

Committee: Planning Committee
Date: Thursday 12 March 2009
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Fred Blackwell (Chairman)	Councillor Mrs Catherine Fulljames (Vice-Chairman)	
Councillor Ken Atack	Councillor Alastair Milne Home	Councillor Leslie F Sibley
Councillor Maurice Billington	Councillor David Hughes	Councillor Chris Smithson
Councillor Colin Clarke	Councillor James Macnamara	Councillor Lawrie Stratford
Councillor Diana Edwards	Councillor Christopher Pack	Councillor Rose Stratford
Councillor Michael Gibbard	Councillor D M Pickford	
Councillor Eric Heath	Councillor G A Reynolds	

Substitutes

Councillor Luke Annaly, Councillor Rick Atkinson, Councillor Margaret Cullip, Councillor Andrew Fulljames, Councillor Timothy Hallchurch MBE, Councillor P A O'Sullivan, Councillor George Parish, Councillor Trevor Stevens, Councillor Carol Steward, Councillor Nicholas Turner, Councillor Barry Wood and Councillor John Wyse

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. Communications**

The Chairman to report on any communications.

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 - 6)

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

Planning Applications

- | | | |
|----|--|-------------------|
| 6. | Land West of Barn Field and Adjoining Akeman Street, Chesterton
(Pages 9 - 20) | 08/02482/F |
| 7. | Part of A Site, DSDC, Bicester, Piddington (Pages 21 - 37) | 08/02511/F |
| 8. | Tusmore Park Farm, Tusmore, Bicester, OX27 7SH (Pages 38 - 44) | 08/02592/F |
| 9. | Noral Way, Banbury (Pages 45 - 51) | 09/00097/F |

Tree Preservation Orders

10. **Tree Preservation Order (No 9) 2009 Trees at The Bothy, Weston Road, Bletchingdon**

Report of the Head of Development Control and Major Developments

Summary

The purpose of the report is to seek the confirmation of the above unopposed Tree Preservation Order in respect of a Beech Tree and Yew Tree at The Bothy, Weston Road, Bletchingdon.

Recommendation

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

Review and Monitoring Reports

11. **Decisions Subject to Various Requirements - Progress Report** (Pages 52 - 53)

Report of the Head of Development Control and Major Developments

Summary

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

Recommendation

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

12. **Appeals Progress Report** (Pages 54 - 56)

Report of the Head of Development Control and Major Developments

Summary

This is a standard report item, the aim of which is to keep Members informed upon applications which have been determined by the Council, where new appeals have been lodged, Public Inquiries/Hearings scheduled or appeal results received.

Recommendation

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

13. **Discharging of S106 Agreement Yellowell House, Horton Lane, Horley**
(Pages 57 - 58)

Report of the Head of Development Control and Major Developments

Summary

To inform Members that a request to rescind or discharge an existing S106 Agreement has been received, following the granting of consent (08/02398/F - delegated) for the erection of a house and dwelling at Yellowel House, Horton Lane, Horley.

Recommendation

It is **RECOMMENDED** that the Planning Committee resolves to discharge the S106 Agreement which no longer serves a planning benefit.

14. Introduction of Public Speaking at Planning Committee - Procedure Rules (Pages 59 - 69)

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

Summary

On 19 February 2009 the Committee agreed to the introduction of public speaking and to introduce the following process,

- two groups to be recognised , one being objectors and one being supporters (which can include the applicant),
- each speaker to have 3 minutes with a total time limit of 9 minutes within each group, parish and town council representatives to be allocated the first time slot in their respective group.

The operation of public speaking will be reviewed after one year.

This report introduces the proposed procedures rules required to be added to the constitution, the draft code of conduct declaration and the draft leaflet for members of the public which will advise on their rights to speak at committee.

Recommendation

It is **RECOMMENDED** that the Committee:

- 1) Approve the Procedure Rules as set out in appendix 1 to this report
- 2) Approve the Draft Guidance Leaflet as set out in appendix 2 to the report.
- 3) Approve the Code of Conduct Declaration set out in appendix 3 to this report.

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 Part 5 Section A of the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

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

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

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

judgement of the public interest.

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

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

Queries Regarding this Agenda

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

Mary Harpley
Chief Executive

Published on Wednesday 4 March 2009

Agenda Item 5

Cherwell District Council

Planning Committee

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

Present: Councillor Fred Blackwell (Chairman)

Councillor Mrs Catherine Fulljames (Vice-Chairman)
Councillor Ken Attack
Councillor Colin Clarke
Councillor Diana Edwards
Councillor Michael Gibbard
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor James Macnamara
Councillor Christopher Pack
Councillor D M Pickford
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Lawrie Stratford
Councillor Rose Stratford

Substitute

Members: Councillor Barry Wood (In place of Councillor Maurice Billington)

Apologies for absence were received from Councillor David Hughes

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Nigel Bell, Solicitor
Bob Duxbury, Development Control Team Leader
Jenny Barker, Major Developments Team Leader
Paul Almond, Street Scene & Landscape Manager
Simon Dean, Trainee Planning Officer
Alexa Coates, Senior Democratic and Scrutiny Officer
Natasha Clark, Trainee Democratic and Scrutiny Officer

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Declarations of Interest

Councillors declared interest with regard to the following agenda items:

7. Yarnton House, Rutten Lane, Yarnton.

Councillor Leslie F Sibley, Personal, as a Cherwell District Council appointed Board Member of Charter Housing, which is part of the Sanctuary Group.

Councillor Michael Gibbard, Personal, as a Cherwell District Council appointed Board Member of Charter Housing, which is part of the Sanctuary Group.

Councillor Rose Stratford, Personal, as a Cherwell District Council appointed Board Member of Charter Housing, which is part of the Sanctuary Group.

9. Unit C2/16, Site C, Bicester Garrison, Upper Arncott, Oxfordshire.
Councillor Barry Wood, Prejudicial, as an employee of the MOD.

Councillor Colin Clarke, Prejudicial, his son is employed by the MOD in a civilian capacity.

Councillor Leslie F Sibley, Prejudicial, as an employee of the MOD.

141 **Communications**

There were no communications.

142 **Urgent Business**

There was no urgent business.

143 **Minutes**

The minutes of the meeting held on 29 January 2009 were agreed as a correct record and signed by the Chairman.

144 **Holly Barn Stables, Sibford Gower Road, North of Firs Garage, Hook Norton, Banbury**

The Committee were advised that this item had been withdrawn.

145 **Yarnton House, Rutten Lane, Yarnton**

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of an existing building and construction of a two storey nursing home together with associated communal space, landscaping, amenity space and parking.

The Planning Officer updated the Committee on the Council's Arboricultural Officers comments which had been received after the report had been produced. As a result it was suggested that S.C. 3.3a [Tree Protection] be added as an extra condition.

The Committee raised concerns relating to the potential flood risk on the site and discussed the condition relating to the provision of public art. Officers assured the Committee that the Environment Agency had considered a full Flood Risk Assessment prepared for the site. Surface water drainage consideration included an allowance for climate change. The provision of public art within the site would enhance the property.

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

Resolved

That application 08/02473/F be approved subject to the following:

The Agent entering in to a S106 Agreement to

- 1) Secure £2000 towards library book stocks
- 2) The provision of the appropriate numbers of waste and recycling bins.
- 3) Administration and monitoring fees payable to both the District and County Councils

And the following conditions:

- 1) S.C. 1.4A (RC2) [Full Permission: Duration Limit (3 years)]
- 2) S.C. 2.0 (RC4)[Details of materials and External Finishes] 'building'
That the colour for any render on the building here by approved shall be submitted to and agreed in writing by the Local Planning Authority, the building shall be rendered in accordance with the approved details (RC4)
- 3) S.C. 2.10 (RC7) [Finished Floor Levels] 'building'
- 4) S.C. 2.13a (RC8) [Demolition of Buildings - (before commencement of development)]
- 5) S.C. 3.1 (RC10) [Carry Out Landscaping Scheme and Replacements]
Notwithstanding the submitted details, the junction of the access road with Rutten Lane shall be served by minimum visibility splays of 2.4m x 70m, with any vegetation or obstruction exceeding 0.6m in height above the adjacent carriageway removed to the satisfaction of the Local Planning Authority.

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

That full design details of the approved cycle parking shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The cycle parking shall be laid out and constructed in accordance with the approved details (RC66).

- 6) S.C. 3.3a [Tree Protection]
- 7) S.C. 4.21a (RC19a) [Surface/Foul Water Disposal]
- 8) S.C. 6.14a (RC40a) [Specified Use Only] 'building', 'nursing home', 'C2'
- 9) S.C. 9.6 (RC87) [Fire Hydrants]
That petrol/oil interceptors be fitted in all car parking/washing/repair facilities (RC68a)
- 10) The development permitted by this planning permission shall

only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2009, produced by HCD Group dated February 2009 ref E2080092 and the following mitigation measures detailed with the FRA:

- Providing an overall run-off rate of 10 l/s.
 - The proposed scheme shall include surface water drainage systems set out in the Flood Risk Assessment and detailed on drawing C100 Rev C.
 - A maintenance plan shall be produced to ensure the lifetime management of the SUDS and the proposed trash screen.
- 11) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment for the hydrological and hydroecological context of the development, has been submitted to and approved in writing by Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is complete.
- 12) Prior to work commencing, details of a piece of artwork to enhance the site shall be submitted to and approved in writing by the Local Planning Authority. The approved artwork shall thereafter be installed prior to first occupation of the building.

Councillor Sibley requested that his abstention be recorded.

146 **Land West of Barn Field and Adjoining Akeman Street, Chesterton**

The Head of Development Control and Major Developments advised the Committee of a revised recommendation to defer the application in order to allow the offer of community land to be investigated and to give the applicants further time to attempt to resolve the surface water drainage issue.

Members of the Committee also requested a site visit.

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

Resolved

That application 08/02482/F be deferred for further investigations and a site visit.

147 **Unit C2/16, Site C, Bicester Garrison, Upper Arcott, Oxfordshire**

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of an existing warehouse and link building and the erection of a new two story office space and link building .

The Committee discussed the proposed design of the building and raised concerns about the effect of increased traffic in the area. Officers assured the Committee that there would only be increased traffic during the construction period as there would be no increased employment on the site.

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

Resolved

That application 08/02558/F be approved subject to the following conditions:

- 1) That the development to which this permission relates shall be begun not later than the expiration of three years from the date of this permission.
- 2) That the external walls and roofs of the buildings shall be constructed in accordance with a schedule of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
- 3) That the use of the building shall be by The Ministry of Defence in connection with the use of Site C Bicester Garrison and shall not be used by another occupier without the prior express consent of the Local Planning Authority.

148 **Tree Preservation Order (No 6) 2008 Trees at Bloxham Recreational Ground, Bloxham**

The Committee considered a report of the Head of Development Control and Major Developments advising Members of an objection received to a Tree Preservation Order and seeking a decision confirming the Order.

Resolved

That the Order be confirmed without modification.

149 **Decision Subject to Various Requirements - Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments updating Members upon the applications which they had authorised and decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

The Development Control Leader highlighted application 08/00709/F which had been included in the written update and remained outstanding subject to Legal Agreement with Oxfordshire County Council.

Resolved

- 1) That the position statement be noted.
- 2) That with regards to application 08/00709/F with regards to the Section 106 agreement negotiations between Oxfordshire County Council and the applicant, to agree Oxfordshire County Council's requirement that the contribution should be index-linked and should only be subject to repayment after 10 years.

150 **Appeals Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments updating Members upon the applications which they had been determined by the Council, where new appeals had been lodged, public inquiries/hearings, schedules or appeal results received.

The Committee discussed the two appeals that had been allowed by the Inspectors appointed by the Secretary of State.

Resolved

That the position statement be noted.

151 **Introduction of Public Speaking at Planning Committee**

The Committee considered a report of the Head of Development Control and Major Developments on the introduction of public speaking at Planning Committee Meetings.

The Solicitor advised the Committee of the legal implications of public speaking at Planning Committee and notably that each side (supporters and objectors) would need to be offered the same amount of time to present their statement.

The Committee noted that public speaking at meetings was part of the Planning Improvement Plan which had been approved by Council. Members agreed that there would need to be strict protocols and controls in place in order for the process to be managed effectively.

Resolved

1. That the Committee choose the following revised version of option 3:
Two groups, objectors and supporters, each speaker to have 3 minutes with a total time limit of 9 minutes on each group. Parish and Town Council Representatives to be allocated the first time slot in their respective group.
2. That public speaking at Planning Committee be subject to a review after 12 months.

The meeting ended at 6.03 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

12 MARCH 2009

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

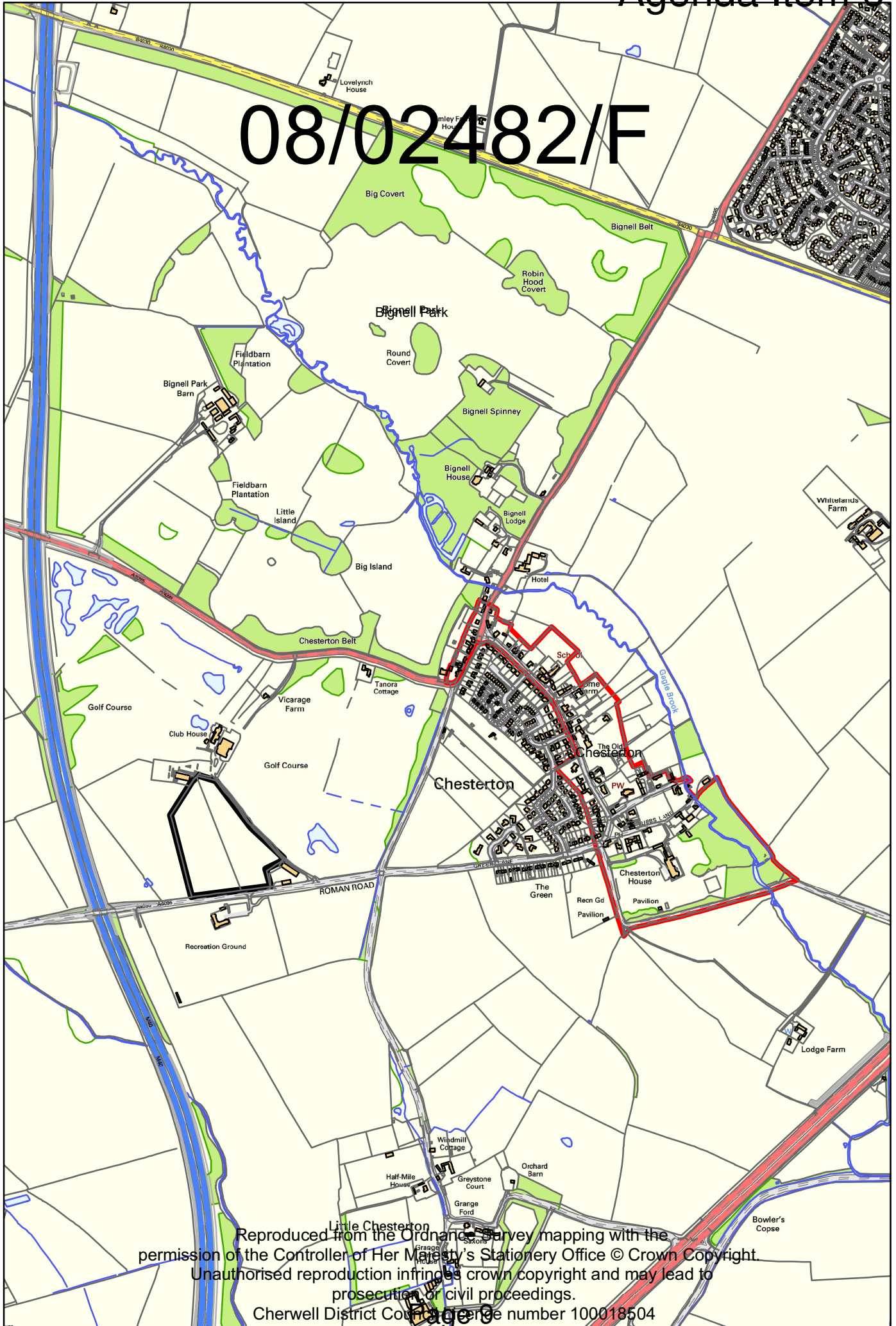
Background Papers

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

Applications

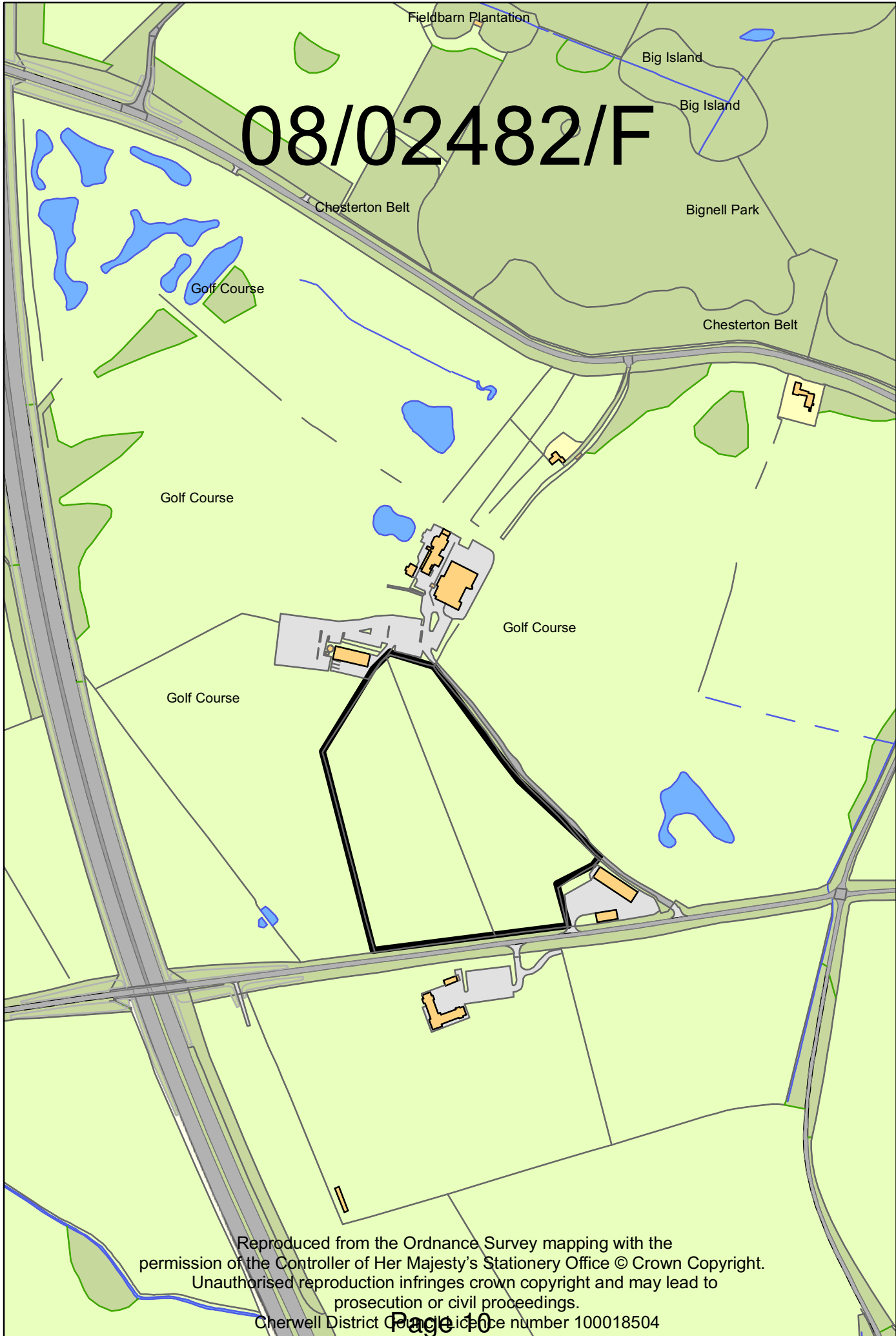
Site	Application No.	Ward	Recommendation	Contact Officer
6 Land West of Barn Field and Adjoining Akeman Street, Chesterton	08/02482/F	Ambrosden and Chesterton	Refusal	Graham Wyatt
7 Part of A Site, DSDC, Bicester, Piddington	08/02511/F	Launton	Approval	Bob Duxbury
8 Tusmore Park Farm, Tusmore, Bicester. OX27 7SH	08/02592/F	Caversfield	Approval	Emily Shaw
9 Noral Way, Banbury	09/00097/F	Banbury Grimsbury and Castle	Approval	Linda Griffiths

08/02482/F



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08/02482/F



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Application No: 08/02482/F	Ward: Ambrosden and Chesterton	Date Valid: 03/12/2008
Applicant:	Burgess and Sons, Station Yard, London Road, Bicester OX26 6BY	
Site Address:	Land West of Barn Field and Adjoining Akeman Street, Chesterton	

Proposal: Use of land for commercial/storage uses including four open yards and erection of associated buildings. Construction of new vehicular access, internal service road and landscaping.

1. Site Description and Proposal

The application was deferred to allow a Committee site visit and further consideration of flooding issues and the applicants late offer of land for community use. At the time of report preparation work was still ongoing with regard to both matters.

The application site forms a parcel of land approximately 2.4ha in area. The site lies to the west of the village of Chesterton and is currently vacant. The site is bounded by mature landscaping. To the immediate east is an industrial site occupied by WIG Engineering. To the north is Chesterton Golf Club. For the purposes of planning, the site lies within the countryside.

The proposal seeks to erect 4 buildings for commercial use. The buildings would be sited towards Akeman Street with an access road running in front of them. Two types of building are proposed measuring 20m (w) x 10m (l) x 6.2m (h) and 10m (w) x 8m (l) x 5.8m (h). The buildings are utilitarian in design and are to be constructed of profiled metal sheeting and brick.

2. Application Publicity

The application has been advertised by way neighbour letters and a site notice. The final date for comment was 15/01/09

39 letters of objection received commenting on the following:

- Impact on highway safety and infrastructure;
- Impact on character and appearance of the area;
- Development within the countryside;
- Noise and disturbance;
- Flooding;

3. Consultations

OCC Rights of Way Officer – The definitive route of Chesterton Public Footpath 6 runs within the north-eastern boundary of the site...The proposals will not directly affect the footpath and I therefore have no objections to the proposal.

OCC Archaeologist – The site concerned lies within an area of some archaeological

interest adjoining the Roman Road of Akeman Street to the south. This road ran from Alchester, 1 mile east of the proposal site, to Cirencester and is recorded as Margary's Road. A roadside settlement has been recorded along this road, immediately north of Alchester and crop marked evidence from aerial photos show a trackway and associated buildings along the road to the south west of the site. It is possible that this represents further roadside settlement. A Roman coin hoard has been recorded south of Akeman Street and in the vicinity of this development and further Roman coins have been recorded 500m north of the site. Further Roman settlements in the area is suggested by these finds. The site itself appears to currently under pasture and so no crop marked features have been recorded but given its size and location it is possible that further aspects of these Roman sites could exist within the application area.

In accordance with PPG16, we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be made.

Subsequently, the OCC Archaeologist agreed that in this instance the evaluation could be carried out as part of a staged programme of archaeological investigation as a condition on any planning permission granted.

Planning Policy - This is a proposal for use of the site for commercial/storage uses including four yards and erection of associated buildings, construction of new vehicular access, internal service road and landscaping. The site is currently open countryside and I understand that there are no buildings on it at present.

The key relevant planning policies are as follows:-

Cherwell Local Plan (CLP) Policies C7 & C8 – landscape conservation and Policy EMP4 – new employment uses in rural areas.

Non Statutory Local Plan (NSLP) Policy EMP3 – new employment sites in rural areas, Policy EMP7 - farm diversification and Policies EN30 & EN31 – countryside protection.

The site is close to, but outside, Chesterton. Chesterton is classified as a category 1 settlement in the CLP and as a category 2 settlement in the NSLP. Both the CLP and the NSLP make clear the circumstances where a new employment use may be permitted in rural areas. Generally these are (1) within an existing employment site, (2) for a conversion of an appropriate building and (3) within or adjoining settlements in the case of a minor extension to an existing acceptable employment use (CLP only). The NSLP (policy EMP3) also permits small scale employment generating development within certain settlements (although not Chesterton) subject to certain criteria.

This proposal complies with none of these circumstances. Furthermore, the proposal would result in significant intrusion of an employment use into open countryside including a number of new buildings. Notwithstanding the landscaping that is proposed as part of the application, the proposal would cause harm to the character of the landscape in this area (contrary to policy C7 in the CLP) and would represent sporadic development in the

countryside beyond the existing and planned built-up areas of settlements (contrary to NSLP policy EN30).

For all of the above reasons, the application is considered to be contrary to planning policy.

Safer Communities and Community Development Officer – No observations.

Landscape Officer – Further to my site visit on Monday, 29 December I wish to provide the following observations.

The application site is an unmanaged flattish field of approx 1 hectare in size with rough grass and agricultural weed species, and with areas of tipped builder's rubble and an old car. The field has a roadside ditch with an unmanaged hedge consisting of Ash Trees, Blackthorn, Field Maple and Bramble. The field is defined by a dilapidated barbed wire fence on the west and north east boundaries.

Therefore object to the application because it will erode the rural character on this eastern edge of the open fields. If this development is allowed it will be against our Policy EN30 which advocates refusal for such development in the countryside around Bicester, where it is deemed more appropriate to retain the agricultural use of land. The units and the associated lorries and storage of materials on the hard standing will present a detrimental impact, both visually during the daytime and night time (light pollution), and through noise pollution for the users of the golf club, the sports club, vehicle users on Akeman Street, and not forgetting walkers on the public footpath (no. 161/6) to the sites northeast boundary. The landscaping proposed is not substantial enough to mitigate the aforementioned impacts of the development. In addition the landscaping would appear to be inappropriate in both scale and proportion for the existing open character of the application site and its surrounds.

Chesterton Parish Council – Strongly object to the proposal on the grounds of highway safety, impact on the open countryside, flooding, noise and disturbance.

OCC Highways – The proposal is to convert the use of existing agricultural land for commercial/storage uses including four open yards and erection of associated buildings. The gross floor area for Unit 1 and 2 will be about 200m² each and for Unit 3 and 4 will be 80m² each.

The site lies to the west of Barnfield, adjoining Akeman Street and to the west of Chesterton. The proposed means of access to the site will be via an existing field gate entrance off Akeman Street. The Akeman Street is a narrow single carriageway with no provision of footway and street lighting on both sides of the road.

I have concerns regarding the location of the site in terms of accessibility and sustainability. The proposed site is considered remote from services and local amenities. There is no provision of safe and convenient links along Akeman Street and surrounding highway for use by pedestrians and cyclists. The site is not well served by bus services. The distance from the site to the nearest bus stop (in Chesterton) exceeds the recommended walking distance of 400m (to a bus stop) while the frequency of the only bus service (Route number 25) is less than desirable – running at 60 minutes frequency.

I am also concerned that the proposed development will generate additional lorry traffic accessing Akeman Street and the surrounding area. It should be noted that some sections of the local roads measure less than 5.5m wide and are too narrow for lorries and other

vehicles to pass through simultaneously. As a result of the proposed development additional vehicular traffic (including lorries) will be generated and subsequently add to the potential conflicts on the local roads to the detriment of highway safety and convenience.

I therefore consider that due to the remote location and poor accessibility by sustainable means of travel, the development if permitted, will likely to increase the need of travel by car and discourage travel by public transport, cycling and walking, and as such is contrary to the planning guidance given in PPG13 and policies G1 and T1 outlined in Oxfordshire Structure Plan 2016. I also have concern that traffic generated (in particular lorry traffic) by the proposed development can be detrimental to the safety of other highway users, and as such is contrary to policy T8 of Oxfordshire Structure Plan 2016.

In view of the above concerns it is recommended that this application to be refused.

Environment Agency – In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

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 (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 demonstrate that the proposed drainage system will be feasible.

We appreciate that the applicant is proposing to use the most sustainable option with regards to the SUDS selection with the use of infiltration methods, however without any infiltrations test, geotechnical investigation and desk study it has not been demonstrated that these proposals are feasible.

This information should be the initial assessment before the drainage is designed. The existing overall discharge rates and volumes should be calculated to the 1 in 100 year rainfall event. This should not include the 30% allowance for climate change as that should be included in the assessment for the proposed rates and volumes in consideration of the lifetime of the development.

We are pleased to see that the applicant has considered the surface water run-off from the north of the site by proposing an infiltration trench, however again the relevant ground tests should be carried out before we can accept the proposal under a full planning application.

Once the relevant tests have been carried out, any surface water calculations should be amended accordingly and details of the size and location of the proposed SUDS featured should be submitted.

4. Relevant Planning Policies

Oxfordshire Structure Plan 2016	- Policies	EN9, E4, G2, G4, T1, T2 and T8
Adopted Cherwell Local Plan 1996	- Saved Policies	TR1, C7, C8 and EMP4
Non-Statutory Cherwell Local Plan 2011	- Policies	EMP3, EN1, EN14, EN30, EN31, TR1 and TR5

5. Appraisal

The key issues in determination this application are:

- **Applicants specific circumstances**
- **Compliance with national and local planning policy**
- **Sustainability of the location**
- **Flood risk**
- **Impact on the character of the countryside**

Applicants specific circumstances

The proposal seeks to erect 4 commercial units for use by businesses which are currently located at Station Yard, London Road, Bicester, adjacent to Bicester Town rail station and Bicester Village Retail Park. The applicant states in the Design and Access statement that,

‘all businesses are being forced to vacate their premises due to the recent approval of a car park on the site for visitors to Bicester Village (application 08/00704/F)’

In response to this, whilst the above application was recently approved for a car park at the Bicester Village site, the parking areas are restricted to users of the rail station as a park and ride facility and was supported by Chiltern Railway whom serve the site. The owners of Bicester Village do have capacity to use the car park at weekends and bank holidays as overspill parking. Moreover, as owners of the land the departure of the tenants at Station Yard is as a result of Bicester Village serving notice on the tenants and not as a result of any action from the Council. The applicant recognises that the issue of tenancy at the site was a private matter between those parties and not a matter for the Council to consider.

The applicant has indicated that the application should be considered against the current economic climate and the potential loss of over 40 jobs for local people. However, whilst the loss of any employment, whether in the current economic climate or otherwise, is regrettable, the application needs to be assessed against policies within the development plan, and not the personal circumstances of the applicants. Moreover, as a Local Planning Authority, we have to consider a proposal for the lifetime of the development and not just the short term or current circumstances as these are very likely to change in the future (para 13 (iv) PPS1). Therefore, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, ‘If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.’

National and Local Planning Policy Framework

Planning Policy Statement 7: Sustainable Development in Rural Areas states at paragraph 1(iv) that, ‘New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government’s overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.’

Planning Policy Statement 1: Delivering Sustainable Development also states at paragraph 13 (iv) that the key principles underpinning planning seek to ensure that, *inter alia*,

'Planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.'

Policy E4 of the Oxfordshire Structure Plan 2016 states that, 'Proposals for small scale premises (up to about 500 square metres) including proposals that encourage farm or rural diversification will normally be permitted in appropriate locations.'

Policy G1 and G2 of the Oxfordshire Structure Plan 2016 states that development should be of a scale and type appropriate to the site and its surroundings and not cause harm to the character and amenities of the area and be designed so as to reduce the need to travel.

Policy EMP3 of the Non-Statutory Cherwell Local Plan 2011 states that new employment sites within the settlements listed, small scale employment generating development will be permitted subject to the criterion listed therein.

Policy EN30 and EN31 of the Non-Statutory Cherwell Local Plan 2011 seek to ensure that sporadic development in the countryside beyond the existing and planned built-up limits of settlements or which is incompatible with a rural location will be refused.

Saved policy EMP4 of the Adopted Cherwell Local Plan 1996 states that in rural areas, employment generating development will be permitted where it is within an existing employment site, is the conversion of an existing building or group of buildings or is within, or adjoining settlements for a minor extension to an existing acceptable employment site.

Saved policy C7 and C8 of the Adopted Cherwell Local Plan 1996 also seek to ensure that development does not cause demonstrable harm to the topography and character of the landscape.

Consideration of applicants special circumstances

The Design and Access statement confirms that the four units would be occupied by the following businesses:

- Burgess and Sons, Reclamation and Demolition;
- K. Services, Scaffolder;
- McGregor Railway Services Ltd, Railway Material Suppliers;
- A. E. Prentice, Coal Merchants

The applicant, Burgess and Sons, has acquired the freehold of a site approximately 4.86 ha off Akeman Street, part of which forms the application site. In considering a search for alternative sites, the applicant has stated that, 'All businesses would like to relocate to this site which would guarantee their long term security.' (para 2.3 Design and Access statement). In addition to this, the applicant states at paragraph 2.4 that the 'firms wish to relocate together for the following reasons:

- There are no currently available sites within the urban area of Bicester;
- Any sites within Bicester attract high industrial land values beyond the reach of these small firms;
- The proposed site is owned by the applicant and so is immediately available to all

- firms who must vacate their current premises in five months;
- The firms have a long history of operating in close proximity which they wish to maintain. Plant and machinery is often shared.
 - Co-locating offers the firms joint security. This is an issue for these businesses that store much of their stock outside.

These reasons raise several issues. Firstly, the applicant states that there are currently no available sites within the urban Bicester area. This may be correct when considering the relocation of four separate, quite different businesses together. However, while the four firms may wish to maintain close proximity to each other, there is no policy within the development plan to support this approach.

The applicant has provided a report on their search for alternative sites and has discounted the majority of sites as they do not offer a facility for open storage of materials (the open storage of materials will be commented on later within this report) or they cannot accommodate the four businesses together.

Whilst it is admirable that the four businesses wish to re-locate together, this is not a reason in itself to allow the development. The four businesses are separate entities and need to consider their own options regarding re-locating within the District. It is accepted that the open storage of material may cause difficulties in sourcing alternative accommodation, but this does not override existing policy regarding the location of businesses within the countryside.

Planning policy analysis

PPS7 makes it very clear at paragraph 1 (iv) that, 'New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.'

This advice is supported by saved policy EMP4 of the Adopted Cherwell Local Plan 1996 which states that proposals for new employment generating development of the following types will normally be permitted:

- (A) Within an existing acceptable employment site, including redevelopment;
- (B) Conversion of an existing building or group of buildings;
- (C) Within, or adjoining settlements, for a minor extension to an existing acceptable employment site...

Provided that,

The proposal and any associated employment activities can be carried on without undue detriment to the appearance and character of rural landscape and without harming the amenities of settlements or the special character and interest of a building or architectural or historic significance

The proposal complies with the other policies within the plan.

The applicant agrees in the Design and Access Statement (para. 3.7) that, 'the proposed

development does not fully accord with criteria A – C in the policy...’ and continues that, ‘the application is situated next to an existing employment site.’ The applicant goes on to state that,

‘there are other important considerations to justify granting of planning permission in this instance. These considerations are the ‘special circumstances’ of the businesses, which are obliged to leave their current premises at short notice and have no alternative available sites.’

The site is close to, but outside, Chesterton which is classified as a Category 2 settlement in the Non-Statutory Cherwell Local Plan 2011. Policy EMP3 of the Non-Statutory Cherwell Local Plan 2011 seeks to allow proposals for small scale employment generating sites and specifically includes Category 1 villages, considered to be more sustainable villages in the rural areas. As Chesterton is a Category 2 village, the policy does not refer to Chesterton as a location for new employment sites.

It is accepted that policy E4 of the Oxfordshire Structure Plan 2016 allows the permits proposals for small scale premises (up to about 500 square metres) including proposals that encourage farm or rural diversification, in appropriate locations. However, particular regard must also be given to policy G1 of the Oxfordshire Structure Plan 2016 in assessing the economic and social well-being of local communities.

Policy G1 of the Oxfordshire Structure Plan 2016 provides the general policy for development within the County and recognises that that national and regional guidance promotes urban areas as the main focus for development and that development should be located where it helps in reducing the need to travel and might encourage walking, cycling and the use of public transport. Policy E4 recognises the importance of ‘appropriate locations’ and states in its supporting text that,

‘Key considerations [for development] are the overall scale of the activity proposed, traffic generation and impact, and the general desire to locate developments in locations which serve to reduce travel by the private car. Local Planning Authorities can make provision for sensitive small scale development in rural settlements where they consider that there is a need and the development is otherwise acceptable.’

Having regard to both policy E4 and G1 of the Oxfordshire Structure Plan 2016, the site is not within a sustainable location and is served only by limited public transport. Therefore, in reality, the only means of accessing the site would be by private car. The site is therefore not within a sustainable location and cannot rely on policy E4 and G1 of the Oxfordshire Structure Plan 2016 which seek to reduce overall reliance on the private motor car by locating development proposals within areas where the need to travel is reduced.

Policy G1 of the Oxfordshire Structure Plan 2016 also states that,

‘The general strategy...for development to sustain economic prosperity...will deliver the level of development required to meet the objectives of this plan, while protecting and enhancing the environment, character and natural resources of the county;’

Flood risk

In the absence of an acceptable Flood Risk Assessment (FRA) the Environment Agency objects to the grant of planning permission

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 (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 addition, the submitted FRA fails to demonstrate that the proposed drainage system will be feasible.

Impact on the character of the countryside

Saved policy C7 of the Adopted Cherwell Local Plan 1996 states that, 'development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.' The supporting text to saved policy C7 also states that this advice is 'reaffirmed by recent Central Government advice (PPS7) which advises that the countryside should be protected for its own sake.'

The impact of the development on the rural character of the area also needs to be taken into consideration. The Landscape Officer has considered the proposal and raises an objection based on an unacceptable impact on the countryside.

The existing site currently forms an open parcel of land with some detritus scattered at the southeast corner (this is the subject of a current enforcement notice to be removed). Otherwise, the land is open fields and is rural in character and form. The introduction of the four units, the proposed access road, hardstanding and open storage of materials would harm the rural character of the area to the detriment of the area as a whole.

The applicant has suggested landscaping as part of the development. However, the Landscape Officer considers that,

'The landscaping proposed is not substantial enough to mitigate the aforementioned impacts of the development. I would also mention that this landscaping would appear be inappropriate in both scale and proportion for the existing open character of the application site and its surrounds.'

And Planning Policy also comment that,

'Notwithstanding the landscaping that is proposed as part of the application, the proposal would cause harm to the character of the landscape in this area (contrary to policy C7 in the CLP) and would represent sporadic development in the countryside beyond the existing and planned built-up areas of settlements (contrary to NSLP policy EN30).'

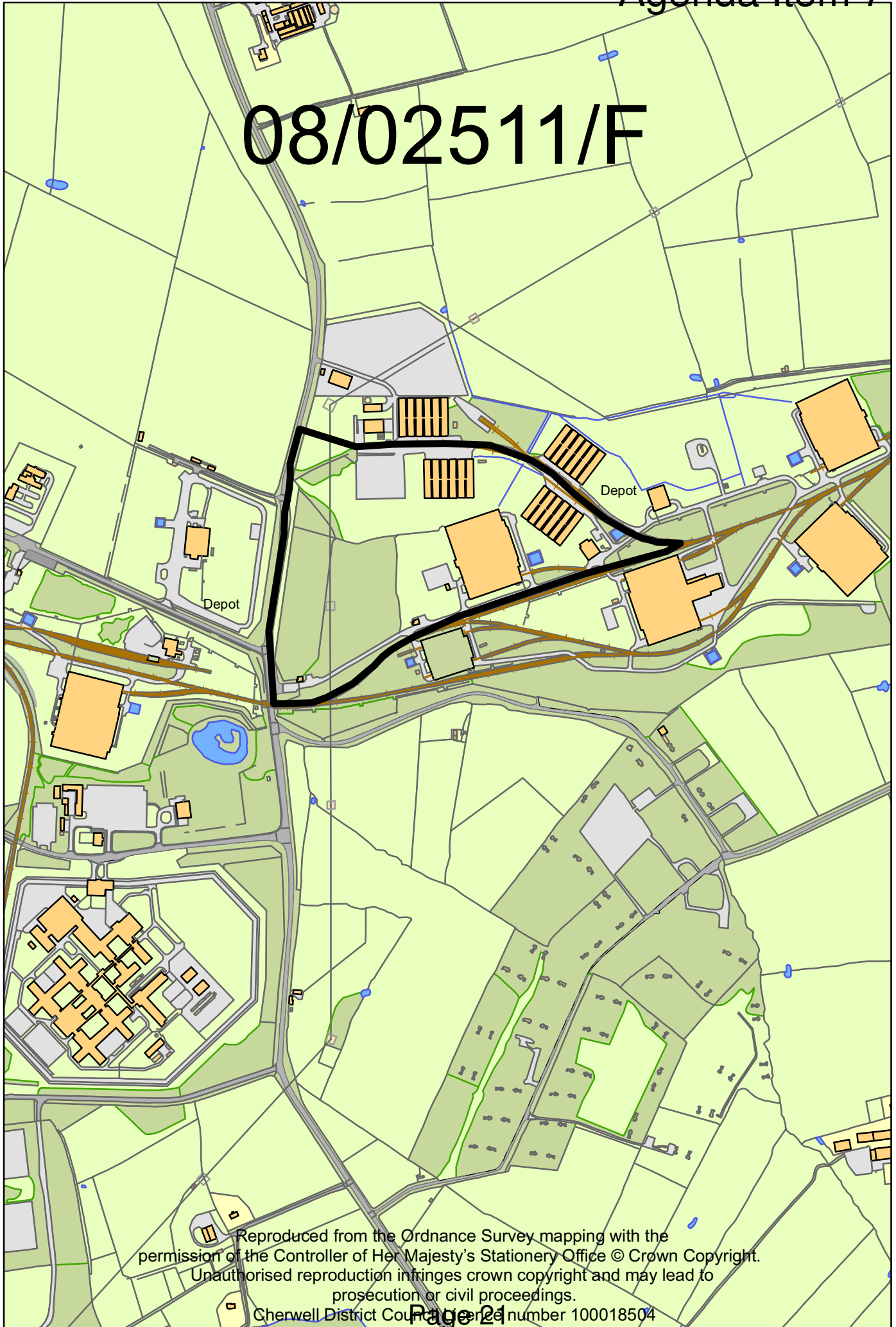
Again, it is regrettable that the tenants have been given notice to quit the site at Bicester. However, this is an argument that could be used repeatedly by businesses which are also seeking to relocate to a rural location with no other justification than they have been given notice to quit their current premises. With this in mind, these circumstances are not considered to be so special or of such weight as to warrant overriding adopted policy or Government guidance seeking to protect the countryside as a finite resource and for the sake of its intrinsic character and beauty.

6. Recommendation

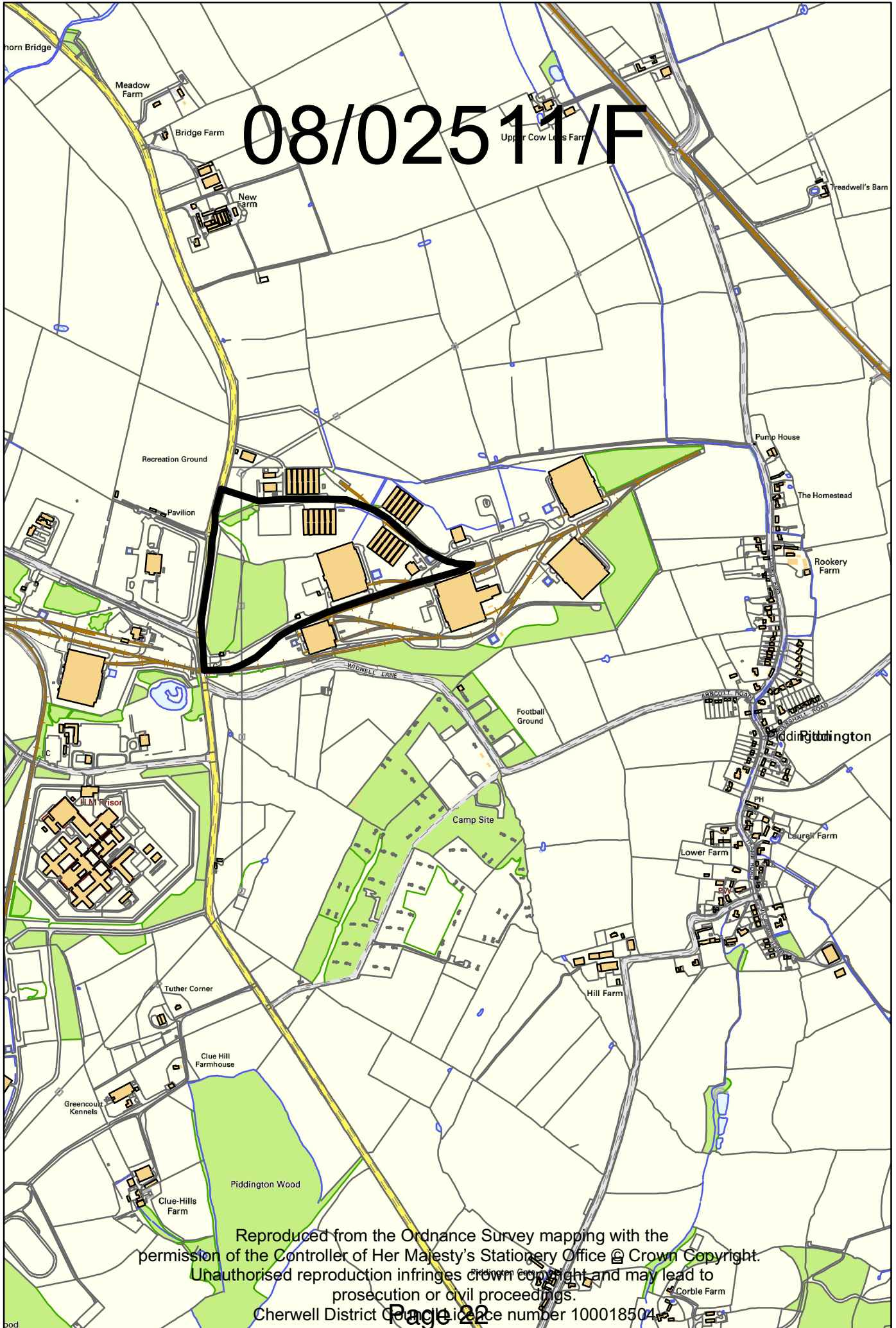
Refusal, for the following reason(s);

- 1. The proposed buildings are in an isolated location, divorced from established centres of population and not well served by public transport and reliant on use of the private car. The use of the buildings for unspecified commercial uses with no evidence of meeting local economic or social needs in terms of providing local employment opportunities or providing a local service, will result in development in the countryside that will not contribute towards sustainable development objectives and which will give rise to excessive traffic which will prejudice the aims of both the Structure and Local Plans to focus development in areas that will contribute to the general aim of reducing the need to travel by private car. This will be contrary to guidance contained within PPG 13: Transport and PPS7: Sustainable Development in Rural Areas, Policies G1, G2, E4, T1 and T8 of the Oxfordshire Structure Plan, saved policy EMP4 of the Adopted Cherwell Local Plan 1996 and Policies EMP3 of the Non-Statutory Cherwell Local Plan 2011.**
- 2. The proposal will result in a substantial change in the character and appearance of the open countryside which contributes to the rural setting of Chesterton and will lead to an unacceptable erosion of the rural character of this part of the countryside. This will be contrary to Policy EN1 of the Oxfordshire Structure Plan 2016, saved Policy C7 and C8 of the adopted Cherwell Local Plan and Policy EN30, EN31 and EN34 of the Non-Statutory Cherwell Local Plan 2011.**
- 3. The Flood Risk Assessment submitted with the application does not comply with the requirements set out in Annex E, paragraph E3 of PPS25. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the development. The proposal is therefore contrary to Policy EN9 of the Oxfordshire Structure Plan 2016 and policy EN14 of the Non-Statutory Cherwell Local Plan 2011.**

08/02511/F



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Application No: 08/02511/F	Ward: Launton	Date Valid: 11.12.08
Applicant:	The Home Office UKBA	
Site Address:	Part of A Site, DSDC, Bicester, Piddington	

Proposal: Demolition of existing buildings and erection of an Immigration Removal Centre including an Accommodation Building (seven wings plus a Central Facilities Block) a Gate House, Visitor Centre and Energy Centre, car parking, access road, 5.2m fence and ancillary hard standing and landscaping.

1. Site Description and Proposal

The application site covers approximately 14 hectares and is located to the east of the B4011 adjacent to the junction with Widnell Lane (leading to Piddington) and Palmer Avenue (leading to Arncott). The site would be accessed via the existing access to A site adjacent to the level crossing. The site is the same as that proposed in 2002 for an accommodation centre for asylum seekers.

The site is currently occupied by two sets of conjoined Nissen huts and a large warehouse building. A high voltage electricity cable crosses the western side of the site. An area of trees/shrubs is also located on this side of the site shielding views from the B4011. There are other trees and hedgerows within the site. MOD uses will remain to the north, east and south of the proposed use.

The proposal is to construct an Immigration Removals Centre (IRC) which is designed to house 800 single males, who may be asylum applicants, immigration offenders or foreign national prisoners who have served their sentences. It will be constructed to Category B prison standards enclosed by a 5.2 metre high security fence. The detainees will arrive at the IRC from asylum screening centres, ports, arrest teams, reporting centres or by secure transport. They will be either asylum seekers whose application to remain have failed, illegal immigrants or foreign national prisoners whose sentences are complete but are being removed from the country. The length of stay will vary but will on average be 6-8 weeks.

The proposal is to construct the removal centre as a single building with a central facilities block linked to seven accommodation wings and a sports hall. A copy of the masterplan and a 3D perspective are attached as Annex A.

The development proposed consists of :-

- A series of interconnected 3 storey residential blocks with association areas and showers and with direct access to their own exercise yard.
- A central facilities block, also 3 storeys, containing reception and discharge areas, kitchen, facilities management and stores, areas for visits, healthcare facilities and UKBA and operations offices.
- A fence 5.2 metres high comprising solid sheet steel to 2.8 metres and mesh above topped by 30cm of razor wire a gatehouse (2 storeys).
- A visitor centre (single storey) with 30 space car park.
- Energy building containing a range of heating technology and water chillers and

- heaters.
- A staff car park for 270 cars.

The proposals provide 23,765sq. metres of floorspace. The main buildings will be 16.2 metres high at the ridge of the pitched roofs which contain clerestorey windows (east facing). It is intended that the buildings will be constructed in buff and brown brickwork with grey metal roofing.

For security reasons the submission does not include the internal layout of the buildings. Internally detainees are provided with access to the internet and to television, phones, newspapers and a range of purposeful activities. Sports and faith facilities are provided. The buildings include a 20 bed medical facility, a dental suite, dispensary and GP consultants rooms.

The new centre would employ 528 full-time equivalent skill made up of 58 managers, 320 detention custody officers, 70 healthcare staff, 40 regime staff, 20 clerical staff and 20 Home Office employees.

The application is accompanied by the following:-

- A planning statement
- Design and access statement
- Energy statement
- Site contamination statement
- Landscape and visual assessment
- Arboricultural report
- Drainage and surface water strategy
- Lighting assessment
- Ecological impact assessment
- Archaeological assessment
- Transport assessment (and addendum)
- Travel Plan
- Statement of community involvement

2. Application Publicity

The application has been advertised by means of site notice, and press notice.

29 individual letters of objection have been received from residents of Arncott, Ambrosden, Piddington, Merton, Bicester, Boarstall, Blackthorn, Lower Heyford, Caversfield and Oxford. Their comments include the following concerns:-

- The need for this facility is not proven
- Inappropriate rural location – lighting and noise
- Harm wildlife habitat
- Water supply concerns
- Concern about safety – history of protests and escapes at Campsfield
- What will happen to the centre if the numbers of immigration detainees fall
- Transportation infrastructure inadequate – unsustainable
- Impact upon flood drainage
- Impact upon rural economy – diverting employment creating difficulty for local businesses to recruit staff

- Traffic problems
- Size and prominence in rural landscape
- Raises similar issues to accommodation centre application which CDC objected to
- Visible from Lower End Piddington
- Inefficient landscape screening
- Orientation of roof windows will be clearly visible from Piddington
- Concern about roof coloration
- Construction disturbance
- Rat-running through Piddington, Arncott and Blackthorn
- Relationship of centre to high voltage electricity lines

Letters of objection have been received from the Oxford and District Labour Party and the Oxford and District Trades Union Council who raise concern about the excessive size of the building, its unsustainable location, light and noise pollution, contrary to employment policy. They also, like many of the objectors above raise non-planning matters about the humanity of detention, affect upon human rights and the cost of the development and its operation.

A lengthy letter has been received from an organization known as the Coalition Against Bullingdon Immigration Removal Centre (CABIRC). I attach their letter as Annex B.

3. Consultations

- (i) **Oxfordshire County Council** as strategic planning authority considers that the development is contrary to the principles of sustainability guiding the location of development in Policies SP3 and C01 of the draft South East Plan as proposed to be changed and Structure Plan Policy G1 and E1.
1. It considers the proposed development is contrary to the principles of sustainability guiding the location of development in Policies SP3 and CO1 of the draft South East Plan as proposed to be changed and Structure Plan Policies G1 and E1. However, on balance, it considers that these policy objections are outweighed by a national need to increase the capacity of UKBA's detention estate, the operational requirements of a detention centre and the difficulty of locating the use in an urban area and therefore would not object to the development of an immigration removal centre in this location.
 2. If the district is minded to approve the application, permission should be subject to:
 - a) a legal agreement(s) to secure appropriate contributions to the improvement of Bicester Fire Station, the implementation of a Travel Plan, provision of minibus services, the costs of traffic monitoring and any subsequent identified highway mitigation measures and a routing agreement for construction traffic and vehicles bringing detainees to and from the site and;
 - b) conditions to require the development to achieve an excellent BREAM rating; the installation of a comprehensive fire detection and sprinkler system in **all** buildings; provision of pedestrian/vehicle access to the minimum standards in building regulations document B5; comprehensive on-site water supplies and associated equipment; access to and use of space in a purpose designed, secure control room/incident centre when managing any on site incident – this would include infrastructure

requirements e.g. ICT; and, prior to operation, the development of an agreed, comprehensive multi-agency concept of operations and the provision of detailed incident procedures plus any necessary multi agency training and contingency planning.

- (ii) The concerns about the implications for the fire and rescue service are repeated in a letter from Oxfordshire County Council concerning impact upon their services. They confirm that most of their services do not expect this development to have an impact as it is a self contained unit. They would need running costs if the development will require on site educational support, social services involvement or library provision. With regard to the fire service the County Council indicate that the following items will need to be addressed:

A full sprinkler system should be provided as part of this application rather than the partial system proposed. Comprehensive fire detection and sprinklers throughout all buildings (not just bedrooms and common areas as indicated in 5.5).

The upgrading of Bicester Fire Station (capital funding issue) to allow for a revised staffing method will require capital expenditure in the region of £250,000 with the step change in staffing being in the order of £1M revenue effect per annum. This is sought on the basis of the additional burden this proposal would place on overall Fire and Rescue infrastructure.

Comprehensive on site water supplies and associated equipment including a ring main (accessible in the detainee free zone) and dry rising mains in appropriate locations.

The County Council will also wish to seek to secure a legal agreement for appropriate financial contributions to mitigate the effects of this development if implemented, before any planning permission is granted.

This matter is being discussed between Oxfordshire County Council and the applicant.

- (iii) **Buckinghamshire Fire and Rescue** notes that the development has significant implications for their service which may be required to support Oxfordshire to attend incidents. They suggest that Bicester Fire Station should be improved, that an incident strategy should be formulated and that an assessment of the need for an automotive fire suppression sprinkler system should be made.
- (iv) **Aylesbury Vale District Council** raise no objection in principle to the proposal which is noted to be both on a brownfield site which will be screened to a large extent by existing military buildings. This view is offered on the basis that Cherwell District Council is satisfied that it accords with Development Plan Policy or that there is an overriding justification that would lead your Council to support the application. They seek controls preventing the use of the complex as an open centre. They ask for careful attention to materials, especially roof materials and external lighting as it will be visible at a distance from Muswell Hill.
- (v) **Piddington Parish Council** comments are attached as Annex C
- (vi) **Blackthorn Parish Council** comments are attached as Annex D

- (vii) **Ambrosden Parish Council** has no objections to the plans. They comment that there will be vigorous objections should there be any future proposal to change the use from removal centre to detention centre.
- (viii) **Ancott Parish Council** comment as follows:
- The report states that the area is now classified, according to 'Cherwell District Landscape Assessment, as 'within degraded urban fringe type landscape area where the influence of built development is unmistakably urban', yet later says 'A Removal Centre is not a use that is suited to an urban location' – The area around Ancott/Ambrosden/Piddington/Blackthorn is unmistakably rural, we seek assurance that the District Council supports this view. If not then the building of an IRC in an 'urban' environment needs to be challenged.
 - Traffic:
 - Construction – Need to be assured will not use villages at all.
 - Secure Vehicles – Routeing Order must enforce use of A41-B4011.
 - Staff – Will undoubtedly use villages to get to work, including Ancott. Ancott PC need to be engaged to plan traffic calming measures at all access/exit points to the village, and throughout. To include:
 - Ploughly Road – humps need to be replaced with something that works.
 - Vehicle Activated Signs deployed
 - 30mph speed limit signs throughout village
 - Extension of 30mph zone to include new development south of Upper Ancott, including humps/chicane
 - What assurances are given that the IRC will not be downgraded from a secure unit to an open centre in the future?
 - Bicester Garrison has plans to expand into some of its disused sites, possible creating a super-Garrison. Will CDC consider this when considering the IRC Planning Application?
 - There will undoubtedly be activists outside the centre, like Campsfield, what consideration has been given to funding of extra police/ambulance service etc?
 - What assurances can be given over the security of the buildings and possible breaches of security?
 - The IRC is to be included on the existing (S5) bus route. What plans are there to increase the frequency of this service to cope with the increased usage to avoid a decrease in service to villagers?
 - The junction of Palmer Avenue and A4011 is dangerous now, with the increased traffic it will be even worse – a condition of planning must be to

create a roundabout at this junction.

- The junction of the A41/Ambroseen turn is extremely dangerous now and is likely to receive more traffic with the increase in staffing at the IRC. A condition of planning must be to create a roundabout at this junction.

Whilst the Open Meeting and the Parish Council have no reason to object to the planning application, the impact on this rural area will be immense, primarily from an increase in traffic.

- (ix) **Environment Agency** object on the basis of an unsatisfactory flood risk assessment. Subsequent meetings have been held between the Environment Agency and the applicant's agents. We await confirmation that this matter has been satisfactorily resolved.
- (x) **Cherwell District Council's Head of Building Control and Engineering Services** agrees that the site is in Flood Zone 1 (and therefore at the lowest risk of fluvial flooding) and that the ground in this locality is not suitable for effective soakage. On-site attenuation is therefore necessary and full details will be necessary. He is satisfied that an acceptable foul sewage disposal system is achievable but notes that discussions continue with Thames Water.
- (xi) **Thames Water** recommend that the applicant should ensure that the storm flows are attenuated into the receiving public network through an off site storage. They do not raise any objections to the foul drainage proposals. They have no objection on water supply grounds.
- (xii) **Cherwell District Council's Environmental Protection Officer** is content that issues of possible contamination can be adequately dealt with by a condition on any approval.
- (xiii) **Cherwell District Council's Landscape Planning Officer** comments:-

The site is very flat, low lying and generally well screened even in winter. It is sited in a relatively built up area comprising various MOD buildings. There is also a row of electricity pylons running the length of the site which inevitably create existing visual impact. The buildings encircle the site on its north and east sides.

The south side has a thick hedgerow along Widnell Lane providing substantial screening. The west side has a belt of planting which screens it immediately adjacent to the site boundary. The only place where there will be some visibility is from the approach from the north along the B4011. There are no public foot paths in the immediate vicinity. There will be no change in views for the residents of Piddington. In my opinion the photomontages give an accurate picture of the impact of the proposed development. The only impact will be from the B4011 where the roofs of the development will be visible above the storage areas. The storage may change but there will be some on-site planting to help mitigate this. Most of the existing vegetation is to be retained and there will be some enhancement planting. The site entrance from the B4011 is in need of particular improvement.

On the basis of my observations and the information and visual images given in the Landscape and Visual Assessment Report and Design and Access Statement I can see no grounds for objecting to this application on the grounds of visual impact.

(xiv) **Cherwell District Council's Ecologist** considers that the ecological report is satisfactory. Protected species will need appropriate licensing arrangements for movement if necessary. – No comments yet received from Natural England.

(xv) **The Council's Head of Planning and Affordable Housing Policy** comments that:

DCLG Circular 02/2006 on Crown Application of the Planning Acts states that new C2A development such as a prison, secure hospital or immigration detention centre require:

“A large area of ground. Such uses need good road links for staff, visitors and deliveries and space for car parking as well as good public transport links. They also provide a significant number of long-term jobs for local people. For these reasons such institutions may not easily be accommodated within existing residential land allocations. The Secretary of State considers that the physical requirements and employment generating aspects of these schemes are an important consideration and that despite their residential classification, location on land allocated for employment uses is appropriate”.

The site comprises former Defence land in a rural location. It lies outside the District's built-up areas and is not allocated for employment or any other specific use in any part of the Development Plan (RPG9, saved policies of the Oxfordshire Structure Plan 2016 and the Cherwell Local Plan 1996).

The applicant notes (planning statement, para 7.7) that planning policies at national, regional and local levels: PPS1, PPG13, RPG9, Structure Plan Policies G1 and G2 and the emerging South East Plan all encourage development in sustainable locations that foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel. They state that in general terms the policies support development located in urban rather than rural areas. It is agreed that the siting of the proposed facility in this rural location would not accord with the general thrust of national, adopted Development Plan, and emerging regional policy.

The Planning Inspector who considered a previous proposal for an open accommodation centre for asylum seekers on the site concluded that all the land within the site should be regarded as previously developed land, but that this in itself was not a sufficient reason for developing in a rural location. Although the land is no longer owned by the MOD and the definition of previously developed land has changed since the earlier application was considered, the site has a clear and historic relationship with surrounding MOD land and is likely to remain to be considered as previously developed.

Justification for the proposed development lies in the national need for additional removal centre spaces. The planning statement states that the removal estate consists of 10 centres with 2,533 bed spaces and that this needs to increase to

at least 4,000 bed spaces in order to support the delivery of the UK Border Agency's (UKBA) strategy. UKBA forecasts that the total medium term requirement is likely to be in the range of 3,300 to 4,200 beds. The target of at least 4,000 relates to the priorities of the Government's national strategy for enforcing immigration laws. It is clear, therefore, that the development is proposed in the national public interest.

On this basis, there is no planning policy objection to the proposed development subject to other detailed matters being acceptable. This includes there being no objection from the Highway Authority and the securing of a robust and enforceable Travel Plan in view of the intention to employ significant numbers of staff (528) in what is a relatively isolated rural location.

(xvi) **Oxfordshire County Council's Highways'** interim comments are:-

It is clear that the detention centre is located such there will be a high generation of car trips and it is difficult to see that the proposal meets the ambitions of PG13 even with the mini bus services being proposed. However, it is acknowledged that more centrally placed locations are probably not available and arguably not appropriate for such uses.

It is considered the TA assesses the trip generation and likely impact in a fair way and it shows there is unlikely to be any capacity problems on the highway. The monitoring and possible mitigation measures in Blackthorn are considered appropriate although clearly the nature and effect of such measures are unknown at present.

The current application varies considerably from the previous asylum seeker centre which allowed detainees free access and the length of stay and on site facilities were greater. The previous concerns of the highway authority do not arise in large extent by this current application.

Providing a suitable Section 106 is entered into by the applicant the Highway Authority does not feel any concerns could be sustained at appeal and therefore raise no objection to the proposal.

(xvii) **Oxfordshire County Council's County Archaeologist** raises no objection but requests a planning note about any archaeological finds made.

4. Relevant Planning Policies

Relevant national planning policy is set out in PPS1 (Delivering Sustainable Development) PPS7 (Sustainable Development in Rural Areas) and PPG13 (Transport). As recounted above in the HPAHP's comments Circular 02/2006 provides some guidance on prison development.

Regional policy is provided in RPG9 (Regional Strategy for the SE) and the emerging South East Plan which encourage development in sustainable locations.

The relevant policies of the Oxfordshire Structure Plan are:- G1, G2, G3, G5, G6, T1, T2, T8, EN1, EN2, EN9, E1 and E3. Relevant saved policies of the adopted Cherwell Local Plan are: - EMP4, TR1, C2, C7, C9 and C28.

The Non-Statutory Cherwell Local Plan 2011 contains the following relevant policies:- EMP4, TR1, TR2, TR4, TR11, EN1, EN6, EN11, EN15, EN24, EN25, EN31, EN34, D4 and D9.

5. Appraisal

The key issues to be considered in this case are:-

- The history of previous applications on this site
- Assessment against planning policy
- Sustainability
- Design and visual impact on the countryside
- Highway/transport issues
- Employment
- Technical issues such as energy efficiency, drainage and infrastructure capacity
- Ecological impact

Planning History

Members will be aware that in May 2002 the Home Office submitted a Circular 18/84 consultation in respect of a proposed immigration accommodation centre for asylum applicants on this site. The Council objected to the proposal in July 2002 and a Non-Statutory Public Inquiry was held in December/January 2002/3. The Deputy Prime Minister granted planning permission for that development in August 2003. I attach a copy of his decision letter as Annex E. It will be recalled that the Council challenged that decision in the High Court and the Court of Appeal but was not successful in that challenge.

It should be noted that the Secretary of State agreed that:-

- (i) that proposal was contrary to Structure Plan Policy G1 of the Structure Plan (para 12);
- (ii) that the traffic generation was not excessive or inappropriate (para 13);
- (iii) the provision of a mini-bus service overcame concern about conflict with Structure Plan Policy G2 (para 14);
- (iv) that the proposal would not cause demonstrable harm to the character of the landscape (para17)

In dealing with need he concluded that the need to trial accommodation centres weighed positively in his decision (para 21). He also agreed that it was previously developed land (para 24) and that the re-use of such land is an important objective in helping to create sustainable patterns of development. In dealing with the impact of the development on the character of the area the Secretary of State places weight on Cherwell District Council's Landscape Assessment document which describes the land as being within 'degraded urban fringe type landscape unless the influence of built development is so great that the character has become unmistakably urban'. He then deals with issues which are to the secure nature of this proposal are not as relevant (impact on local services and pedestrian safety).

Finally, in dealing with the planning history the HDCMD draws attention to the over 2200 objections received to that previous case and less than 30 in this case.

Assessment Against Planning Policy Sustainability

It is not possible to merely follow either our assessment against policy in relation to the previous scheme, or the Secretary of States because this scheme is substantially different. The main differences are the scale of the proposal (800 detainees against 400) and substantially greater workforce, the 'closed' nature of the establishment, and the size of the buildings (3 storey rather than 2).

Notwithstanding the above comments as this is large scale development within a countryside setting (outside of the principle fabric of development in Oxfordshire) the proposal is contrary to Policies G1 and G2 of the Structure Plan. The general strategy is to concentrate development in locations where the need to travel (particularly by private car) is reduced. The siting of the proposed facility in this rural location, which is poorly served by public transport, would not accord with the general thrust of national, adopted (and saved) Development Plan policies or existing and emerging regional policy. Therefore, if the Council considers that the proposal is approvable it will need to treat the application as a departure from the Development Plan, which may lead to it being 'called-in' by the Secretary of State.

The applicants argue that a removal centre is not a use that is suited to an urban location for the following reasons:

- It occupies a large site and located in an urban area would prevent a more appropriate use being developed on the land.
- It is a secure location with no public access which is better located out of an urban area.
- The detainees do not make use of the external facilities offered by the town centre.

The HDCMD is not enamoured by this approach as the facility visited by the Development Control Team Leader and two Members at Colnbrook was within an urban location albeit adjacent to another detention facility. Of more significance perhaps is the advice contained in Circular 02/06 quoted in the HP & AHP comments at 3 (xv) above. The applicants argue that that advice does not limit such development to urban locations (although it could have said so). It does say however that the employment generating aspects of the schemes are important. In the HDCMD's opinion this means that they would be located where well served by public transport. This site is not unless exceptional efforts are made to provide dedicated transport for staff. When considering the accommodation centre similar arguments were put forward. The Secretary of State concluded that the mini-bus arrangements then offered were sufficient to outweigh this concern. The HDCMD has some concern about the offer currently with the Council on these matters but it is hoped that this can be improved upon before Committee and in Section 106 negotiations.

The site is undeniably previously developed land, any argument to the contrary was extinguished by the Secretary of State's decision upon the previous proposal.

In the previous decision the need for the trial of an accommodation centre played a significant role. The applicants make a substantial case with regards to need which is attached as Annex F. Whilst the need for such establishments, and the quantities of need

is criticised by CABIRC and related objections, the Council cannot contest Government policy. In their opinion such detention facilities are necessary and this development is necessary to fulfill their requirement. The Council must consider if in planning terms this site is appropriate. It will be seen that in the previous appeal decision (para 19 Annex E) the Secretary of State argued that it was not necessary for the applicant to demonstrate convincing reasons why it is necessary for such a proposal to be located in a non-urban location. The Secretary of State previously considered that the Home Offices' need was a "very important consideration and (he) places great weight upon it" (para 45). At para 47 he says that in that case the need for a trial outweighed the sustainability concerns. In your officer's view the Secretary of State would be likely to conclude in a similar way in this case, if he intervenes following a call-in or refusal. Bedford and this site at Bullingdon represent the only sites currently scheduled to meet the need and both are considered necessary.

The HDCMD therefore advises that the Council should not contest the proposal on need grounds, and moreover that need may overcome the sustainability concerns about this site.

Design and Visual Impact in the Countryside

The buildings are large, being 3 storeys high and with a pitched roof, but the surrounding sites have good quality trees and other screening material, which will successfully screen the buildings from many directions. The buildings are also to be sited within MOD land which will continue to contain large scale warehouse buildings and tall open storage, so even where the buildings are seen they are within a less than pristine rural landscape. The applicant has submitted a comprehensive landscape and visual assessment report that has been critically examined by both landscape and planning staff. It will be seen at 3 (xiii) above that the landscape officer considers that there are no grounds for objecting to the application on grounds of visual impact. The HDCMD shares that view. The criticism of the scheme by residents of Lower Piddington has been carefully analysed, but retained MOD buildings and existing trees will prevent significant views of the buildings being obtained from the easterly direction.

The roofs of the building will however be more prominent when approaching the site from the north, on the B4011 Bicester-Thame Road when a view across the largely unscreened MOD site. The HDCMD has asked the applicants to hold discussions with the MOD and adjoining land owners concerning off-site planting on this side as insufficient land exists on the application site to provide effective additional screening. The roofs of the building will also be visible as one approaches from the west along Palmer Avenue from Arcott and from the slopes of Muswell Hill at much greater range to the south-east. Given the advice received the HDCMD advises that landscape impact is unlikely to succeed as a grant of refusal.

In design terms the buildings form a large scale set of linked institutional buildings of modern appearance. Their siting within the site has been determined by the shape of the site, the high voltage cables, existing woodland and hedgerows. The form and layout is determined by the desire, for operational reasons, to divide the facility into self contained wings. The design is also influenced by its function as a place of detention, necessitating solidity, security, one point of secure entry, secure fenestration, fencing and damage resistant materials. It is proposed to be constructed in brown and buff brickwork with aluminium standing – seam roofing. The other buildings (gatehouse, visitors building and energy building and sports hall) all have a continuity of design and material to produce a well conceived group. A carefully designed landscaping scheme will soften/screen views and help to break up the large scale of the car park. This is helped by existing vegetation

on site that can be retained and by planting on the retained MOD site which is unaffected by the proposal.

Concern has been expressed about the impact of external and internal lighting. The clerestorey windows in the roof of the accommodation wings are criticised by residents of Piddington, but whilst it may be possible to glimpse these it is not considered that this would be disturbing.

The application is accompanied by an environmental lighting assessment. It is explained that the exterior lighting has been specifically designed to provide sufficient light for the access roads and car parking. It is envisaged that much of this would be switched off after 10pm. Any lighting around the perimeter fence can also be switched off as infra-red security lighting and CCTV will maintain security. Exercise yards will also be lit to allow winter time use but will be switched off when not in use. The use of full cut-off luminaires will eliminate any problem of sky-glow and light trespass beyond the site boundary and can be kept to a minimum. The submitting experts assess the impact as negligible to slight and the HDCMD sees no reason to disagree with this conclusion.

Transport and Highway Issues

The application is accompanied by a comprehensive transport assessment, and an addendum written to respond to queries raised in the pre-application consultation phase. As a result of that Oxfordshire County Council consider that there are unlikely to be any highway capacity issues. They do not consider that roundabouts are necessary on the A41 or B4011 as proposed by Arcott PC. They do however seek some mitigation measures in Blackthorn (to inhibit short-cutting to the A41) if it is proven necessary. This would be secured through a Section 106 agreement.

To overcome their concerns about the unsustainable location the County Council seek an extended travel plan to provide alternative means for staff and visitors to access the site other than the private car. Your officers consider this essential and continue to press for an improvement over the existing offer. It is possible that the UKBA could combine with the Prison Service to provide an enhanced service for both sites.

Employment

Arguably the site is already an existing acceptable employment site to which policy EMP4 of the adopted and Non-Statutory Cherwell Local Plan relates. To accord with that policy the new development should be one that can be carried out without undue detriment to the appearance and character of the rural landscape and without harming the amenities of settlements. This policy did not envisage development of such a scale, but nevertheless these qualifications are met in the HDCMD's opinion, and it remains the sustainability of the location which is at question.

In the current economic climate the concerns expressed by some correspondence about the difficulty of obtaining sufficient staff, or the impact upon the labour market, are probably misplaced and overtaken by the events of the last few months. Undeniably they will recruit from a large area and consequently the requirement for a good staff transport system is re-emphasised.

Other Technical Issues

- (i) Energy efficiency - The proposal includes an energy sustainability report. The building is to be designed to attain a BREEAM excellent rating by making use of solar water heating, ground source heating and the possible use of biomass boilers, wind generation and the use of photovoltaic cells are not proposed. Grey water and rainwater recycling are intended.
- (ii) Drainage/water – The applicants anticipate being able to overcome the Environment Agency's concerns before the Committee meeting – a verbal update on this will be given. The scheme is unlikely to have any impact upon flooding in Piddington as it is downstream of the village.

Water supply has been investigated given the comments of some villagers, and yet the no objection from Thames Water on water supply grounds. It would appear that whilst Thames Water will supply this site, and do supply many in the surrounding villages, the existing MOD site and some houses and farms outside of Piddington are served from another private source. That supply which may be experiencing low pressure will be unaffected and separate from that servicing the proposed development.

- (iii) Infrastructure capacity – Members will recall that a major concern about the accommodation centre proposal was the impact upon local services – education, medical, library, social services etc. Mostly such concerns do not arise in this secure unit, as the provision of such matters is internal and does not affect the public facilities. Two issues have however been raised with the applicants.

Firstly with regards to medical provision, this is largely met on site. But concern was expressed about the potential impact upon secondary health care i.e. John Radcliffe Hospital if more serious medical emergencies arose. It has been clarified that there has been discussions between UKBA and the Department for Health. In future years PCT allocations will explicitly include persons detained in removal centres. This should ensure that adequate funding is available to provide necessary off-site capacity. The views of the PCT and John Radcliffe are awaited.

The second issue concerns the impact upon the Oxfordshire Fire and Rescue Service. It will be seen in 3 (i) and (ii) above that there is concern that this large facility will cause the service to change the Bicester Fire Station from a retained crew to a full time crew with consequent needs to adopt the existing building and with review impacts. Those concerns have been passed to the UKBA and a response is awaited. If necessary further meetings will be held with the parties before or after the Committee consideration of this application.

Ecological Impact

A detailed ecological impact assessment has been submitted.

The overall evaluation of the existing site as a habitat is that the hedges and grasslands of the western end form a mosaic of interconnecting habitats of some biodiversity value but are of no more than local value. A large population of Great Crested newts was found in water tanks on the site. A grass snake, various bird species, four bat species and black hairstreak butterflies were all identified on site.

Two sections of species rich hedgerows require removal and would require mitigation as does the impact upon the growth of foraging areas for the Great Crested newts (their breeding water areas area largely unaffected by the proposal). Bats are roosting in some of the buildings to be removed. A license for their removal will be necessary.

Extensive mitigation measures are described. The comments of Natural England are awaited.

6. Recommendation

Approve Subject to:

- (i) departure procedures**
- (ii) the completion of a legal agreement with the County Council concerning green travel plan matters and off-site traffic calming measures, road signing and construction traffic routeing**
- (iii) the withdrawal of the objection of the Environment Agency**
- (iv) the receipt of comments from Natural England and the medical authorities**
- (v) finalisation of the position with regards to the need for the Section 106 agreement to include contributions towards the improvement of Bicester Fire Station and/or a condition re: sprinkler systems and;**
- (vi) the following conditions:**
 - 1. SC1.4 Duration Limit 3 years**
 - 2. SC2.0 Materials**
 - 3. SC2.10 Floor Levels**
 - 4. SC3.0 (a)-(c) Landscaping Scheme**
 - 5. SC3.1 Implement Landscape Scheme**
 - 6. SC3.2A Retained Tree**
 - 7. SC3.3A Scheme Submitted to Protect Retained Trees**
 - 8. SC5.5 Security fence details**
 - 9. SC3.16 Details of services**
 - 10. SC4.3 Access details**
 - 11. SC4.12 Internal access road and parking areas**
 - 12. SC4.14C Cycle parking**

- | | | |
|-----|---------|--|
| 13. | SC4.21A | Surface water/foul water disposal |
| 14. | SC4.25A | Balancing pond |
| 15. | SC6.14A | Use of Buildings restricted to secure immigration removal centre and no other use in C2A |
| 16. | SC8.13 | Land contamination |
| 17. | SC9.4 | Ecological mitigation measures |
| 18. | SC9.9 | Impact study on water supply |
| 19. | SC9.10 | Construction compound |
| 20. | SC9.12 | BREEAM excellent |
| 21. | SC5.5 | lighting scheme (in general accordance with the environmental lighting assessment by NEP lighting consultancy submitted with the application |

Planning Notes:

O1
V1
X1

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 whilst contrary to the sustainability requirement of Structure Plan Policies G1 and G2 contains sufficient arrangements to overcome these concerns As such the proposal is in accordance with Policies G1 and G2 of the Oxfordshire Structure Plan 2016 and Policies EMP4, TR1, C2, C7, C9 and C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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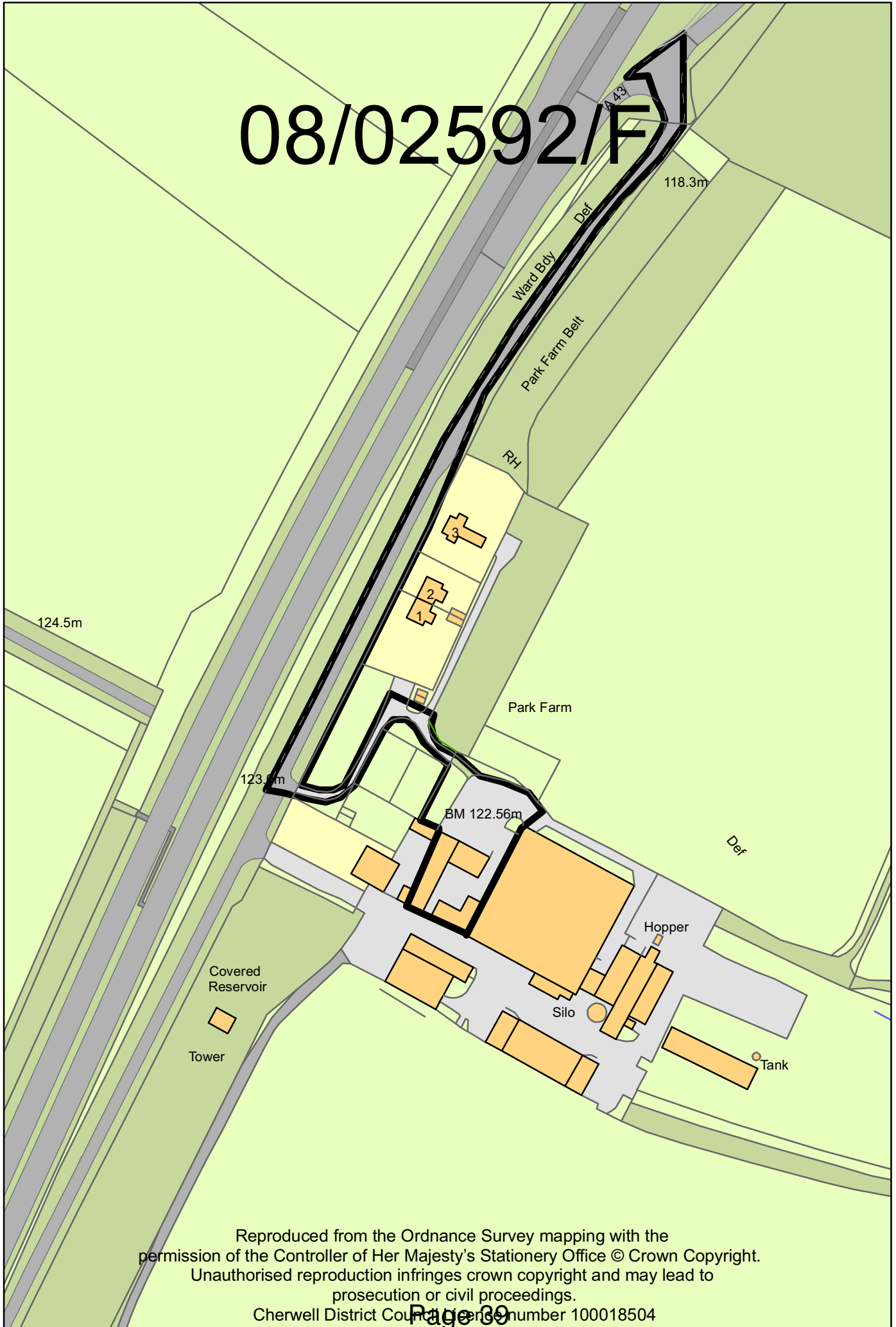
Agenda Item 8

08/02592/F



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Application No: 08/02592/F	Ward: Caversfield	Date Valid: 06.01.09
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Applicant:	Tusmore Park Holdings
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Site Address:	Tusmore Park Farm, Tusmore, Bicester, OX27 7SH
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Proposal:	Re-submission of Planning Application 07/02228/F – Conversion of existing barns to office space with appropriate welfare facilities and provision of new car parking. Replacement of existing windows/doors with new timber framed windows/doors and screens with double glazed units. New roof lights and roof entrance canopy.
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1. Site Description and Proposal

Tusmore Park Farm is located to the east of the A43, between junction 10 of the M40 and the town of Brackley, approximately 1.5km north of the roundabout junction at Baynards Green, sited within the open countryside. The site is currently accessed via a slip road from the A43 which enters the farm yard to the west.

The existing farm yard comprises a mixture of traditional agricultural buildings and modern agricultural buildings. To the south and east of the application site are a number of modern agricultural buildings which are unaffected by the proposals. The buildings which are the subject of this application are of a traditional form and comprise single storey and two storey buildings located to the west of the farm yard and the western edge of the Tusmore estate. The buildings are constructed of local stone with a slate roof.

There are 3 barns in total, described in the application as Barn A, Barn B and Barn C.

Barn A – This building is a long elongated building of a two storey scale with various openings in the east and south elevations and first floor openings in the west elevation.

Barn B – This building is attached to the east elevation of Barn A and is one and a half storey with openings in the north and south elevations

Barn C – This building is L-shaped and one and a half storey with openings facing into the courtyard and openings facing the farm yard to the south.

The application seeks planning permission for the conversion of the existing stone buildings to provide 630m² of office space, including welfare facilities, and the provision for new car parking, improvements to the access drive and landscaping to the courtyard. The proposed development includes internal and external alterations to the existing buildings. In general the existing openings are to be utilised apart from the blocking up of two openings and creating one new opening in barn A and the blocking up of one existing opening in barn C.

2. Application Publicity

The application has been advertised by means of a site notice posted near the site and an advert in the local paper. The statutory consultation finished on the 12th February 2009.

Parish Council – no comments received

3. Consultations

Highways Agency – no objection

Local Highway Authority – Following the Highway Authorities comments on the application supplied by letter of 21 December 2007, a transport statement has been submitted with the current application.

The statement makes the case that various policy documents would suggest that local authorities should consider favourably, under certain conditions, the re-use of rural buildings for offices. It also refers to the report looking at local demand for offices in rural locations.

The statement highlights the lack of employment in Fringford Ward and considers the previous use as farm buildings would have generated more vehicle trips. However, the provision of 25 car parking spaces light suggest that in reality this would not be the case.

The Highway Authority remain of the view that by virtue of its location and limited access by public transport the offices would be reliant on employees and visitors traveling by car and therefore the proposal is contrary to PPG13 and Oxfordshire County Council Structure Plan policies G1, T1, E1, E3. The Highway Authority therefore object to the proposal.

4. Relevant Planning Policies

National Planning Guidance		PPS7: Sustainable development in rural areas PPG13: Transport
Oxfordshire Structure Plan 2016	- Policies	Policy G1 Policy T1 Policy E1 Policy E3 Policy E4
Adopted Cherwell Local Plan 1996	- Saved Policies	Policy EMP4
Non-Statutory Cherwell Local Plan 2011	- Policies	Policy EMP6

5. Appraisal

The following issues are considered to be relevant to this application:

- The principle of new office development in this location;
- Sustainable development principles and highway issues;
- The impact of the development on the character and appearance of the area.

Policy background

National planning guidance in the form of PPS7 considers development within the open countryside and supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. PPG13 seeks to promote sustainable transport choices for people and for moving freight, promote accessibility to jobs, shopping, leisure facilities and services by

public transport, walking and cycling and reduce the need to travel, especially by car.

The County Structure Plan seeks to concentrate development in locations where a reasonable range of services and community facilities exist or can be provided and the need to travel, particularly by private car, can be reduced and walking, cycling and the use of public transport can be encouraged. Policy E4 considers small scale local employment diversity and seeks small scale premises including proposals that encourage farm and rural diversification in appropriate locations. The sub text to this policy states that the reuse or adaptation of traditional rural buildings for business use or tourism will generally be encouraged where they offer high quality and well designed conversions and do not cause significant highway or traffic problems.

Policy EMP4 of the adopted Cherwell Local Plan considers employment development in rural areas. The conversion of existing buildings or groups of buildings (provided that the form, bulk and general design of the building concerned is in keeping with the surrounding area and, in the case of a building beyond the limit of a settlement, can be converted without major rebuilding or extension) is supported by this policy in the Local Plan.

The principle of conversion to provide office development

The site is located within the open countryside adjacent to the A43 approximately 2km north of junction 10 of the M40 and south of the town of Brackley. The site currently comprises a group of high quality traditional agricultural buildings which are now largely redundant and used only occasionally for storage. The proposal involves the conversion of the existing traditional barn buildings into modern open plan offices.

PPS7 supports the reuse of appropriately located and suitably constructed existing buildings within the open countryside. The existing buildings in this case are considered to be of a high quality and their conversion would be in accordance with the requirements of PPS7. The buildings proposed use, as offices would achieve appropriate diversification of existing agricultural buildings which no longer meet the requirements of modern farming practices and would provide office accommodation which would support the local economy. The high quality of the existing buildings means that their conversion to offices will be achievable without major alterations or extensions to the buildings. The proposals are therefore considered to meet the requirements of E4 of the Oxfordshire Structure Plan and EMP4 of the adopted Cherwell Local Plan which both support the conversion of high quality buildings for employment diversification providing that the building can be converted without major rebuilding or extensions.

Sustainable Development and highway issues

The location of the buildings within the open countryside without a regular bus service or opportunity to walk or cycle from residential areas means that the proposed development would be reliant on private motor car trips. The proposal has therefore received an objection from the Local Highway Authority concerned that the proposed development would not meet the sustainable development requirements of PPG13 and policies contained within the Oxfordshire Structure Plan.

The existing farm complex at full production would create 38 (two-way) trips a day, however at current production, without the traditional farm buildings in use, the daily trips are approximately 18 (two-way). The proposed development would generate traffic to the site which from the figures provided in the transport statement are approximately 20 trips a day (two-way) which replaces the trips created by the agricultural use at full production.

Therefore, the trip generation to the site would not be significantly different to previous uses and the traffic caused by the proposed development, therefore the proposed development would not be considered to have an adverse impact in sustainability terms.

In addition, the buildings are of high quality and would offer small scale office accommodation which will benefit the local economy in accordance with Structure Plan policy E4. The proposed development will create 630m² of floor space (480m² of office space) which is relatively small scale.

The proposed vehicle access to the site is already in place and is considered adequate for the access to the proposed offices without adversely affecting highway safety. The parking and manoeuvring areas are considered sufficient for the proposed development.

The visual impact of the proposed conversion

The proposed conversion utilizes the existing buildings with requiring any major rebuilding or extension. The majority of the openings for the new office buildings are utilizes from existing openings in the building. Therefore, the external appearance of the buildings will not be significantly altered and their traditional character and appearance will be retained. The proposed development meets the requirements of Policy E4 of the Oxfordshire Structure Plan and EMP4 of the adopted Cherwell Local Plan.

6. Recommendation

It is recommended that the application be approved subject to the following conditions:

- 1. 1.4A Full Duration Limit (3 years) (Reason: RC2)**
- 2. 2.5B Rem Nat Stone to Match Exg insert: buildings, limestone. (Reason: RC5)**
- 3. The rooflights shall be conservation grade rooflights which shall fit flush with the roof plane. (Reason: RC27A)**
- 4. Full external joinery details of the windows and doors at a scale of 1:20 including across section, material details and colour/finish, shall be submitted to and approved in writing to the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details. (Reason: To ensure that appropriate material and finishes are used to preserve the character of the historic building and to comply with policy C28 of the adopted Cherwell Local Plan)**
- 5. 3.0 Submit Landscaping Scheme (Reason: RC10)**
- 6. 3.1 Impl Landsc Sch and Repts (Reason: RC10)**
- 7. 4.13CC Parking and Mnvrng Area Retnd (Reason: RC13B)**
- 8. 4.14C Cycle Parking (Reason: RC66)**
- 9. 6.1AA Res Opn Fronts-Ret Op Char (Reason: RC34A)**
- 10. 6.15A Use Class (Specified) insert: B1 (Reason: RC40A)**
- 11. Full design details of a lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be carried out in accordance with the approved details. (Reason: RC50)**
- 12. 8.20 Location of Refuse Storage Area (Reason: RC10)**

Reason for decision:

The Council, as the local planning authority, has determined this application in accordance with the development plan unless material considerations indicate

otherwise. The development is considered to be acceptable on its planning merits as the proposal constitutes a conversion to suitably constructed buildings without harming their external appearance and a proposed use which would not be considered to adversely affect highway safety. As such the proposal is in accordance with Policy E4 of the Oxfordshire Structure Plan 2016 and Policy EMP4 of the adopted Cherwell Local Plan and national guidance contained with PPS7: Sustainable Development in Rural Areas. 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: Emily Shaw

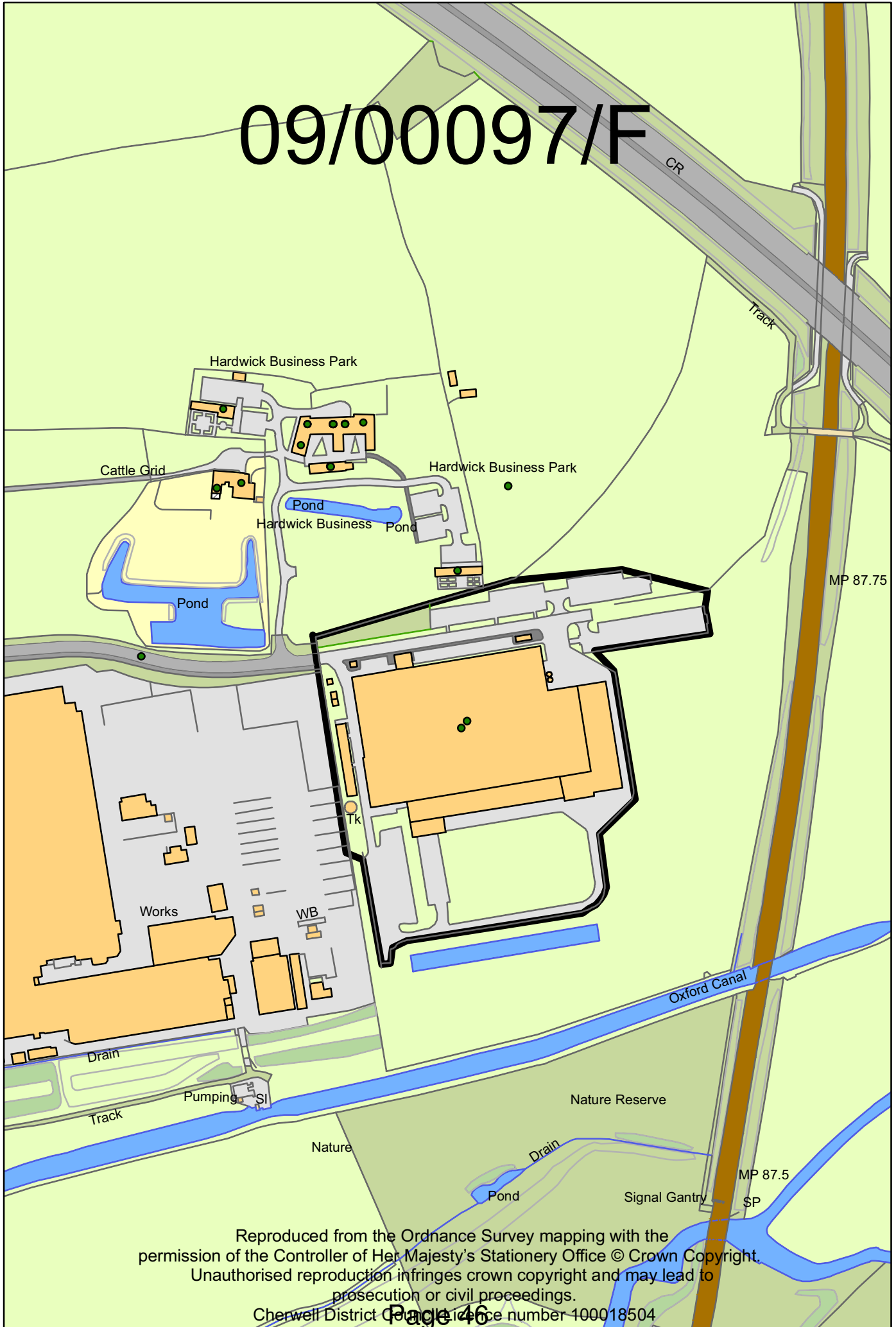
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09/00097/F



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Application No: 09/00097/F	Ward: Banbury Grimsbury and Castle	Date Valid: 27.01.09
Applicant:	Hella Manufacturing Ltd	
Site Address:	Noral Way, Banbury	

Proposal: Change of use of existing buildings from Class B2 and ancillary B1(A) to flexible uses: use Class B2 and/or B8 and ancillary B1(A)

1. Site Description and Proposal

The application is located at the northern end of the town adjacent to the former SAPA site. The whole site extends to approximately 10.29 hectares, however the application site which relates to the buildings themselves has an area of approximately 4.34 hectares. The factory buildings total approximately 17,370 square metres with ancillary office space. Access to the site is via Noral Way which has direct access onto the Southam Road. The site has an established B2 employment use.

Outline planning consent was granted for the application building in 1996 (95/01458/OUT refers). This was followed by a reserved matters application in 1996 (96/00184/REM refers). Further permissions were granted in 1996 and in 2004 relating to extensions to the building and the construction of an access road within the site to allow the construction of one way site traffic, (96/01506/F and 04/01491/F refers).

The site became vacant in January 2008 following a winding down period. The proposal seeks a change of use of the modern B2 building to a flexible B2/B8 use. The application has been submitted in the hope that the flexible permission will aid the marketing of the property enabling it to adapt more easily to market conditions.

2. Application Publicity

The application has been advertised by means of a site notice posted on Noral Way adjacent to the site and an advert in the local press. The statutory consultation period ends on 5 March 2009.

A letter of representation has been received from the owner of Hardwick Business Park whose objection relates to the access to the site. All traffic arriving at Hella need immediate access onto the Hella site. At present there is a security gate at the entrance which stops immediate access onto the property causing the following problems:

- (i) vehicles arriving at Hella block access to the Hardwick Business Park;
- (ii) vehicles use the Hardwick Business Park entrance to park and turn around;
- (iii) vehicles arrive early and/or park overnight close to Hella on Noral Way and make it difficult for access into Hardwick Business Park. Drivers of these vehicles often throw rubbish out onto the verge;
- (iv) many other vehicles not realizing Noral Way is a dead end have difficulty turning

around at the end of Noral Way.

3. Consultations

Banbury Town Council raise no objections to the proposal in the short term, the town needs to attract new employers and we understand the need for flexibility in difficult conditions. However, we are concerned that warehousing provides few and unskilled jobs.

Oxfordshire County Council as Highway Authority have yet to comment.

Oxfordshire County Council as Structure Plan Authority advise as this is an existing employment allocation in the adopted Local Plan and Non-Statutory Cherwell Local Plan there is no need for consultation. The District Council is best placed to assess in the context of its employment land review work for the LDF. Whether the proposed B8 element would meet local economic need.

The proposed needs to be assess proposed under Policies G1, G3, E1, E3 and T8 of the adopted Oxfordshire Structure Plan 2016 and the South East Plan as proposed to be modified by Policies RE2, RE3 and CC2.

Environment Agency advise that in accordance with PPS25 and their standing advice matrix that this development does not result in a more vulnerable use, nor does it change from water compatible to less vulnerable. As no operational development is proposed by the application, this is a low priority response proposal. However, as the development partly lies within flood zone 3 consideration should be given to flood proofing the development. Further comments regarding the flood proofing are awaited.

Cherwell District Council's Economic Development Officer supports the proposal in the current economic climate. It appears to meet the guidelines for the SPA/Hella site which were recently approved by the Executive for the re-use/re-development of the site. It would be beneficial to see this building brought back into use.

SEEDA – Comments are awaited.

SEERA – Comments are awaited.

4. Relevant Policy

Oxfordshire Structure Plan 2016	-	Policy E1 seeks to maintain economic prosperity within the district
Adopted Cherwell Local Plan 1996	-	Saved Policy EMP1 allocates this site for employment generating development
Non-Statutory Cherwell Local Plan 2011	-	Does not have any policies specific to this site as at the time of its preparation it was in active employment use that was expected to last the lifetime of the plan.

At the time of the preparation of the adopted Cherwell Local Plan, the application site was undeveloped and was allocated for employment generating development under Policy EMP1 which favourably considers proposals for uses within use Classes B1, B2 and B8.

The Non-Statutory Cherwell Local Plan 2011 makes no allocation in respect of the site as it was at the time of its preparation to be in active employment that was expected to continue for the lifetime of the plan.

In 2006, the Council commissioned URS Limited to undertake an Employment Land Review (ELR) to study past demand, current supply and future provision of employment land and premises within the District to aid the Council in the preparation of its Local Development Framework. The ELR concluded that the site was a valued employment location that should be protected for this use and recommend that B2 use should be maintained if possible.

Following the announcement that the Banbury SAPA site and the Hella sites were to cease production, the District Council produced a development brief setting out the development principles for the sites. This document seeks to provide informed guidance in relation to the Council's aspirations for proposals for the re-use/re-development of the site. The Brief recognises that re-occupation of the site by a single large scale B2 use would be unlikely. The Council intends therefore to adopt a flexible approach for B1, B2 and B8 uses in bringing forward proposals for the re-use and/or redevelopment of the site. It was the subject of public consultation, amended as appropriate and was approved by the Council's Executive on 7 July 2008. This document is therefore a material consideration in the determination of planning applications on the site.

PPG4 'Industrial and Commercial Development and Small Firms' emphasises that the planning system should allow development where it accords with the development plan and all material considerations unless it would cause demonstrable harm, and that land wherever possible should be returned to beneficial use.

Draft PPS4 'Planning for a Sustainable Economic Development' reiterates this advice and seeks to provide sustainable economic development and seeks to ensure that LPAs are flexible in responding to changes in the economic climate and ensure that vacant buildings are brought back into economic use.

5. Assessment of the Application

The site is accessed via Noral Way which has direct access onto the A423 Southam Road. A Traffic Assessment has been submitted with the application which also assesses any transport impact in terms of the proposed B8 element, and the level of trips attracted to the site if the building was to be used purely for B8 purposes with ancillary B1(A). The TRICS data shows that a typical B8 user generates less traffic than the existing B2 user during peak periods, although a use such as parcel distribution may be higher. The site has been used by HGV's in the past and therefore the large vehicles associated with B8 uses can be accommodated on the site. The site currently has 149 car parking spaces and it is not proposed to alter this.

Further comments in relation to the access and Transport Assessment are currently awaited from the Highway Authority.

Landscape Impact

The site is located on the northern edge of Banbury and the building is visible from the M40, the canal and the approach into Banbury and from the town along the A423, although some

screening is provided by existing hedgerows. The change of use to include B8 use however should not have any significant greater impact on its surroundings than the existing B2 use, as there are no proposals to extend or alter the building or increase the car parking areas.

Flood Risk

The western part of the site lies within Flood Zone 3 and within the flood plain of the Hanwell Brook. However, the Environment Agency have raised no objections as the proposed B8 use is no more vulnerable to flooding than the existing B2 use.

Further comments in respect of any conditions relating to flooding are awaited from the Environment Agency.

Land Use

It is considered important that this site should continue to play a role in the provision of employment within Banbury. The Council has a responsibility to assist the prosperity of Cherwell and to ensure that it remains ‘A District of Opportunity’ and maintain the existing relatively low level of unemployment. In this difficult economic time, to ensure that these buildings are retained and re-used in employment use, it is considered that a flexible approach should be taken in respect of any re-use of the site and its buildings. It is therefore considered that the proposal to enable this site to be used for B2/B8 purposes is acceptable and in accordance with the requirements of the Development Plan, Central Government Guidance, the Council’s Economic Strategy, the Cherwell Community Plan and the development guidelines which have been drawn up for the site.

6. Recommendation		
It is therefore recommended that the application as submitted be approved subject to the following conditions:-		
1.	SC1.4A	Full permission
2.	SC3.0	Submit landscaping scheme
3.	SC3.1	Carry out landscaping scheme
4.	SC4.15(a)	Parking, servicing and manoeuvring areas kept free of obstruction
5.	SC6.15(a)	Use Class (Specified) - Class B/B8 with ancillary B1(a) only
6.	SC7.13	No Ext Storage or Other Ops
7.	SC8.5	Noise Emissn Mech Equipmt
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 seeks to ensure the economic vitality continues through re-use of the building. As such the proposal is in accordance with Policy E1 of the Oxfordshire Structure Plan 2016, Policy EMP1 of the adopted Cherwell Local Plan and the Council's informal development guidance for the site approved by Executive July 2008. 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: Linda Griffiths

TELEPHONE NO: 01295 227998

Agenda Item 11

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE 12 MARCH 2009

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

DECISIONS SUBJECT TO VARIOUS REQUIREMENTS – PROGRESS REPORT

1 Introduction and Purpose of Report

- 1.1 This is a standard report item the aim of which is to keep Members informed upon applications which they have authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.
- 1.2 An update on any changes since the preparation of the report will be given.

2 Wards Affected

- 2.1 All wards in the District.

3 Effect on Policy

- 3.1 Nil.

4 Contact Officer(s)

- 4.1 R Duxbury (Ext 1821).

5 The Committee to note that the following applications remain outstanding for the reasons stated:

5.1 Subject to Legal Agreement with Cherwell District Council and Oxfordshire County Council

01/00662/OUT	Begbroke Business and Science Park, Sandy Lane, Yarnton – Subject to legal agreement re: off-site highway works, green travel plan, and control over occupancy now under discussion. Revised access arrangements refused 30 October 2008. Appeal lodged
05/01337/F	Land NE of Oxford Road, West of Oxford Canal and East of Bankside, Banbury. Subject to Section 106 Agreement with other side for signing. Update given to Committee 30.10.08
07/00422/F	Bicester Town Centre Scheme – Subject to a detailed S106 legal agreement – with other side for engrossment.
07/01106/OUT	Land to south East of A41 Oxford Road, Bicester. Subject to departure procedures and legal agreements with Oxfordshire County Council re: off-site transportation contributions and HGV routeing during construction.

08/01171/OUT	Pow Wow water site, Langford Lane, Kidlington subject to agreement re transport infrastructure payments.
08/02208/F	Building 249, Heyford Park, Upper Heyford Subject to legal agreement to secure vacating of premises at end of temporary term.
08/02046/F	Kraft Foods, Ruscote Avenue Banbury Subject to legal agreement securing a contribution towards BITLUS infrastructure improvements
08/02473/F	Yarnton House, Rutten Lane, Yarnton Subject to Section 106 agreement

5.2 Subject to Other Matters

08/00444/F	OS 4900, adj Leycroft Barn, Souldern. Subject to legal agreement re earlier permissions.
08/00709/F	Former Lear site, Bessener Close, Bicester. Subject to legal agreement with Oxfordshire County Council
08/00876/F	Chilling Place Farm, Piddington. Subject to legal agreement re occupancy of main house and ancillary accommodation.

6 **Risk Assessment, Financial Effects and Contribution to Efficiency Savings**

- 6.1 The following details have been approved by Rosemary Watts (Risk) (Ext 1560) and Eric Meadows (Financial) (Extension 1556).
- 6.2 Risk assessment – this is a monitoring report where no additional action is proposed. As such there are no risks arising from accept the recommendation.
- 6.3 Financial effects – there are no additional financial effects for the Council arising from this report.
- 6.4 Efficiency savings – there are no efficiency savings arising from this report.

7 **Recommendations**

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

Background papers: All papers attached to the planning application files referred to in this report.

Agenda Item 12

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

12 MARCH 2009

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

APPEALS – PROGRESS REPORT

1 Introduction and Purpose of Report

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

2 Wards Affected

- 2.1 All wards in the District.

3 Effect on Policy

- 3.1 Nil.

4 Contact Officer(s)

- 4.1 Bob Duxbury (extension 1821)

5 New Appeals

- 5.1 **08/02435/LB – 8 Calthorpe Road, Banbury**- Appeal by Mr T Beckett against the refusal of listed building consent for the extension/conversion of existing house to 4 no. one bedroom flats and associated works. Replacement of garages – Written Reps
- 5.2 **08/01455/F – 103 The Moors Kidlington** – Appeal by Mr C Murphy against the refusal of planning permission for the construction of 1no. attached dwelling with access road from Mead Way – Written Reps
- 5.3 **08/00368/F – 99 and 101 The Moors Kidlington** – Appeal by Mrs B Manuell and Mr C Murphy against the refusal of planning permission for the demolition of 101 The Moors and construction of 1 no. chalet bungalow and 5 houses with ancillary works (as amended by agents letter dated 7.06.08)- Written Reps
- 5.4 **08/01904/F – Fernleigh 23 Round Close Road Adderbury** – Appeal by L Wearing against the refusal of planning permission for two storey and single storey extensions to provide annex to cottage – Written Reps

6 Forthcoming Public Inquiries and Hearings between 12 March 2009 and 2 April 2009

- 6.1 **Inquiry 9.30 am Monday 16 March 2009** Council Chamber Bodicote House Bodicote to hear the closing submissions for the Heyford Park main appeal and related conservation area appeals.
- 6.2 **Inquiry 10.00 Tuesday 17 March 2009** Council Chamber Bodicote House Bodicote to consider the appeal by Mr A Van Dorp against the service of an enforcement notice alleging a breach of condition 4 of CHN 531/89 - dwelling occupied by a person who is employed by a company which is no longer engaged in agriculture at Savee Farm Horley.
- 6.3 **Hearing 10.00am Tuesday 17 March 2009** Cherwell Room (Room 163) Bodicote House Bodicote to consider the appeal by St James Leisure Clubs Ltd against the refusal of application 08/01275/F for the change of use of part first floor area from A3 (restaurant) to night club at 47 Broad Street Banbury

7 Results

- 7.1 Inspectors appointed by the Secretary of State have:
- 7.2 **Allowed the appeal by Mr G Bradbeer against the refusal of application 08/01119/TPO for the felling of 15 Leyland cypress trees subject to TPO 10/90 at land to the rear of 37 & 38 Tadmarton Park Bloxham (Delegated)** – The Inspector concluded that the removal of the trees would remove some of the hard boundary features around Tadmarton Park, but the character of the locality would not be adversely affected. As a result of close planting and no subsequent management, the appeal trees have weak structural features and pose significant hazard to adjacent dwellings, which alternative measures cannot address. Replacement planting will become a more suitable boundary feature around the Tadmarton Park residential development.
- 7.3 **Dismissed the appeal by Mr C Wilkins against the refusal of application 08/00557/TPO to fell 2 Horse Chestnut trees subject to TPO 8/2006 at Pipers Mead, Merton (Delegated)** – The Inspector considered that the two appeal trees are useful arboreal features in the open agricultural landscape around Merton village. The landscape character of the locality would be diminished by removal of either. Both trees have bark disease; however, current infection levels are low and insufficient to justify felling either tree at the present time. Both horse chestnuts have poor basal structures. This does not justify their removal at the current time because loading on basal forks are not excessive and alternative measures are available to reduce the risk of structural failure.
- 7.4 **Dismissed the appeal by Mr Steve Kimber against the refusal of 08/01389/F for a single storey rear extension at 49 Walton Avenue Twyford (Delegated)** – In the Inspector's view, the extended bungalow would dominate the outlook from habitable rooms at the neighbouring property, resulting in a somewhat oppressive and claustrophobic environment. Consequently, there would be an unacceptable impact on the living conditions of the neighbouring household in relation to outlook.
- 7.5 **Dismissed the appeals by Mr R Forster against the refusal of 08/00349/F for the retention of two storey rear extension with first floor in roof space and the service of an enforcement notice alleging a breach of planning control – without planning permission, the erection of part two storey and part single storey extension at Bradscot Cross Hill Road Adderbury (Delegated)** – The Inspector commented “ The scheme proposed was designed with sensitivity and panache but there are said to have been fundamental errors in drawing up the new extension and in the site survey. In consequence, the extension was built to an adjusted design that differed from the permitted plans and retrospective applications for planning permission and listed building consent were made for an amended scheme. It is apparent by inspection that while these

amendments have reduced several of the dimensions of the extension, the design has lost all of its flair. The extension as built also uses materials that detract from the stonework of the cottage and its neighbours. In consequence the new plan fails to preserve the listed building or its features while doing nothing to protect the adjoining occupiers who garden is dominated, unacceptably, by the extension.” The Inspector varied the requirements of the notice and extended the period for compliance from 3 months to 6 months.

- 7.6 **Dismissed the appeal by Mr Jeremy Salter against the refusal of 08/01663/OUT for the change of use of land to residential use and development of 5 two-storey units consisting of 10 two –bedroom and 10 one-bedroom low cost flats at land between the Church of St Barnabas and Duffryn House Church Lane Horton cum Studley (Committee)** – In the Inspector’s view, five blocks of residential apartments would significantly reduce the openness of the Green Belt, the proposed development therefore represents inappropriate development in the Green Belt. Development on the appeal site would extend the village into the open countryside, to the detriment of the character of the area. The proposed development would fly in the face of policies in PPSs that seek to focus development in sustainable development. Further the Inspector was in no doubt that 5 blocks of housing would be visually intrusive, compromising views of the listed building, at odds with its rural setting. The significant levels support for the development from tenants of the appellant, was not justification for a harmful development on this site.

8 Risk Assessment, Financial Effects and Contribution to Efficiency Savings

- 8.1 The following details have been approved by Eric Meadows (Ext 1552) (Financial) and Rosemary Watts (Ext 1566) (Risk)
- 8.2 Risk assessment – this is a monitoring report where no additional action is proposed. As such there are no risks from accepting the recommendation.
- 8.3 Financial effects – the cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary revenue estimate.
- 8.4 Efficiency savings – there are no efficiency savings arising from this report.

9 Recommendations

- 9.1 It is **RECOMMENDED** that the Committee resolves to accept this position statement.

Background Papers:

All papers attached to the planning application files reported in this report.

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

12 MARCH 2008

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

DISCHARGING OF S106 AGREEMENT YELLOWELL HOUSE, HORTON LANE, HORLEY

1 Introduction and Purpose of Report

- 1.1 To inform Members that a request to rescind or discharge an existing S106 Agreement has been received, following the granting of consent (08/02398/F - delegated) for the erection of a house and dwelling at the above site.

2 Wards Affected

- 2.1 Wroxton

3 Effect on Policy

- 3.1 Horley is a Category-2 settlement as designated in the adopted Cherwell Local Plan which restricts residential development to infilling or environment improvement under Policy H14. The construction of a dwelling on the land in question is minor development on previously developed land within the built up limits of the village that does not harm the character or appearance of the locality and does not seriously harm the amenities of the neighbouring properties. The development therefore complies with Policy G2 of the Oxfordshire Structure Plan 2016 and C28, C30 and C14 of the adopted Cherwell Local Plan.

4 Contact Officer(s)

- 4.1 Tracey Morrissey (Ext 1812).

5 Background

- 5.1 The site and the whole grounds of Yellowell House, has a long history dating back to 1986, when originally under application CHN.76/86, one dwelling (known as Gracombe House) was granted consent. A legal agreement however was made that restricted the construction of further development within the grounds to just that of the one dwelling, Gracombe House.
- 5.2 Then in 1993 under application CHN.247/93, an appeal decision allowed a further dwelling, within the grounds immediately to the south of Yellowell House. The consent has been renewed every 5 years with the legal agreement being varied each time, until this latest consent under application 08/02398/F.
- 5.3 It would appear that the original intention of the legal agreement was to retain the open spacious character of this part of the village and to try to ensure that the site is not developed by more than one dwelling other than Gracombe House. However, by granting

the planning permission under CHN.247/93 at the appeal, the Inspector allowed a dwelling to be constructed, contrary to the original intention of the legal agreement.

- 5.4 Having considered the planning history and the merits of the legal agreement it actually appears to serve no planning purpose whatsoever. It is therefore recommended that instead of varying the S106 Agreement, it should be completely discharged as it no longer serves a planning benefit.
- 5.5 Should the applicant seek further development of the site other than that permitted, then the merits of the case would be considered against the relevant development plan policies.

6 Risk Assessment, Financial Effects and Contributions to Efficiency Savings

- 6.1 Risk assessment agreed by Rosemary Watts (Ext 1566).
If the Council refuses to agree to vary or discharge the S106, the matter could be subject to an appeal and if it is considered that the Council have behaved unreasonably by refusing to agree to this variation or discharging, costs could be made against it.
- 6.2 Financial effects approved by Eric Meadows (Group Accountant) (Ext 1552)
The cost of discharging the legal agreement will be borne by the applicants.
- 6.3 Efficiency savings – None

7 Recommendation

- 7.1 It is recommended

That the Planning Committee resolves to discharge the S106 Agreement which no longer serves a planning benefit.

Background Papers:

- (a) Application files 08/02398/F, 03/01767/F, 98/01918/F, CHN.247/93, CHN.76/86

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

12 MARCH 2009

JOINT REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS AND THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

INTRODUCTION OF PUBLIC SPEAKING AT PLANNING COMMITTEE – PROCEDURE RULES

1 Introduction and Purpose of Report

- 1.1 On 19 February 2009 the Committee agreed to the introduction of public speaking and to introduce the following process,
- two groups to be recognised , one being objectors and one being supporters (which can include the applicant),
 - each speaker to have 3 minutes with a total time limit of 9 minutes within each group, parish and town council representatives to be allocated the first time slot in their respective group.

The operation of public speaking will be reviewed after one year.

- 1.2 This report introduces the proposed procedures rules required to be added to the constitution, the draft code of conduct declaration and the draft leaflet for members of the public which will advise on their rights to speak at committee.

2 Wards Affected

- 2.1 All

3 Effect on Policy

- 3.1 None

4 Contact Officer(s)

- 4.1 Jameson Bridgwater Head of Development Control and Major Developments (Ext 1810)
Nigel Bell Solicitor (Ext 1687) and Alexa Coates Senior Democratic and Scrutiny Officer (Ext 1591)

5 Constitutional Procedure Rules

- 5.1 The success of public speaking at committee is dependent on the strength of the procedure rules included in the Council's constitution. Officers have prepared strict procedure rules to assist the Committee in delivering a successful scheme of public speaking. The suggested Procedure Rules to be included in the Council's Constitution are attached in Appendix 1. Each speaker will have a maximum of 3 minutes to make their statement and only 3 speakers may register to speak in each group. People who notify the planning department that they wish to speak will be invited to agree amongst the group who wishes to speak and

for how long but if no agreement can be reached then it will be on the basis of those who first formally notified the Council they wished to speak.

- 5.2 The procedure rules make clear the Chairman's right to remove any person from the meeting if they behave in a disorderly manner. It is essential that the Chairman, Members of the Committee and Officers administer the procedure rules strictly in order to ensure the committee meetings are conducted in a fair and expedient manner.

6 Code of Conduct Declaration

- 6.1 Officers have also prepared a Code of Conduct Declaration (Appendix 3) which members of the public must sign if they wish to speak at Committee. This clearly states that if a member of the public behaves in a disorderly manner (including offensive, defamatory, racist or discriminatory comments and verbal threats or violence) the Chairman may have them removed from the meeting and that they will lose their right to address the Committee.

7 Guidance Leaflet

- 7.1 A draft guidance leaflet, which will be in a colourful, glossy format once agreed by Members, is attached as Appendix 2 to the report. This is designed to complement the Procedure Rules in the Constitution and provide information to members of the public on their rights to speak at Committee in a simple and plain English format. This leaflet will be available at the main Council offices', on the website and will be provided to people who make representations on a planning application.

8 Further Improvements

- 8.1 The Procedure rules clearly set out the procedures to be followed by Ward Members and Members of the Committee with a prejudicial interest who wish to speak on an application. The introduction of public speaking means that members of the committee with a prejudicial interest in an application will be able to address the committee but must leave the room for the debate and vote. Facilities will be made available in the Members' Room so that members can watch the Committee live on the web cast when they are required to leave the room.
- 8.2 Members are also advised to consider the potential increase in attendees at committee due to the introduction of public speaking and the need to continue with their professional approach to decisions. Members are reminded that if they leave the room at any point in the presentation or debate of an application they must not participate in the vote on that application. If they have not heard the whole debate, and then vote, it leaves the decision open to challenge.

9 Risk Assessment, Financial Effects and Contributions to Efficiency Savings

- 9.1 The following details approved by Denise Westlake (Ext 1559) and Rosemary Watts (Ext 1566)
- 9.2 Risk assessment – Robust Procedure Rules and an accessible guidance leaflet will reduce the risk of challenge and review of Planning Committee decisions
- 9.3 Financial effects – Cost of producing the guidance leaflet which would be approximately

£250 for 500 leaflets.

9.4 Efficiency savings – none

10 Recommendation

10.1 It is Recommended that the Committee:

- 1) Approve the Procedure Rules as set out in appendix 1 to this report
- 2) Approve the Draft Guidance Leaflet as set out in appendix 2 to the report.
- 3) Approve the Code of Conduct Declaration set out in appendix 3 to this report.

Requests by the Public to Address the Planning Committee

1. Members of the public, including the applicant (or their representative), representatives from the relevant Town or Parish Council, local interest groups and local civic societies, may address the Planning Committee during consideration of any application for planning permission
2. Each speaker will be able to speak for up to a maximum of three minutes each (subject to paragraph 5 below).
3. Speakers will be grouped together as either Objectors or Supporters.
4. Where more than one person has registered to speak in any of the above groups of speakers, there will be a 9 minute time limit for each group. Town and Parish Council Representatives will be allotted the first three minute time slot of their group. All other speakers will be heard in the order in which they registered to speak on a strictly “first come, first served” basis. When more than one speaker has registered in each group, speakers are encouraged to appoint a spokesperson. If no spokesperson is nominated speakers will be heard in the order in which they have registered until the 9 minute period has elapsed. No more than three speakers (including town/parish representatives) may register to speak in each group.
5. Each group will be given the opportunity to speak for an equal period of time, to ensure a fair hearing. For example, if there is only one supporter and 3 objectors, the supporter will be given the opportunity to speak for 9 minutes.
6. An application to speak must be received in writing or by electronic mail by Democratic Services by midday on the last working day before the Committee meeting. Applications to speak at Committee will only be accepted by persons who have made written representations on an application as part of the consultation process or the applicant. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to Democratic Services before the Committee meeting commences.
7. When there is a linked or duplicate application each speaker can only speak on one application site, regardless of the number of applications for that site. For example, in the case of linked applications for planning permission and listed building consent on the same property, speakers may only speak once.
8. When planning applications are referred to Council by the Head of Development Control and Major Developments only members of the public who spoke on the application at the Planning Committee are permitted to speak. The normal Council public speaking rules apply, as set out in the Council procedure rules.

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

Procedure

10. On the last working day before the Committee meeting when the deadline to register has passed Democratic Services will confirm with speakers how long they have to speak. As both sides must be given the opportunity to speak for the same time period, any requests to speak received after midday on the last working day before the Committee meeting will not be accepted.
11. Members of the public who have registered to speak must sign a declaration on conduct at Committee; members of the public who do not sign the declaration will not be permitted to speak at Committee.
12. Before the application report is considered in detail, the Committee may agree that the application be deferred for a site visit, or to obtain further information. In that case, there will be no public participation on the application until it is reconsidered at a future meeting. Persons who have registered to speak on applications that are deferred to future meetings of the Planning Committee are not required to register again.
13. The Planning Officer will present the application to the Committee and inform Members of any late representations or updates.
14. Ward Members and any Members of the Committee with a prejudicial interest will then be entitled to speak on the application. After making their presentation Ward Members may, at the request of the Chairman, answer questions and sum up their view at the end of the debate they then must return to the public gallery. Members of the Committee with a prejudicial interest must leave the room for the debate and vote.
15. The persons who have registered to speak will then be introduced by the Chairman in order of Objectors and Supporters, with the applicant always speaking last. Once a speaker has made their statement there will be no further right to address the meeting and at this point speaker must return to the public gallery.
16. The Planning Officer will then clarify any planning points made by speakers relevant to the application.
17. The Committee will debate the application and make a decision on the application.
18. Members of the public may not show plans, photographs or circulate written material.

19. The Chairman of the meeting may:
 - (a) vary the order of representation if he/she considered that it is convenient and conducive to the despatch of the business and will not cause prejudice to the parties concerned, or
 - (b) remove any person from the meeting if they behave in a disorderly manner.

How to have your say at planning meetings

Members of the public have the right to speak at Cherwell District Council planning meetings. This leaflet explains how.

The Planning Committee consider certain applications for planning permission. Members of the public may speak on applications considered at a meeting of the planning committee.

This gives you an opportunity to give your views in person to the committee. The committee will continue to take account of letters of support or objection.

The opportunity to speak is available to applicants, objectors, agents, local residents, town/parish councils' representatives and any other person with an interest in a certain application. Public speaking only applies to applications which are put forward to the committee, not applications that are dealt with by Planning Officers.

When and where does the planning committee meet?

All committee meetings are held in the Council Chamber at Cherwell District Council Office, Bodicote House, Bodicote OX5 4AA.

The planning committee meets every 3 weeks at 4pm on a Thursday, a full calendar of meetings can be found on our website: www.cherwell.gov.uk, you can also watch a meeting as they are webcast live on the internet.

Who can speak?

Applicants (people applying for planning permission) and their agents, parish/town council representatives and any person or group who has made written representations on the application.

Which planning applications can I speak on?

Any planning application for approval or consent that you have applied for or made a written representation on as part of the planning consultation process. You cannot speak on legal or enforcement action when the committee is considering whether to take legal action.

How do I arrange to speak at a meeting?

If you want to speak on an application you will need to contact Democratic Services in writing by post or email no later than 12 noon on the last working day before the meeting. You must indicate the application you wish to speak about, your name and email address or telephone number.

Letters should be addressed to Democratic Services, Bodicote House, Bodicote Banbury OX15 4AA and emails sent to democracy@cherwell-dc.gov.uk

On the last working day before the Committee meeting when the deadline to register has passed Democratic Services will confirm with speakers how long they have to speak. As both sides must be given the opportunity to speak for the same time period, any requests to speak received after midday on the last working day before the Committee meeting will not be accepted.

When will the application be considered?

Applications will usually be considered in the order in which they appear on the agenda of the meeting. However the Chairman has the discretion to change the order in which applications are considered if it is convenient to the despatch of business. Members of the public are advised to contact Democratic Service on the day of the meeting who can advise if the order has been changed.

However, the application may be delayed until another meeting if further information, negotiations or a site visit is needed, whether before or after public speaking. If this happens then public speakers are not required to register again.

What is the procedure for speaking?

One of the planning officers will present the application referring to the report in the agenda. The report will include a planning officer's recommendation as to whether it should be approved or refused. Following the Officer's report the Ward Member and any members of the Committee who have a prejudicial interest will have the opportunity to speak. The following groups of speakers will be introduced and invited to speak by the Chairman of the meeting:

People who have registered to speak will be introduced by the Chairman in order of objectors and supporters with the applicant always speaking last. The planning Officer will then clarify any planning points in the speakers' statement, relevant to the planning application. The Committee will debate the application and make a decision on the application. If the committee approve it they may also vote to impose certain conditions on the application.

You will only have one opportunity to speak at the meeting.

How long will I be able to speak?

You can speak for up to 3 minutes on an application with each group speaking for no more than 9 minutes. If more than one person has registered to speak in each of the groups the time will be shared. In those circumstances speakers are encouraged to appoint a spokesperson. If no spokesperson is nominated speakers will be heard in the order in which they have registered to speak, on a strictly "first come, first served" basis. No more than three

speakers (including town/parish representatives) may register speak in each group.

How can I best use my time when speaking to the committee?

This will depend on the planning application but please try to limit your views to relevant planning issues. The committee take these types of issues into account when making their decisions:

- Whether the site is suitable for development
- Design, appearance and layout
- Over-looking and over-dominance
- Highway safety and traffic
- Noise, disturbance and smell and
- National and Local planning policy and guidance.

Can I bring handouts to distribute to the Committee?

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

PUBLIC SPEAKING AT PLANNING COMMITTEE

CODE OF CONDUCT

Members of the public may address the Planning Committee during consideration of any application for planning permission. This Code of Conduct is to ensure that all speakers, both Objectors and Supporters, have an equal and fair hearing by the Committee.

Public Speakers are reminded that all Planning Committees are webcast live on the internet and can be viewed by any member of the public. The webcast may be retained by the Council for up to 6 years.

Public Speakers must adhere to the following rules:

1. Speakers must be polite and courteous whilst other speakers are making their comments to the Committee. Any shouting or “heckling” whilst other speakers are making their comments to the Committee will not be accepted.
2. Any physical or verbal threats or violence towards other speakers, either before or during the Committee meeting, will not be accepted.
3. Speakers must not make any offensive, defamatory, racist or discriminatory comments to the Committee. The Chairman will determine whether comments are unacceptable.
4. Speakers will be allowed to speak to the Committee for an allocated time period. The Chairman will indicate when this period is over and the speaker must then return to the public gallery. Speakers are not allowed to make any comments beyond their allocated time period.
5. Speakers are not allowed to circulate photographs, plans or any written material to Members of the Committee.

THE COMMITTEE CHAIRMAN HAS THE POWER TO EXCLUDE ANY PUBLIC SPEAKER WHO BREACHES ANY OF THE ABOVE RULES. YOU WILL BE ASKED TO LEAVE IMMEDIATELY AND LOSE YOUR RIGHT TO SPEAK TO THE COMMITTEE.

Declaration

I confirm that I have read and understood this Code of Conduct. I will comply with the above rules. I understand that I will be excluded from the Committee meeting if I breach any of the above rules. I acknowledge that the Planning Committee will be webcast on the internet and consent to my comments being broadcast live on the internet.

Signed

Name

Address

Date