of their letter of reply is enclosed for your information.**
- 4. X1 Biodiversity/protected species**
- 5. ZZ Land contamination**

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

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and has no undue adverse impact upon the neighbouring amenities or highway safety. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth, PPG13: Transport, Policies SP1, SP3, CC1, CC2, CC4, CC6, CC7, RE3, T4, T5, NRM5, W1, W2, BE1, BE3, S1, CO1 and CO2 of the South East Plan 2009 and Policies C28, C32 and ENV1. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

CONTACT OFFICER: Rebecca Horley

TELEPHONE NO: 01295 221837

Agenda Item 14

Planning Committee

High Speed Two – Exceptional Hardship Scheme - Consultation

20 May 2010

Report of Head of Development Control and Major Developments

PURPOSE OF REPORT

To notify members of the Councils response to a consultation exercise relating to the proposed high speed rail route, exceptional hardship scheme.

This report is public

Recommendations

That members of the planning committee note and endorse the Councils response as set out in the appended letter to HS2 Ltd dated 6 May 2010

Introduction

The Government have published proposals for high speed rail and issued Exceptional Hardship Scheme consultation. The scheme proposed is a voluntary purchase scheme to protect the interests of residential owner-occupiers whose properties may be affected by the recommended high speed rail link between London and the West Midlands.

This consultation process is underway and ends on the 20th May 2010. In light of this timescale a consultation response has been prepared and returned on behalf of Cherwell District Council. This was to ensure affected parishes could be informed of the Councils view. The consultation was prepared in consultation with the Head of Regeneration and Estates and both the Leader of the Council and Portfolio Holder, Planning and Housing.

Background Information

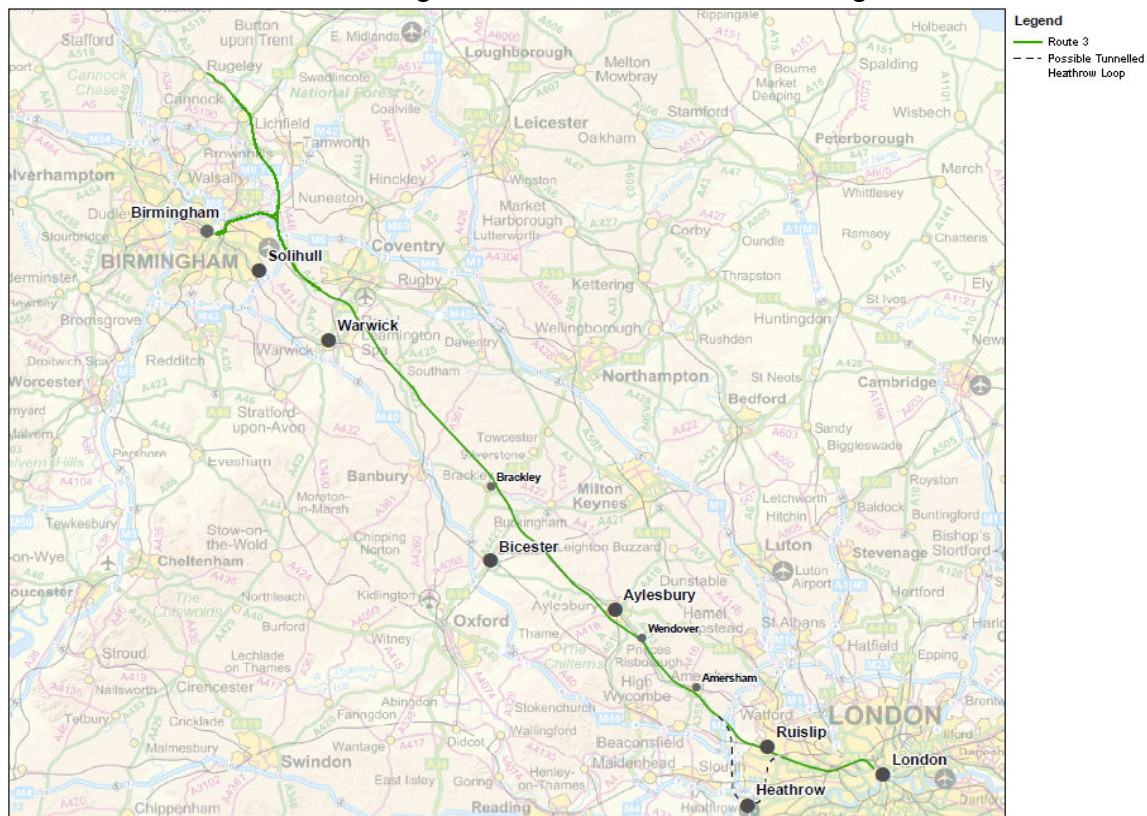
The Government has published proposals for high speed rail in Britain, with a detailed recommended route option for the first part between London and Birmingham.

The recommended route is on the map embedded within the report. High

speed trains would go from London Euston, through a Crossrail Interchange station at Old Oak Common in West London, to an interchange station near Birmingham Airport and the NEC, and on to a new Birmingham station. A section of the recommended route crosses Oxfordshire, to the East of Bicester.

It is important to note that the Government has not committed to building any route yet. No final decision will be taken on the route before members of the public have a chance to offer their views in a formal public consultation, starting this Autumn.

The overall aim of the project is to increase national rail capacity. Without this line, by 2033 the average long distance West Coast Mainline train would be 80% full – meaning very severe overcrowding at peak times. Apart from delivering much faster journeys, HS2 would release capacity on the West Coast Mainline, enhancing commuter, suburban and freight services.



Recommended Route

The consultation on the exceptional hardship scheme sought views with regard to measures to protect the interests of residential owner-occupiers of properties the value of which may be seriously affected by the preferred route option for the new high speed rail route between London and Birmingham who can demonstrate that they have urgent need to sell their properties.

Key Issues for Consideration/Reasons for Decision and Options

The Council's comments are set out in the attached letter dated 6 May 2010. The letter sets out support for a robust and well developed scheme, but raises issues with the proposal including scope of, and who would benefit from such a scheme.

Implications

Financial: No direct financial implications to Cherwell District Council with regard to the consultation process for the exceptional hardship scheme.
Comments checked by Eric Meadows, Service Accountant 01295 221556

Risk Management: None
Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221560

Wards Affected

All

Document Information

Background Papers – High Speed Two - Exceptional Hardship Scheme consultation – March 2010 and Letter Cherwell District Council to HS2 Ltd dated 6 May 2010 appended.

Report Author	Jameson Bridgwater – Head of DC&MD
Contact Information	01295 221810 jameson.bridgwater@Cherwell-dc.gov.uk

Planning, Housing & Economy

John Hoad Strategic Director Planning, Housing and Economy
Jameson Bridgwater Head of Development Control & Major Developments

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

High Speed Two Ltd
Exceptional Hardship Scheme - Consultation
55 Victoria Street
London
SW1H 0EU

Bodicote House
Bodicote • Banbury
Oxfordshire • OX15 4AA
Telephone 01295 252535
Textphone 01295 221572
DX 24224 (Banbury)
<http://www.cherwell.gov.uk>

Please ask for **Jameson Bridgwater**
Direct Dial 01295 221810 Fax

Our ref

Your ref

Email jameson.bridgwater@cherwell-dc.gov.uk

6 May 2010

Dear Sir

HIGH SPEED TWO – EXCEPTIONAL HARDSHIP SCHEME - CONSULTATION

Thank you for taking the opportunity to consult with Cherwell District Council. The proposal has created a great deal of interest and some anxiety within the communities that the suggested route crosses. The scheme has been examined by David Marriott MRICS, Head of Regeneration and Estates.

I have set out Cherwell's response in relation to the three key questions raised.

Question 1 - Should there be an exceptional hardship scheme?

The existence of a proposed scheme will have a very significant impact on properties affected, and consequently a robust and well developed scheme should be introduced. The process for bringing these proposals forward are such that the normal arrangements to enable the serving of a blight notice do not apply, and consequently the lack of such a scheme would be unfair to residents affected by the proposals.

Question 2 - Do you agree with the principles and criteria?

The arrangements seem to be reasonably consistent with the statutory provisions for blight which would apply if the scheme were included in a development plan. However this means its application will be quite severely restricted. It is restricted to residential owner occupiers whose property is covered by the criteria set out. Paragraph 2.10 refers to properties "on or in the close vicinity of any sections of the preferred route". It is not clear what "in the close vicinity" means, but properties some distance away from the route are likely to be adversely affected. The distance will vary according to the geography, and the degree of exposure which any property has to the route, and also the type of property itself. In some places houses up to half a mile or more away may become very hard to sell other than at a considerably reduced price. In relation to the section of the proposed route through Cherwell this is particularly important as large sections appear to be elevated above the flood plain, and as such the potential impacts are likely to be wider.

The proposals only benefit owner occupiers, defined as someone who must have occupied the property. It is not clear whether they must have been in occupation at or after a given date. It may well



be that some houses have been vacant for some time, or let temporarily, and those may not be eligible for the scheme.

The scheme is proposed to cover only those with a pressing need to sell. It refers to extreme financial pressure, but it is not clear what this means. Many others who would like to sell will be excluded, so the scheme will not replicate the normal blight provisions in this regard.

As with Blight provisions, it will be necessary for the owner to demonstrate that he/she has been unable to sell in the normal way.

Question 3 - Do you agree with the proposals for operating the scheme?

It is important to note that the scheme will be entirely discretionary, and the SoS will not be bound by it. The SoS would have up to three months to consider applications, this is particularly harsh if you are experiencing extreme financial pressures. Residential owner occupiers may well be bankrupt before they get an answer. It will be up to independent valuers to determine the offer price, i.e. the price the property should have sold for in the absence of the scheme. This can be complex, and no appeal mechanism is proposed.

Overall this seems to be something of a fig leaf that may benefit a few people who are put in an impossible position. Many others who find their homes to be adversely affected will have to either take the financial hit and sell for whatever they can get, or wait it out and seek compensation when a CPO is made, or after the scheme has been built, which is likely to be many years away.

It is suggested that a reasonable and fair amendment would be to open the scheme to any property owner who wishes to sell but cannot other than at reduced value, rather than just those in hardship.

In addition we have been able to examine the comments of our neighbours in Buckinghamshire and Northamptonshire and believe that the comments they have raised are worthy of consideration and have merit. I hope these observations assist you in refining and developing a scheme that balances the national strategic interest alongside those of property owners and occupiers who will suffer impact from the construction and operation of the route.

Yours faithfully



Jameson Bridgwater Dip TP MRTPI
Head of Development Control and Major Developments

Planning Committee

Tree Preservation Order (NO 04) 2010 Birch Tree at Stable cottage, Canal Road, Thrupp

20 May 2010

Report of the Head of Development Control and Major Developments

PURPOSE OF REPORT

The purpose of this report is to advise Members of objections received to the above-mentioned Tree Preservation Order and to seek a decision on whether or not to confirm the Order.

This report is public

Recommendations

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order 04/2010 Stable Cottage, Thrupp without modification in the interests of public amenity.

Executive Summary

Introduction

- 1.1 Following receipt of a section 211 'notice of intent' to remove a birch tree located within the conservation area, a site visit indicated that the tree was suitable for a Tree Preservation Order and that the proposal to fell would be detrimental to the amenity of the area.

Proposals

- 1.2 The tree located within a conservation area, is considered to have a high level of amenity value and the reasons for its removal are not considered justifiable or necessary. It is therefore proposed that the tree become subject of a Tree Preservation Order without modification.

Conclusion

- 1.3 Members are asked to confirm the above Tree Preservation Order under the following powers:

Statutory powers are provided through :

Section 198 Town and Country Planning Act 1990.

Town and Country Planning (Trees) Regulations 1999

The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments to make Tree Preservation Orders under the provisions of *Section 201 of the Town and Country Planning Act 1990*, subject to there being reason to believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity.

The power to confirm Tree Preservation Orders remains with the Planning Committee.

The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 23rd March 2010. The statutory objection period has now expired and one objection was received to the Order.

Background Information

- 2.1 The Order relates to 1 No birch (*Betula* spp.) located within the boundary of Stable Cottage, Thrupp (see plan attached as Annex 1).
- 2.2 The Tree Preservation Order was made on the 25/03/2010 as a result of a site visit undertaken following submission by the owner, Mr Matthews, of a section 211 'Notice of Intent' to remove a tree located within a Conservation Area.
- 2.3 Although not a legal requirement, the notice submitted stated that the reasons for removal were due to excessive shading of two 'living' rooms, excessive seed and leaf fall causing a nuisance to a neighbour's swimming pool and the concerns of the owner regarding the potential structural risks the tree presented to the adjacent house located 1.0m away.
- 2.4 A letter of objection has been received from Mr Matthews regarding the making of this TPO. A copy of this letter forms Annex 2 to this report. The letter received is summarised below:

2.5 The objection received from Mr Matthews states that:

- a) the tree presents an increasing risk of indirect & direct damage to the adjacent structure and foundations.
- b) the tree casts excessive shading over the immediate garden area.
- c) the tree blocks light into two adjacent 'living' rooms
- d) the tree produces high volumes of leaf and seed fall causing a particular nuisance to the neighbouring swimming pool.
- e) its removal would not affect local amenity value as it is one of a group of three trees.

Key Issues for Consideration/Reasons for Decision and Options

Considerations

- 3.1 The birch, identified as T1 in the TPO, is the largest of a group of three trees located in the garden area of Stable Cottage. The tree is a large, maturing specimen of good form and no visible structural or physiological defects noted.
- 3.2 The majority of the crown is clearly visible as you approach the centre of the village, and is visible from a number of adjacent residential properties including the local Public House.
- 3.3 The tree (T1) is located approximately 1.0m from an adjacent structure. To date no written professional evidence has been submitted supporting any concerns of structural damage and no above ground, external signs of damage were noted by during my site visit.
- 3.4 Generally, tree roots are normally diverted when they come into contact with adequate foundations. Due to the garden area present, I would anticipate that the majority of tree roots would seek water and nutrients away from the structure
- 3.5 It should be noted that due to the proximity of the tree to the adjacent structure that a risk of damage will be present. Although in this situation I currently consider there to be a low risk of structural damage presented to the property. Concerns regarding structural damage may always be addressed upon the provision by the homeowner of a professional report provided by a structural engineer. Upon receipt of such a document, Cherwell District Council will act appropriately to all findings submitted within.

- 3.6 All trees are capable of casting varying levels of shade across residential properties and garden areas. Birch trees do not have dense canopies and are generally considered to cast a 'dappled' shade only.
- 3.7 The presence of adjacent trees and the age/design of the existing property should be taken into consideration. There may be other solutions to improving light levels into the garden area and house which warrant consideration prior to undertaking any unnecessary or unjustified tree works. For example, excessive shading may be partly addressed by removing other trees within the garden which do not have sufficient amenity value and are not subject to any Tree Preservation Orders.
- 3.8 Birch trees are not generally known for excessive leaf fall primarily due to the comparatively reduced volume and size of foliage compared to other species. The complaint of fallen catkins (fruit) and their influence on the neighbouring swimming pool although understandable, is only a nuisance of a maintenance nature and should be considered by occupiers when installing or buying a property such a feature with the 'nuisance' issues addressed during standard maintenance operations.
- 3.9 The nuisance issue of additional maintenance on the swimming pool is not considered a justifiable reason for removing a tree of high amenity value within a conservation area.
- 4.0 As previously stated the birch (T1) is part of a group of three and is the largest and most dominant of the group. The remaining two trees are not considered to provide sufficient amenity value and were therefore not considered suitable for a TPO.

Reasons for Decision

- 4.1 The removal of T1 however would have an impact on local visual amenity and the tree is considered to be most suitable for a TPO. The TEMPO assessment (Tree Evaluation Method for Preservation Orders) supports this conclusion.

Options

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

Option One	Refuse the TPO and allow the tree to be removed.
Option Two	Confirm the TPO without modification, retain the tree and manage as appropriate.

Consultations

[Consultee] Shipton on Cherwell & Thrupp Parish Council

Implications:

- Financial:** The cost of this Tree Preservation Order can be met from approved Estimates.
Comments checked by E.Meadows, (Service Accountant) 01295 221552
- Legal:** The Committee should confirm the Order if it is in the interests of amenity to preserve the tree. The property owner has not produced an expert's report to support his objections.
Comments checked by N. Bell, Solicitor (01295 221687)
- Risk Management:** The position relating to risk assessment is that the existence of a Tree Preservation Order does not remove the landowner's duty of care to ensure that such trees are structurally sound and pose no danger to passers by and/or adjacent property. The TPO legislation does contain provisions relating to payment of compensation by the Local Planning Authority in certain circumstances, but these relate to refusal of applications to carry out works under the Order, and no compensation is payable for loss or damage occurring before an application is made.

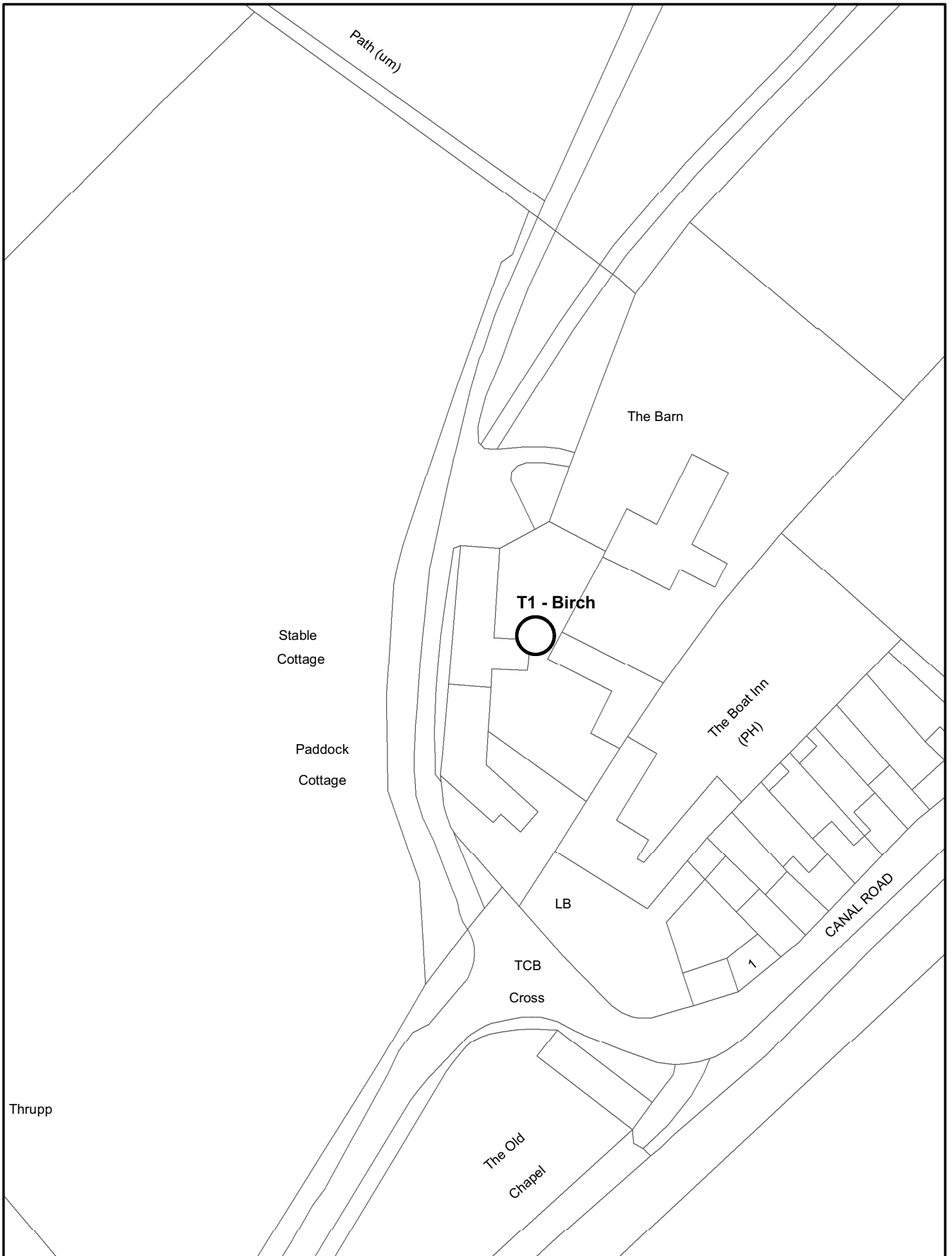
Comments checked by R. Watts, Risk Management & Insurance Officer (01295 221566)

Wards Affected:

Kirtlington

Document Information

Appendix No	Title
Appendix 1	Site Map
Appendix 2	Copy of objection letter
Appendix 3	Copy of TEMPO document
Background Papers	
N/A	
Report Author	Jon Brewin Arboricultural Officer (south)
Contact Information	01295 221708 jon.brewin@Cherwell-dc.gov.uk



FAO MVM SANDS
Head of Legal & Democratic
Services
Cherwell District Council

Stable Cottage

THRUPP

Kidlington

Oxon

OX5 1JY

15.04.10

Legal And
Democratic Services

19 APR 2010

DEAN SW,

Tree Preservation Order (No 04) 2010

re Birch tree at Stable Cottage, Canal Rd, THRUPP
OXON OX5 1JY

With reference to your notice of making the above
order dated 25 March 2010 I wish to object
to the imposition of this order on the following
grounds:

- a) Since the tree is so large and so near our house
(less than 1 metre) I have serious concerns that
it is posing an increasing threat to the structure
and foundations of the house
- b) It causes considerable overshadowing of that
part of our garden lying immediately to the
north of it
- c) It blocks much of the light to the two rooms
immediately adjacent to it

love/

- d) It produces high volumes of leaf and seed fall which causes a particular nuisance to our adjoining neighbours occupying 'The Barn' in that this material drops into and contaminates their swimming pool and causes blockages to the pool filters. (see attached diagram)
- e) It is one of a close group of 3 existing birch trees in this part of the garden and, in my view, its removal would not affect to any great extent the visual amenity provided by the tree planting in this location.

I would therefore respectfully request that the Tree Preservation Order be revoked and that I am given permission to proceed with the removal of this tree,

Yours faithfully

A. Matthews

A. MATTHEWS

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 23/03/10 Surveyor: S. Brewin

Tree details
 TPO Ref (if applicable): Tree/Group No: T1 Species: birch
 Owner (if known): Mr Matthews Location: Stable Cottage, Thrupp

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

Score & Notes

Slight asymmetry at lower main trunk
 No defects noted,

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes

Maturing specimen,

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small trees, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

visible from
 main road
 in village.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|--------------------------|
| 5) Principal components of arboricultural features, or veteran trees | Score & Notes |
| 4) Tree groups, or members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features | |

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- | | |
|-------------------------------|--------------------------|
| 5) Immediate threat to tree | Score & Notes |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Score & Notes

Section 211 notice received from owner,

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:

16

Decision:

Make TPO.

Agenda Item 16

PLANNING COMMITTEE

**Tree Preservation Order (No 05) 2010
Poplar Tree at Karcher (UK) Ltd, Beaumont Road, Banbury**

20 May 2010

Report of Head of Development Control and Major Developments

PURPOSE OF REPORT

To seek the confirmation Tree Preservation Order no 05-10 with one objection relating to a Poplar tree at the site of Karcher (UK) Ltd., Banbury (copy plan attached as Annex 1)

This report is public

Recommendations

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order 05-10 at the site of Karcher (UK) Ltd., Beaumont Road, Banbury without modification in the interest of public amenity.

Summary

Introduction

- 1.1 The District Council made an emergency TPO 9th April 2009 following a site visit to assess a section 211 (Town and Country Planning Act 1990) notification to undertake tree works to the tree which lies within a conservation area.
- 1.2 The tree is a semi mature Poplar tree (a tree which has not yet reached the typical shape and habit of the species and is still within the first third of its expected life).

It is in a prominent position, being visible from the A423 forming part of a screen softening the Beaumont Road light industrial estate providing significant amenity contribution as well as wildlife and environmental benefits to the local area. One letter objecting to the TPO has been received from:

- i. Mr Simon C Keeping, Karcher (UK) Ltd., Beaumont Road, Banbury.

The objections are as follows:

- a. Large prominent tree in close proximity to a building
- b. There is existing root damage to the adjacent car park causing a hazard to cars and pedestrians
- c. Falling twigs and branches are a potential danger to staff and visitors using the car park
- d. The roots may cause damage to the building and underground services in close proximity to the tree
- e. The responsibility for the future maintenance of the tree

1.3 Due consideration to the above objections has been given and are as follows:

- a. The trees present stature and future potential for this to increase is one of the criteria in deciding whether a tree warrants a TPO. Guidance in determining the suitability of a tree for a TPO is provided by the TEMPO method (Tree Evaluation Method for Preservation Orders). This has been undertaken and the results included in this document as appendix 2.
- b. The existing root damage to the car park surface would be removed when a new surface is installed. The use of a cellular confinement system as the foundation for the new surface will allow for movement over the root area of the tree without damage (Cell Web or similar, an example of which can be found as appendix 3 of this document).
- c. The removal of dead wood from the branches overhanging the parking area can be removed without affecting the overall visual amenity of the tree. This will mean they are dealt with in a controlled manner and will remove the possibility of them falling on pedestrians or vehicles using the parking area below.
- d. Tree roots do not generally lift building as they are too heavy and they tend to grow around such heavy obstructs. Where subsidence occurs it is normally on clay soils. The geological map of the area denotes the underlying geology to be mud stone. Therefore indirect damage to the adjacent building is unlikely.
- e. It is unusual for tree roots to cause damage to underground pipes or services. Providing they are in good order and are not leaking the risk of roots entering the pipe work is low

Roots are able to lift light structures such as garden walls

and paving, including concrete. The installation of a cellular confinement system will help reduce the upward movement of soil due to root expansion however the risk of this re-occurring cannot be eliminated. The choice of surface may allow for localised repair if this occurs.

- f. Maintenance to trees under TPO can still be carried out and simply requires an application to the local planning authority. If the works are reasonable and necessary consent will be granted. If there are concerns about the safety of the tree then the TPO makes allowance for this under exemptions to the TPO (section 5)

- 1.4 The human rights of the objectors and others affected by the decision, i.e. Article 1 of the first protocol – right to peaceful enjoyment of possessions and Article 8 protection of the right to respect ones private and family life, home and correspondence, were taken into consideration by the amenity value checklist (TEMPO assessment) completed when the Tree Preservation Order was made. To confirm the Order does not place a disproportionate burden on the owner, who retains the right to make applications for works to the tree.

Conclusion

- 1.5 All the issues raised by the objector can be addressed through the normal application process. Therefore it is recommended that the Local Area Committee confirm Tree Preservation Order 05-10 without modification.

Background Information

- 1.6 Statutory powers are provided through :
- i. Section 198 Town and Country Planning Act 1990.
 - ii. Town and Country Planning (Trees) Regulations 1999
- 1.7 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 1.8 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 9th April 2009. The statutory objection period has now expired and one objection was received to the Order.

Key Issues for Consideration/Reasons for Decision and Options

None

Implications

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

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

Risk Management: The existence of a Tree Preservation Order does not remove the landowner's duty of care to ensure that such a tree is structurally sound and poses no danger to passers by and/or adjacent property. The TPO legislation does contain provisions relating to payment of compensation by the Local Planning Authority in certain circumstances, but these relate to refusal of applications to carry out works under the Order and no compensation is payable for loss or damage occurring before an application is made.

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

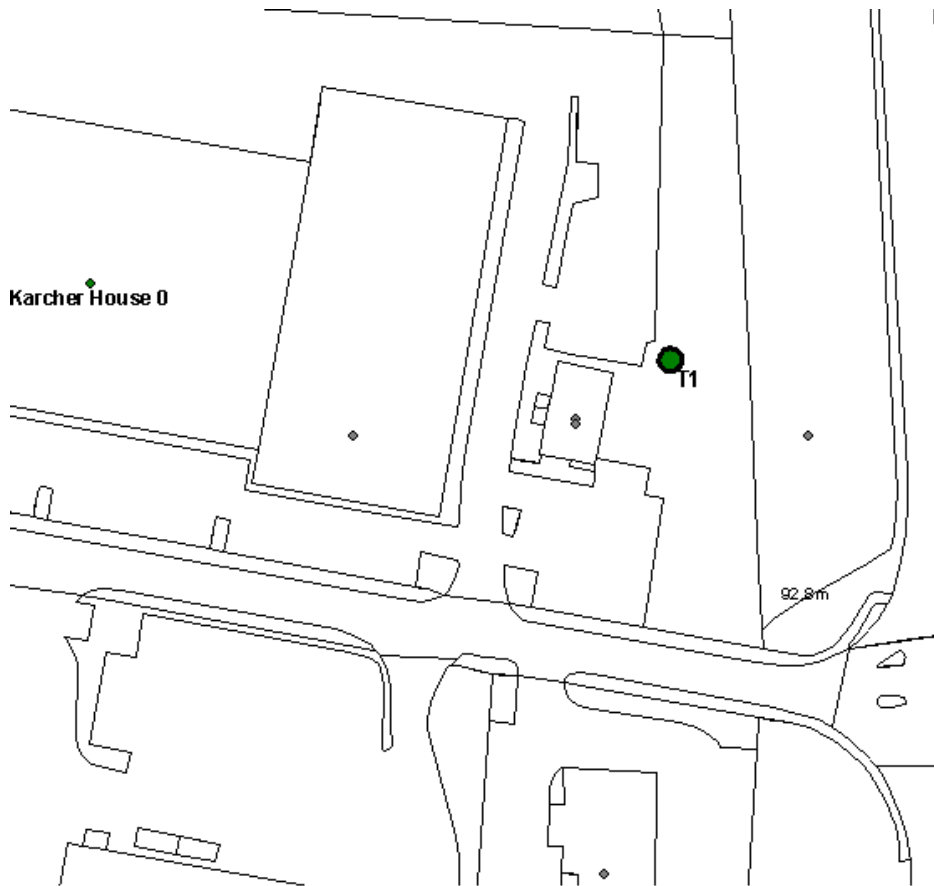
Wards Affected

Banbury Ward

Document Information

Appendix No	Title
Appendix 1	Plan
Appendix 2	TEMPO assessment
Appendix 3	Cellular confinement system details
Background Papers	
TPO file reference 05-10	
Report Author	Mark Harrison, Arboricultural Officer (North)
Contact Information	01295 221693 Michael.sands@Cherwell-dc.gov.uk

Appendix 1 - Plan



Surveyor: Mark Harrison Date: 30/04/10 Species: Poplar
 Location: Karcher (UK) Ltd. Beaumont Road
 TPO Ref (if applicable): _____ Tree/Group No: _____ Owner (if known): Karcher (UK) Ltd.

Part 1: Amenity assessment

a) Condition & suitability for TPO (*Relates to existing context and is intended to apply to severe irremediable defects only*)

<input checked="" type="checkbox"/>	5) Good Highly suitable	Notes <i>The tree has no obvious irremediable defects.</i>
<input type="checkbox"/>	3) Fair Suitable	
<input type="checkbox"/>	1) Poor Unlikely to be suitable	
<input type="checkbox"/>	0) Dead Unsuitable	
<input type="checkbox"/>	0) Dying/dangerous* Unsuitable	
Sub Total		5

b) Retention span (in years) & suitability for TPO (*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*)

<input type="checkbox"/>	5) 100+ Highly suitable	Notes <i>Tree has the potential to continue to provide landscape value for 40 yrs +. It is a reasonable distance from the permanent buildings and any branches eventually touching the adjacent building can be addressed without damaging the tree. Roots which are probably from this tree are encroaching on the car park and lifting the concrete surface. (Downgraded to 10-20 yrs because of roots)</i>
<input type="checkbox"/>	4) 40-100 Very suitable	
<input type="checkbox"/>	2) 20-40 Suitable	
<input checked="" type="checkbox"/>	1) 10-20 Just suitable	
<input type="checkbox"/>	0) <10* Unsuitable	
Sub Total		1

c) Relative public visibility & suitability for TPO - *Consider realistic potential for future visibility with changed land use*

<input type="checkbox"/>	5) Very large trees with some visibility, or prominent large trees Highly suitable	Notes <i>Tree is visible from A423 and is likely to increase in size and therefore become more visible.</i>
<input checked="" type="checkbox"/>	4) Large trees, or medium trees clearly visible to the public Suitable	
<input type="checkbox"/>	3) Medium trees, or large trees with limited view only Suitable	
<input type="checkbox"/>	2) Young, small trees, or medium/large trees visible only with difficulty Barely suitable	
<input type="checkbox"/>	1) Trees not visible to the public, regardless of size Probably unsuitable	
Sub Total		4

d) Other factors - *Trees must have accrued 7 or more points (with no zero score) to qualify*

<input type="checkbox"/>	5) Principal components of arboricultural features, or veteran trees	Notes
<input type="checkbox"/>	4) Tree groups, or members of groups important for their cohesion	
<input type="checkbox"/>	3) Trees with identifiable historic, commemorative or habitat importance	
<input type="checkbox"/>	2) Trees of particularly good form, especially if rare or unusual	
<input checked="" type="checkbox"/>	1) Trees with none of the above additional redeeming features	
Sub Total		1

Part 2: Expediency assessment - *Trees must have accrued 9 or more points to qualify*

<input type="checkbox"/>	5) Immediate threat to tree	Notes <i>Conservation area notification for the removal of the tree to allow for car park re surfacing.</i>
<input checked="" type="checkbox"/>	3) Foreseeable threat to tree	
<input type="checkbox"/>	2) Perceived threat to tree	
<input type="checkbox"/>	1) Precautionary only	
Sub Total		3

1.1 Part 3: Decision guide

0 - Do not apply TPO 1-6 TPO indefensible 7-10 Does not merit TPO 11-14 TPO defensible 15+ Definitely merits TPO

Total Score

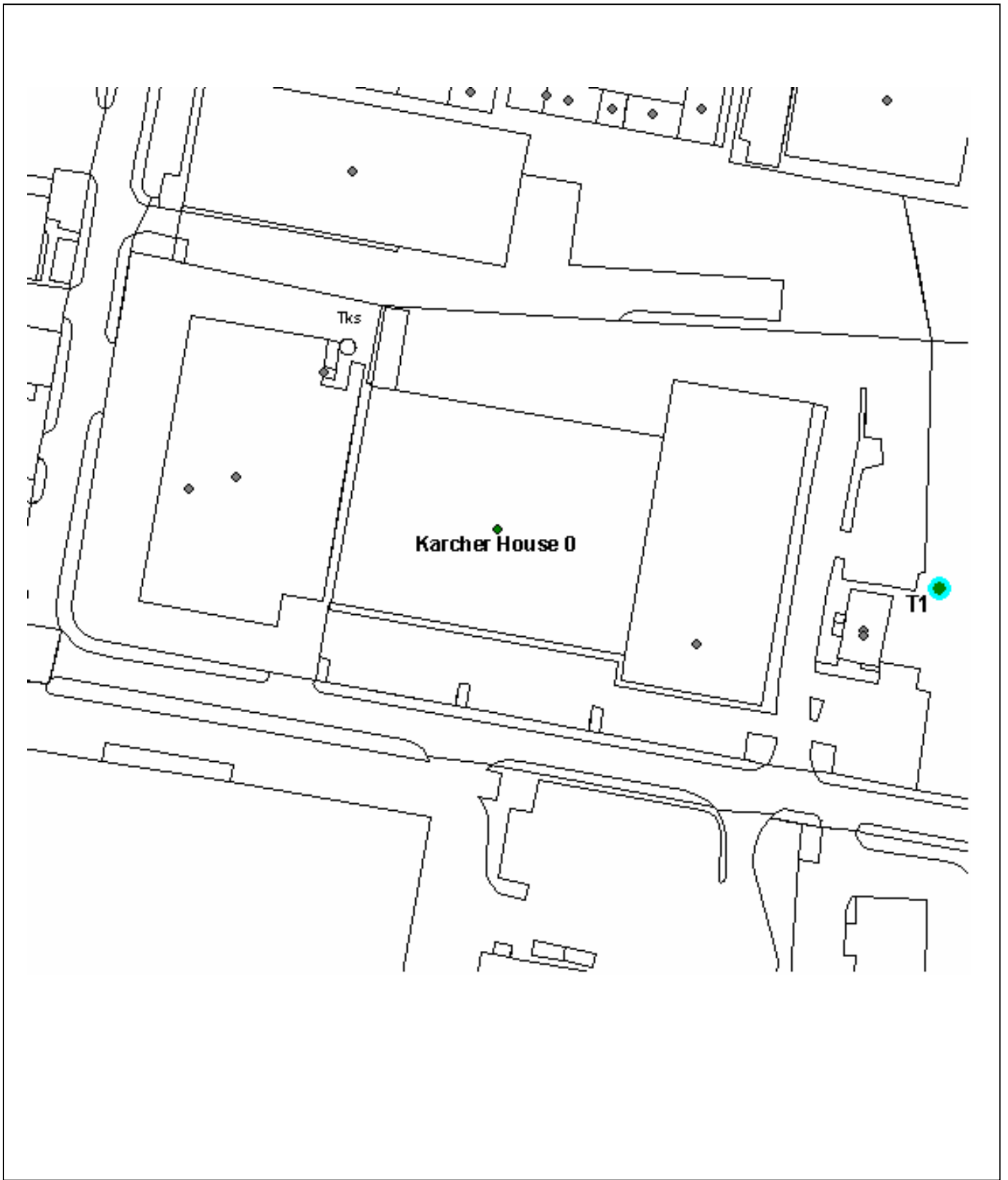
14

Decision: Warrants TPO

(1)

Comments

Highly visible tree, although a life expectancy of 10 - 20 yrs has been allotted, over 40 yrs life expectancy could be achieved if a suitable method of surfacing the adjacent car park can be found.





CellWeb



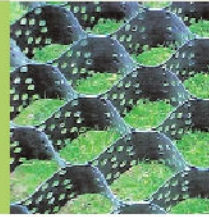
Tree Root Protection System



Geosynthetics

CellWeb

Tree Root Protection System

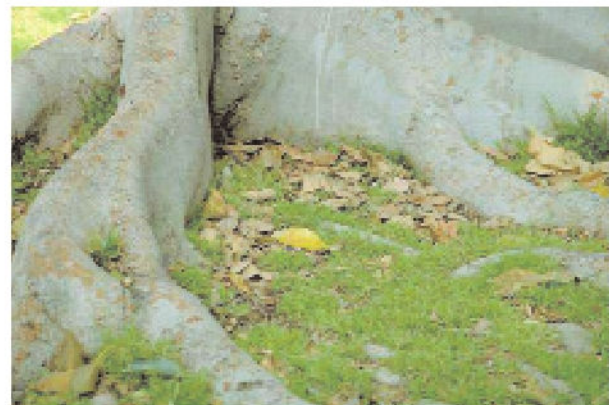


CellWeb Tree Root Protection System provides a flexible and permeable solution for protecting tree roots while creating a strong stable surface for traffic.



With increased urbanisation and more redevelopments of existing properties, the need to be mindful of the impact on the surrounding environment is more important than ever.

The demand for building site access, driveways and parking around existing trees can have a potentially fatal impact on the tree if carried out incorrectly. Tree preservation orders (TPO's) ensure that trees are not wilfully damaged. However the need for vehicle access over and around tree roots can still cause the following problems:

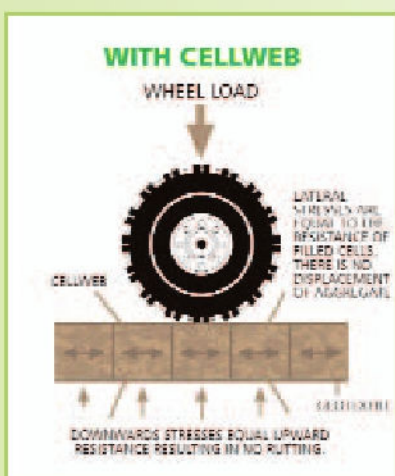
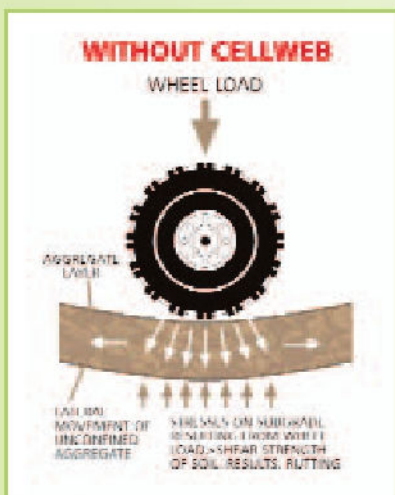


Problems:

- Compaction of subsoils (especially by construction traffic) causing oxygen and nutrient depletion
- Creating an impermeable surface that prevents water reaching the roots
- Changes in ground level and water table
- Damage caused during excavation
- Contamination of the subsoil

By using CellWeb Tree Root Protection System you can avoid these problems and ensure the tree's long-term future. BS 5837:1991 (revised 2005) and APN 1 provide information for the protection of trees during the construction process, and CellWeb is a well-established solution that conforms to these guidelines.

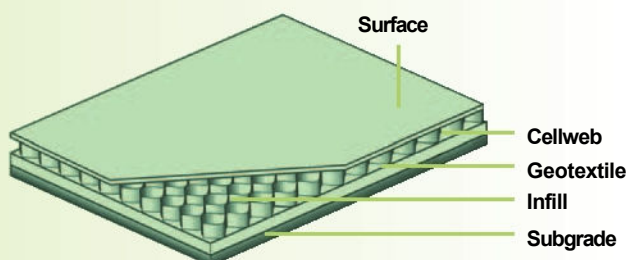
Product features



Cellweb's patented design with its unique cellular structure and perforated cell walls reduces the vertical load pressure on tree roots and prevents damage. With clean granular materials as infill, air and moisture can reach the roots to encourage healthy growth.

With no-dig solutions being the preferred option of most Arboricultural Consultants and Tree Officers, CellWeb is ideal as only the surface vegetation need be removed. As well as avoiding disruption to the roots this reduces installation time and saves money.

What's more CellWeb also cuts down the depth required for the sub base - in most cases by 50% for further cost savings. CellWeb also significantly reduces surface rutting, increasing the long-term performance of the finished surface.



Using CellWeb for tree root protection gives you these benefits:

- Reduced depth of excavation required
- Preventing the compaction of subsoils
- Preventing oxygen and nutrient depletion
- Environmentally sound
- Quick, easy and cost-effective installation
- Free technical support available

CellWeb gives you the cost-effectiveness you need at the same time as helping to preserve trees.

Geosynthetics Ltd is a leading dis

Please call
01455 617 139
 or email sales@geosyn.co.uk
 for further information.

Wide
product
range

Large
stock
holding

Next day
delivery



Access road for the National Lake District Parks Authority.

Site before construction pictured above.



CellWeb during installation.



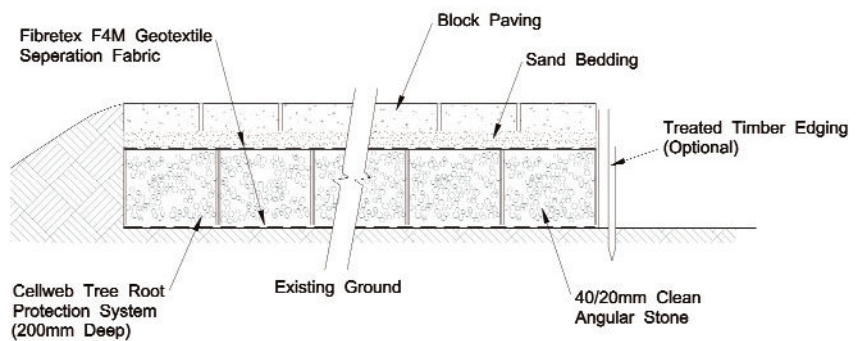
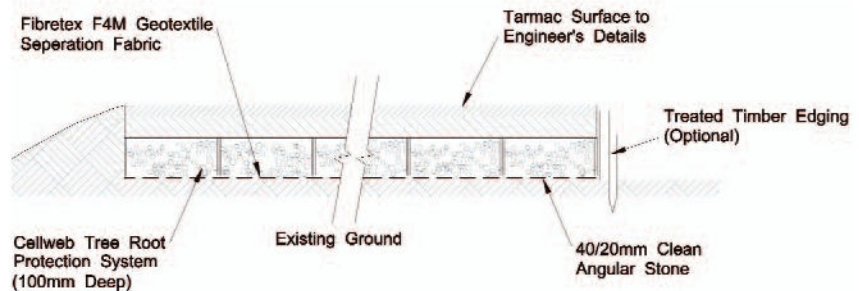
Final surfacing.

Final surfacing

The CellWeb Tree Root Protection is totally confined within the clean stone sub base, therefore you can choose whichever surface materials are most appropriate for your installation. Some materials are more suitable than others and serious consideration should be given to the porosity of the surface for continued healthy growth of the tree. An ideal surfacing are DuoBlocks: a grass reinforcement and gravel retention system. Geosynthetics can supply these systems for a visually attractive surface that also has the advantage of being fully porous.

Loose or bonded gravels can be used as an alternative hard landscaping and CellWeb can also be used with block paviors whose porous joints will permit moisture and air transfer to the roots. Where planning allows, porous asphalt is yet another possible surfacing treatment.

Call our sales office on 01455 617 139 for more information.



istributor of geosynthetic materials in the UK

Design service

Onsite support

See all products online at geosyn.co.uk





Quality assurance

Certified quality

Cellweb™ is manufactured in accordance with an ISO 9001 Quality Management System with perforated walls, and a comprehensive range of cell diameters and depths. The perforated system improves the frictional interlock of infill material giving greater stability and facilitating lateral drainage.



Advice and product selection

Geosynthetics Limited has been supplying the CellWeb Tree Root Protection System for many years and as a result have acquired a vast amount of experience and knowledge. No two contracts are the same, and we understand the factors that need to be taken into account to specify the right CellWeb product for the right situation.

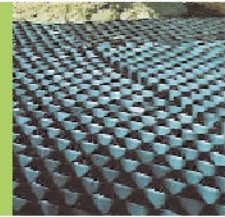
We provide a FREE consultation, design and advisory service to give you the reassurance that your project will be cost-effective and beneficial to existing trees. The service includes product selection, CAD drawings and full installation instructions and will help you from conception stage all the way through to completion.

Call our sales office on 01455 617 139 for specification details and project specific design assistance.

Geosynthetics Ltd is committed to offering the best solutions for soil stabilisation, erosion control, drainage and environmental protection problems.

Well trained staff are always available to discuss which materials are best suited to any particular application.

Technical specification



Product Specifications

Properties	Standard Cell	Large cell
Material	Virgin HDPE	Virgin HDPE
Wall thickness	1.25mm	1.25mm
Seam welding	Ultrasonic to 100% of seam length	Ultrasonic to 100% of seam length
Cell depth	75, 100, 150, 200 and 300mm	75, 100, 150, 200 and 300mm
Width of expanded panel	2.56m	2.56m
Length of expanded panel	8.1m	13.72m
Cell diameter (expanded)	259 x 224mm	508 x 475mm

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Please call - 01455 617 139

or email sales@geosyn.co.uk for more technical advice and further information.

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Hinckley, Leicestershire LE10 3DU.

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Email: sales@geosyn.co.uk



Geosynthetics

Planning Committee

Quarterly Enforcement Report 20 May 2010

Report of Head of Development Control and Major Developments

PURPOSE OF REPORT

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

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To accept this report.

Details

Background

- 1.1 The last quarterly report was given to this Committee on 28 January 2010, and this report continues the regular reporting on enforcement matters in this quarterly format which commenced in October 2008.

The Current Situation

- 2.1 Appendix One provides a comprehensive history of those cases which have progressed to formal action of one type or another. I am pleased to be able to report that the continued effort to close down some of the older cases is being successful, albeit that some inevitably continue to appear. This is due to the complexity of the legislation and the availability of challenges/dealing tactics for the potential recipient of enforcement action.

- 2.2 It should be noted that a number of cases have been successfully closed since the January report, and are indicated as not appearing on future reports.
- 2.3 Since the January report the staff resource available for investigation has diminished as Mick Cowland has retired after many years service. As a cost-saving measure he has not been replaced. The level of complaints to be investigated has not reduced and therefore it will be necessary to prioritise our investigation complaints and there may therefore be an increase in the time to provide a response to complaints. It may also be necessary to direct some investigation to the DC teams. Our case management system should enable the enforcement team leader to maintain an over-view of the complaints and ensure that they are effectively dealt with.
- 2.4 In the last report the high success rate an enforcement notice appeals was noted. It is pleasing to see that this continues in the last quarter.
- 2.5 Members will be aware that the end of Appendix one is dominated by those related to former RAF Upper Heyford. Negotiations are under way with the new owners of the site and it is hoped that it will soon be possible to bring a report to the Committee with a recommended way forward that has been preliminarily agreed with the owners.
- 2.6 Appendix Two provides the basic statistics related to this service

Implications

Financial: It is anticipated that the cost of taking enforcement action can be met within existing budgets. The cost implications with regards to action at Heyford Park will be addressed in a future 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: Where it is relevant to do so the risk of taking formal enforcement action is that costs could be awarded against the Council in any appeal that precedes to an inquiry or hearing if this action is subsequently considered to have been unreasonable. The risk of not taking effective and timely action is that a complaint could be made by a complainant to the Local Enforcement Ombudsman.

Comments checked by Rosemary Watts, Risk and

Wards Affected

All

Document Information

Appendix No	Title
Appendix One Appendix Two	Enforcement and Prosecution Quarterly Report Case and Closure Statistics
Background Papers	
None	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@Cherwell-dc.gov.uk

Enforcement and Prosecution Quarterly Report – 20 May 2010

APPENDIX 1

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
PROS 27/03 4.09.03 PROS 13/06 15.06.06	Hanwell Fields Banbury	Breach of Sec 106 agreement relating to LAPS & LEAPS and laying out of informal open space	Court order 04.09.08	Various dates in 2009	N/A	N/A	N/A	CDC actively pursuing the transfer of the remaining sports pitches and parks. Further meeting held with Taylor Wimpey to progress matters.
ENF 38/04 25.11.04 ENF 21/05 13.10.05	OS 2000 Land NE of Rectory Close, Wendlebury	(i) Summerhouse jetties and decking, (ii) Bridge	Notices served 18.05.05 8.12.05	29.09.05	(i) 04/02713/F (ii) 05/01603/F	Dismissed 05.02.07	05.10.07	Landowner convicted at Banbury Magistrates Court on 23.04.10 for breach of enforcement notices – conditional discharge and £250 costs. Unauthorised development has now been removed. This item will not appear next time.
ENF 2/06 16.02.06 09/00686/ PCN	Bodicote Post Office 43-45 Molyneux Drive Bodicote	Non-compliance with approved plans 04/01317/F Works not completed by 1 November 2009	Enforcement Notice served 24.01.07 29.11.09	07.09.07	09/00315/F			15.05.09 undertaking made to the court by Mr & Mrs Ayres who also agreed to pay £250.00 towards the Council's costs Works proceeding but unlikely to be completed by the compliance date. PCN served - extension given until 4.01.10 to respond – Application submitted 10/00267/F

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 5/08 Delegated	Corner Farm Oakley Road Horton-cum-Studley	Use of land as a builders/ engineers yard	Enforcement Notice served 28.02.08	12:10:08 & 12.04.09				Compliance of the 12.10.08 element has been achieved. Landscaping to be completed in this planting season 2009/10 Landscaping materials now on site- Complied with , this item will not appear next time
ENF 14/07 Delegated	Corner Farm Oakley Road Horton-cum-Studley	Use of land as builders yard, lighting columns, building as a builders office and store	Enforcement Notice served 28.06.07	09.02.08 & 09.06.08		Dismissed 05.08.08	05.08.09 and 05.03.10	Offices still occupied, Fennels to re-locate within the site, letter expected.
ENF 34/07 15.11.07	Bradscot, Cross Hill Road, Adderbury	Extension not built in accordance with approved plans	Enforcement Notice served 19.05.08	30.09.08	05/01040/F and 05/01041/LB approved 08/00349/F refused 09/00801/F wdn 16.07.09 09/01181/F 09/01182/LB	Appeal dismissed 9.02.09	09.08.09	Appeal decision received- notice varied, compliance period extended to 6 months New applications 09/01181/F & 09/01182/LB approved subject to condition that works are completed by 15 January 2010 Complied with, this item will not appear next time

Enforcement and Prosecution Quarterly Report – 20 May 2010

APPENDIX 1

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps and Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 9/08 10.04.08	Plot 2 adj. to Oxford Canal, Appletree Lane, Cropredy	Mixed use of land – part agricultural land, part storage and domestic paraphernalia						Owner has been willing to tidy site and restore all land back to agriculture. Legal have written to the owners to request the removal of remaining offending items. Owner claims offending items should be in plot 1 and will be amending the plot plan appropriately
ENF 13/08 09/00705/ ECO 10.04.08	Plot 6 adj. to Oxford Canal, Appletree Lane, Cropredy	Excavation of the land to create a sunken vehicle storage area	5.01.10	16.05.10		Appeal received 16/02/2010		Notice served requiring use to cease.
ENF 14/08 10.04.08	Plot 7 adj to Oxford Canal, Appletree Lane Cropredy	Garden use associated with the mooring of a narrow boat on adj canal						Site reviewed by Officers. Evidence reveals use and development have intensified within the last ten years. Legal have invited a retrospective planning application before enforcement action is pursued.
PROS 15/08 10.04.08	Wabag Aynho Road Adderbury	Failure to comply with S 106 relating to remedial works On public open space			02/02002/F			Owner of the open space to be pursued for compliance with S 106

Enforcement and Prosecution Quarterly Report – 20 May 2010

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF LB 18/08 26.06.08	Greystones Middle Street Islip	Removal of stonessfield slates and insertion of velux window in north elevation	Listed building Enforcement Notice served 03.11.08	15.09.09	04/00035/F 04/00036/LB	Appeal dismissed 7.08.09	7 August 2012	Hearing 16.06.09. Wording of the notice varied, compliance period extended, appeals dismissed 7 August 2009
ENF 19/08 Delegated	22 Milton Street Banbury	Dormer window	Enforcement Notice served 10.09.08	05.05.09	Revised application 08/01600/F refused 22.08.08. 09/00764/F refused 10.08.09	Appeal Dismissed Appeal dismissed 21.12.09	11.11.09	Appeals dismissed 11.05.09 New application 09/00764/F refused 10.08.09. Letter to be sent 11.10.09 and remind owner 4 weeks left to comply Landowner pleaded not guilty at Banbury Magistrates Court on 23.04.10 to breach of enforcement notice. Trial listed for 02.07.10.
08/00604/ BCON	Lince Lane Copse	Breach of conditions 02/02064/F						Letter to be sent to the occupiers requesting a timetable for compliance with conditions regarding footpath and car park-
08/00609/ ECOU 18.08.05	Lone Barn Stoke Lyne	Storage of Building materials. Use of land as extended residential etc Curtilage with domestic paraphernalia	Enforcement notice served 20.10.08	01.01.09		Appeal Dismissed	10.10.09	Appeal Dismissed 10.07.09 Site visit to be carried out to establish if compliance has been achieved Compliance achieved, this item will not appear next time

Enforcement and Prosecution Quarterly Report – 20 May 2010

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
08/00775/E BCON Delegated	Rock of Gibraltar PH Enslow Wharf Enslow	Breach of condition 2 of 07/01247/F relating to removal of awning	Enforcement notice served 17.11.08	22.01.09	08/00825/F Planning Appeal dismissed 8.09.09	EBCON & EBCONLB Dismissed 08.09.09	8.11.09	Appeals dismissed 08.09.09 Compliance period extended to 2 months – Canopy removed, frame still to be removed. Letter sent stating 7 days to comply or prosecution action will follow Compliance achieved, this will not appear next time
09/00159/ EBCON	Land adjoining Home Farm Clifton	Breach of condition 14 relating to vision splay requirements	Requisition served 1106.09		05/00266/F 09/00944/F			New Planning application 09/00944/F refused 14.09.09 Meeting held on site, works to be undertaken- Complied with, this will not appear next time
09/00286/ ECOU	OS Parcel 8000 adjacent to the street from Wigginton to Hook Norton Wigginton	Change of use from agriculture to B1 light industrial use			08/00365/F			Following meeting with officers planning application and clue applications to be submitted. Other unauthorised buildings are being removed.- Planning application to be submitted
09/00288/ EBCON	Building and land south of Manor Farm and west of Priory Cottage adjoining Mollington Road Claydon	The building is not being used for agricultural purposes in breach of condition 4 of 05/01829/F			05/01829/F			Site visit carried out, It appears that a residential use is taking place. Clue to be submitted by 28.01.10. If not, enforcement action to follow.- CLUE to be submitted.by end of May 2010

Enforcement and Prosecution Quarterly Report – 20 May 2010

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
09/00296/ EBCON	Poultry Houses Glebe Farm Street from A4221 to Stoke Lyne Fringford	Mobile Home	Notice served 30.10.09	1.12.10				Clue refused, appeal to be lodged. Mobile home sold and is to be removed from site- Mobile home removed, this will not appear next time
09/00572 EUNDEV	Land at Patrick Haugh/Harris Road, Upper Arcott	containers	04/02/2010	18/06/2010	Appeal received 15.03.10	In progress		Notice served- appeal lodged
09/00579/ EUNDEV	22 Spindleside Bicester	Metal shed	22.02.2010	5 May 2010				Site visit to check for compliance
09/00674/ PCN	ON263435 Plot 5 Land NE of Fenny Compton Road, Claydon	Suspected change of use of land from agriculture to mixed use , amenity plot / business	17.11.09					PCN returned. Enforcement action to be pursued.
09/00675/ PCN	ON 265598 Land NW of Boddington Road, Claydon	Suspected change of use of land from agriculture to storage						PCN returned. Planning permission granted elsewhere for storage. Monitoring ongoing-

Enforcement and Prosecution Quarterly Report – 20 May 2010

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
09/00/ PCN	ON 267012 Plot 2 Land North of Boddington Road, Claydon	Use of land as an amenity plot						PCN not served. Enforcement action to be pursued.
	ON272381 Plot 2A Land NW of Boddington Road, Claydon	Use of land as leisure plot						Enforcement action to be pursued .
09/00 PCN	ON 279333 Plot 3 Land North of Boddington Road Claydon	Use of land as an amenity plot						PCN not sent. Enforcement action to be pursued.
	ON275823 Plot 3A, Land West of Boddington Road, Claydon	Use of and as a leisure plot, including erection of fencing and storage of domestic and other paraphernalia						Enforcement action to be pursued.
	ON281888 Plot 4, Land SW of Oxford Canal, Boddington Road,	Use of land as a leisure plot including enclosure of land with fencing and siting of domestic						Enforcement action to be pursued.

	Claydon	building/shed, garden and other paraphernalia						
09/00687 PCN	5 Milton Street Banbury	Satellite dishes						PCN drafted- Dish removed This will not appear next time
09/00689/ EUNDEV	Dogwood Public House Kidlington	Childrens play equipment	Notice served 4.12.09	13 February 2010	08/01783/F			Equipment removed, This will not appear next time
09/ 00 EUNDEV	Bicester Sweepers Glebe Farm Fringford	Unauthorised use of barn						CLUE refused, appeal to be lodged. Further CLUE now submitted.
	Cattle Market Site Banbury	Breaches of the S 106 agreement	Injunction authorised 1 Oct 2009					8.01.10 undertaking given by the developers to complete the community building and hand it over by March 2010 Building completed externally.This item will not appear next time
10/00008/ ECOU	OS parcel 3349 & 4668, NW of A361 Cropredy	Change of use of the land from agriculture to mixed agriculture and residential use	02/02/2010	16/09/2010				Notice has taken effect, no appeal made

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APPENDIX 1

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
Heyford Park Appeals					Main Appeal - 08/00716/OUT for new settlement of 1075 dwellings, together with assoc works and facilities including employment uses, community uses, school playing fields and other physical and social infrastructure. Related CA consent appeals.			Planning Inquiry took place between 30 September and 24 October. 2008. Inspector to prepare report for the Secretary of State regarding the main appeal and related conservation area consent appeals. Inspector's report completed and is with the Secretary of State. Planning permission granted 11 January 2010 A decision now needs to be made on the process to determine the outstanding enforcement appeals at Heyford Park.
ENF 20/06 27.07.06 PROS 3/08 Delegated	Former Walon site	Use for car storage and distribution in breach of 04/01690/F	Notice served 28.11.06	09.01.07				Only part compliance of enforcement notice. Delegated resolution to prosecute for failure to comply with the requirements to restore land and buildings to original condition. Consulting English Heritage regarding the external finishes of hangers
ENF 2/07 Delegated	Building 3209	Commercial storage in breach of 05/01969/F	Notice served 23.01.07	6.03.07		Appeal dismissed 1.11.07	01.11.08	Full compliance expected by mid January 2009 after which time a criminal investigation will be

Enforcement and Prosecution Quarterly Report – 20 May 2010

APPENDIX 1

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

Enforcement and Prosecution Quarterly Report – 20 May 2010

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

Enforcement and Prosecution Quarterly Report – 20 May 2010

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Reference & Resolution Date	Site	07/01260/F Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 22/08 17.07.08	Buildings	Change of use of buildings by Paragon in breach of 07/01259/F	Notice served 3.09.08	6.10.09		Appeal received		
ENF 23/08 17.07.08	6 lamp posts	Use by Paragon in breach of 07/01262/F	Notice served 10.09.08	11.10.09		Appeal received		
ENF 24/08 17.07.08	2 lamp posts	Use by Paragon in breach of 07/01264/F	Notice served 9.09.08	10.10.09		Appeal received		
ENF 25/08 17.07.08	Building 2002	Change of use in breach of 07/01268/F	Notice served 2.09.08	3.10.09		Appeal received		
ENF 26/08 17.07.08	Building 3205	Change of use of building in breach of 07/01265/F	Notice served 2.09.08	3.10.09		Appeal received		
ENF 27/08 17.07.08	Trench and concrete	Change of use in breach of 07/01266/F	Notice served 2.09.08	3.10.09		Appeal received		
ENF 28/08 17.07.08	3 Hardened aircraft shelters	Change of use in breach of 07/01267/F	Notice served 2.09.08	3.10.09		Appeal received		

Enforcement and Prosecution Quarterly Report – 20 May 2010

APPENDIX 1

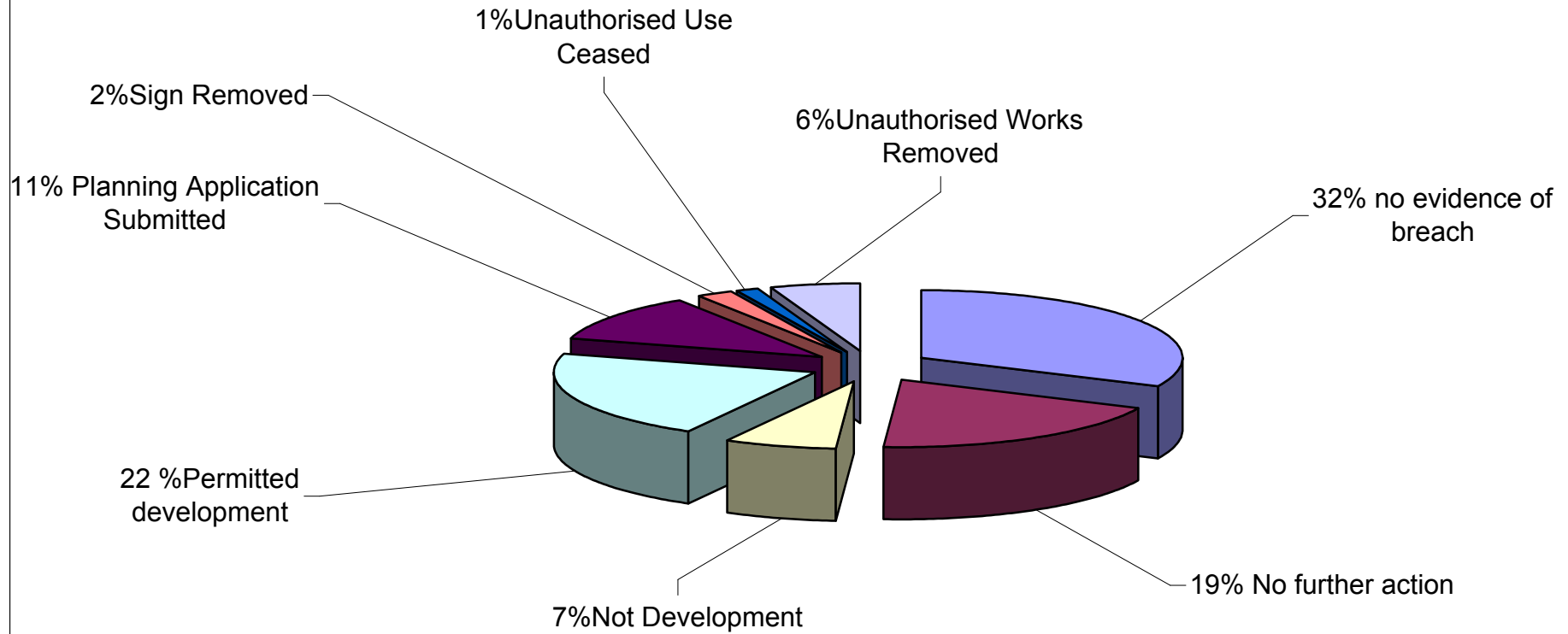
Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 29/08 17.07.08	Liquid petroleum gas tanks and air intake duct	Use by Paragon in breach of 07/01263/F	Notice served 8.12.08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

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APPENDIX 1

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

Planning Enforcement Cases - Number of cases closed by reason
Dates between 19/01/2010 and 05/05/2010



Statistical analysis of cases 5 May 2010

Cases Registered From

01.04.08 to 31.03.09 666

01.04.09 to 31.03.10 629

01.04.10 to 05.05.10 43

Cases Closed Between

01.04.08 to 31.03.09 562

01.04.09 to 31.03.10 568

01.04.10 to 05.05.10 18

Cases Ongoing Between

01.04.08 to 31.03.09 48

01.04.09 to 31.03.10 51

01.04.10 to 05.05.10 25

Agenda Item 18

Planning Committee

Decisions Subject to Various Requirements – Progress Report

20 May 2010

Report of Head of Development Control and Major Developments

PURPOSE OF REPORT

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

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

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To accept the position statement.

Details

The following applications remain outstanding for the reasons stated:

Subject to Legal Agreement with Cherwell District Council

- 1.1 01/00662/OUT Begbroke Business and Science Park, Sandy Lane, Yarnton

Subject to legal agreement re:off-site highway works, green travel plan, and control over occupancy now under discussion. Revised access arrangements refused October 2008. Appeal dismissed. New application for access to be submitted October/November 2009 – overdue. Further

discussions with applicant to be held.

- 1.2 07/01106/OUT Land to South East of A41 Oxford Road, Bicester
Subject to departure procedures and legal agreements with Oxfordshire County Council re:off-site transportation contributions and HGV routing during construction. Redrafted agreement with other side.
- 1.3 08/01171/OUT Pow Wow Water Site, Langford Lane, Kidlington
Subject to agreement re transport infrastructure payments.
- 1.4 09/01687/F Bicester Town Centre development, Manorsfield Rd. Bicester
Subject to legal agreement with OCC and CDC re highway infrastructure and transport contributions, car parking , CCTV, public art, temporary arrangements for Pop-in Centre, Shopmobility and public toilets, routeing agreement etc.
- 1.5 09/01776/F Orchard Way shopping parade, Banbury
Subject to negotiations re legal agreement with OCC and CDC re affordable housing, a range of County requirements, public art, bins, landscape maintenance, open space/sports provision, and CCTV contribution
- 1.6 09/01811/F OS parcel 1319, South of Paddington Cottage, Milton Rd. Bloxham
Subject to legal agreement re affordable housing and on-site and off-site infrastructure
- 1.7 10/00106/F Bryan House, Chapel Street, Bicester
Subject to legal agreement re LAP, offsite infrastructure and to removal of Environment Agency objection
- 1.8 10/00131/F Yarnton House, Rutten Lane, Yarnton
Subject to modification of previous Section 106 agreement

- 1.9 10/00134/F Phase 2 Apollo Business Park, Ironstone Lane, Wroxton
Subject to legal obligation re offsite transportation contribution or receipt thereof.

Subject to Other Matters

- 1.10 08/00709/F Former Lear Site, Bessemer Close, Bicester
Subject to local 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 Nigel Bell, 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

Planning Committee

Appeals Progress Report

20 May 2010

Report of Head of Development Control and Major Developments

PURPOSE OF REPORT

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

This report is public

Recommendations

The meeting is recommended:

- (1) That the position statement be accepted.

Details

New Appeals

- 1.1 **09/01143/F – 56b Oxford Road Banbury** – appeal by Mr David Ewles against the refusal of planning permission for the erection of 1 no. dwelling - Hearing
- 1.2 **09/01074/LB – 8 Calthorpe Road Banbury** – appeal by Mr T Beckett against the refusal of listed building consent for the conversion and extension to provide 4 no. one bedroom flats, rebuilding of garages – Written Reps
- 1.3 **10/00117/F – Land adjoining Bon Accord Middle Barton Road Duns Tew** – appeal by Mr & Mrs A Gordon against the refusal of planning permission for the erection of one dwelling and associated works – Written Reps

Forthcoming Public Inquiries and Hearings between 20 May 2010 and 17 June 2010

2.1 NONE

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by Premier Aggregates Ltd against the refusal of application 09/01001/F for the demolition of an existing dwelling and erection of a replacement dwelling (Delegated)** – The Inspector considered that the need for the replacement dwelling had not been demonstrated and concluded that the proposal did not accord with the policies for the control of development in the countryside as set out in PPS 7

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 221552

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

Comments checked by Pam Wilkinson, Principal Solicitor 01295 221688

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

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

Wards Affected

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