

Committee: Planning Committee
Date: Thursday 24 February 2011
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

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

Substitutes

Councillor Luke Annaly	Councillor Norman Bolster
Councillor Andrew Fulljames	Councillor Timothy Hallchurch MBE
Councillor David Hughes	Councillor Russell Hurle
Councillor Kieron Mallon	Councillor P A O'Sullivan
Councillor George Parish	Councillor Nicholas Turner
Councillor Douglas Williamson	Councillor Barry Wood

AGENDA

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

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

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

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

4. **Urgent Business**

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

5. **Minutes** (Pages 1 - 8)

To confirm as a correct record the Minutes of the meeting of the Committee held on 27 January 2011.

Planning Applications

- | | | |
|-----|---|------------------------|
| 6. | Tuthill Park, Wardington (Pages 11 - 22) | 10/01814/F |
| 7. | Land east of Dorcas Road adjoining and south of Overthorpe Road, Banbury (Pages 23 - 42) | 10/01816/HYBRID |
| 8. | Land South of Overthorpe Road and West of M40, Banbury (Pages 43 - 61) | 10/01823/OUT |
| 9. | 7 Colesbourne Road, Bloxham (Pages 62 - 66) | 10/01824/F |
| 10. | Land to the Rear of The Coach House, Queens Avenue, Bicester (Pages 67 - 77) | 10/01856/F |
| 11. | 81 Bloxham Road, Banbury (Pages 78 - 83) | 10/01859/F |
| 12. | Land Adjacent Radwell Grounds, Duns Tew Road, Hempton (Pages 84 - 89) | 10/01879/F |
| 13. | Land South of 85 East Street, East Street, Fritwell, Oxfordshire (Pages 90 - 101) | 11/00028/F |
| 14. | Blue Gates, Banbury Road, Bicester (Pages 102 - 110) | 11/00093/F |

Other Reports

15. **Variation of obligation which restricts the use of the accommodation ancillary to Buzzard Farm House, Chapel Lane, Little Bourton** (Pages 111 - 115)

Report of Strategic Director Planning, Housing and Economy

Summary

To seek the variation by agreement of S106 planning obligations relating to Buzzard Farm House, Chapel Lane, Little Bourton.

Recommendation

The Planning Committee is recommended:

- (1) To allow the variation of S106 planning obligations by agreement as set out in the report.

Tree Preservation Orders

16. Tree Preservation Order No. 10/2010 Yew tree at St Peters Church, South Newington (Pages 116 - 118)

Report of Strategic Director Planning, Housing & Economy

Summary

To seek the confirmation of an unopposed Tree Preservation Order (no.10/2010) relating to a Yew tree at St Peters Church, South Newington (copy plan attached as Appendix 1).

Recommendation

The Planning Committee is recommended:

- (1) To confirm Tree Preservation Order (no.10/2010) without modification.

Review and Monitoring Reports

17. Decisions Subject to Various Requirements (Pages 119 - 121)

Report of the Strategic Director Planning, Housing and Economy

Summary

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

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

Recommendation

The Planning Committee meeting is recommended to:

- (1) Accept the position statement.

18. Appeals Progress Report (Pages 122 - 125)

Report of the Strategic Director Planning, Housing and Economy

Summary

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

Recommendation

The Planning Committee is recommended to:

- (1) Accept the position statement.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or (01295) 221554 prior to the start of the meeting.

Declarations of Interest

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

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

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

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

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

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

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

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

Ian Davies
Interim Chief Executive

Published on Wednesday 16 February 2011

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 27 January 2011 at 4.00 pm

- Present: Councillor Fred Blackwell (Chairman)
Councillor Rose Stratford (Vice-Chairman)
- Councillor Ken Atack
Councillor Maurice Billington
Councillor Colin Clarke
Councillor Mrs Diana Edwards
Councillor Michael Gibbard
Councillor Chris Heath
Councillor Alastair Milne Home
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Chris Smithson
Councillor Trevor Stevens
- Substitute Members: Councillor Russell Hurle (In place of Councillor Mrs Catherine Fulljames)
Councillor Barry Wood (In place of Councillor Lawrie Stratford)
- Apologies for absence: Councillor Nick Cotter
Councillor Mrs Catherine Fulljames
Councillor Leslie F Sibley
Councillor Lawrie Stratford
- Officers: John Hoad, Strategic Director - Planning, Housing and Economy
Bob Duxbury, Development Control Team Leader
Linda Griffiths, Senior Planning Officer
Caroline Ford, Assistant Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Senior Democratic and Scrutiny Officer

127 **Declarations of Interest**

Members declared interests in the following agenda items:

6. Land South of Talisman Road, Adjacent to London Road, Bicester.
Councillor D M Pickford, Personal, as a Member of Bicester Town Council, who had been consulted on the application.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council, who had been consulted on the application.

7. Langford Park Farm, London Road, Bicester.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council, who had been consulted on the application.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council, who had been consulted on the application.

9. Land East of Oxford Spires Business Park, Langford Lane, Kidlington.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council who had submitted the application.

Councillor Maurice Billington, Prejudicial, as a Member of Oxfordshire County Council who had submitted the application.

Councillor Michael Gibbard, Prejudicial, as a Member of Oxfordshire County Council who had submitted the application.

10. Land at Worton Farm, Yarnton.

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

11. Worton Rectory Farm, Cassington Road, Yarnton.

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

14. Tree Preservation Order No. 22/2010 Birch, Sycamore & Maple tree at 35 Austin Drive, Banbury.

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

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

16. Bodicote Park.

Councillor G A Reynolds, Prejudicial, as the Portfolio Holder who had been involved in the deliberations in the past.

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

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

129 **Urgent Business**

There was no urgent business.

130 **Minutes**

The Minutes of the meeting held on 6 January 2011 were agreed as a correct record and signed by the Chairman.

131 **Land South of Talisman Road, Adjacent to London Road, Bicester**

The Committee considered a report for a residential development for one hundred and forty dwellings with associated parking, access and public open space.

Angela Banks, the applicant's agent, addressed the Committee in favour of the application.

The Committee considered the suitability of the site for residential use and the impact of noise in the locality on any future development. Members also raised concerns about the risk of flooding in the area and the impact of the proposed development on the volume of traffic in the area.

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

Councillor Pickford proposed that application 09/01592/OUT be refused. Councillor Milne Home seconded the proposal.

Resolved

That application 09/01592/OUT be refused for the following reason:

- (1) The proposed development lies on land that is beyond the built-up limits of Bicester and is not allocated for development in either the adopted Cherwell Local Plan or the Council's non-statutory Cherwell Local Plan 2011 which was adopted for development control purposes. The proposal is therefore contrary to the thrust of Policies H1 and H12 of the adopted Local Plan. The Local Planning Authority believes that consideration of the release of the land for development is premature pending the preparation of the Local Development Framework for the district.

132 **Langford Park Farm, London Road, Bicester**

The Committee considered a report for engineering works comprising lowering of land to allow 1:100 year plus climate change flooding.

The Team Leader Development Control and Major Developments advised the Committee that in light of the Committee's decision to refuse application 09/01592/OUT, it was now recommended that application 10/01316/F also be refused. Members were advised that the proposed engineering works would not be required as the proposed development on the site had been refused

(application 09/01592/OUT) and therefore proposal would be unnecessary engineering works in the countryside.

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

Resolved

That application 10/01316/F be refused for the following reason:

- (1) In the absence of need for this development, which was only required to provide flood compensation for the proposed residential development of nearby land which had been refused planning permission (application ref no 09/01592/OUT), this proposal represents development which will harm the character and appearance of the countryside contrary to Policies C7 and C9 of the adopted Cherwell Local Plan.

133 **Land North of Milton Road, Adderbury**

The Chairman advised the Committee that application 10/01684/OUT had been withdrawn by the applicant.

134 **Land East of Oxford Spires Business Park, Langford Lane, Kidlington**

The Chairman advised the Committee that application 10/01841/CM for the construction of a household waste and commercial waste recycling centre (OCC ref. R3.0167/10) was an application by Oxfordshire County Council upon which Cherwell District Council was being consulted.

The Committee was advised that the application was not yet aligned to an approved strategy but was a clear statement of intent by the County Council. Oxfordshire County Council planners had sought further submissions in respect of the other options, traffic implications and Green Belt issues in the light of the potential pattern of availability.

Resolved

That application 10/01841/CM be deferred to await the submission of information in respect of other options, traffic implications and Green Belt issues in the light of the potential pattern of availability and to allow Cherwell District Council to be re-consulted upon the application.

135 **Land at Worton Farm, Yarnton**

The Committee considered a report for the construction and use of a digestate slurry lagoon.

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

Resolved

(1) That Oxfordshire County Council be advised that Cherwell District Council object to the proposal on the following grounds:

- i. The proposal is considered to be inappropriate development in the Oxford Green Belt, which will harm the visual amenities and the openness of the Green Belt and therefore conflict with the purposes of including the land within the Green Belt. The proposal is contrary to PPG2: Green Belts, Policy CO4 of The South East Plan and policy GB1 of the adopted Cherwell Local Plan.
- ii. The Council's Anti Social Behaviour Manager has questioned the conclusions that the applicant has come to in terms of the PAS110 data as it would appear that within PAS110, open storage of liquor can only be recommended where it is intended that the material be spread on the producers own land. It is therefore questioned why there is a differentiation within the standard between producer usage and marketable product. There appears to be a departure from the standard and therefore there is concern that this may result in odour generation.

Cherwell District Council leave it up to the County however to make a full assessment as to whether the very special circumstances put forward are sufficient to outweigh the harm by reason of inappropriateness.

(2) Cherwell District Council also make the following comment on the scheme:

- i. The Council's Ecologist has commented that given the proximity to two SSSIs (Pixey and Yarnton Meads and Cassington Meadows) and a LWS (Cassington gravel pits) and the nature of the application it is considered that it would be advisable to consult Natural England and BBOWT if not already done. Some concerns have been raised about the possible impacts on the adjacent waterbodies given their wildlife value. Potential ecological effects outside this are not mentioned and there will be some loss of habitat on site for which the suggestions for planting will go some way to mitigate. Planting should be carried out using native species. There is a possibility that reptiles or amphibians may be on site so precautions should be taken to ensure they are not harmed during any works.

(3) Cherwell District Council would ask that they be advised of the decision once it is made.

136 **Worton Rectory Farm, Cassington Road, Yarnton**

The Committee considered a report for the continuation of the winning and working of sand and gravel with restoration using suitable imported materials without complying with the requirements of condition 2 in order to extend the time period for extraction until December 2015 and the time period for restoration until December 2017 to allow sufficient time for the working of material from beneath the plant site.

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

Resolved

- (1) That Oxfordshire County Council be advised that Cherwell District Council raise no objections to the proposal.
- (2) Cherwell District Council considers the conditions attached to the original planning permission should be re-imposed where relevant to ensure the development continues in accordance with the planning permission.
- (3) Cherwell District Council request that they be advised of the decision once it has been made.

137 **Tree Preservation Order No. 19/2010 Maple tree at The Old Cider Mill, Chapel Street, Hook Norton**

The Committee considered a report of the Strategic Director Planning, Housing and Economy and Major Developments which sought the confirmation of an unopposed Tree Preservation Order relating to a Maple tree at The Old Cider Mill, Hook Norton.

Resolved

That Tree Preservation Order No. 19/2010 be confirmed without modification.

138 **Tree Preservation Order No. 21/2010 Willow tree at 2 Castle End, Castle Street, Deddington**

The Committee considered a report of the Strategic Director Planning, Housing and Economy and Major Developments which sought the confirmation of an unopposed Tree Preservation Order relating to a Willow tree at 2 Castle End, Deddington.

Resolved

That Tree Preservation Order No. 21/2010 be confirmed without modification.

139 **Tree Preservation Order No. 22/2010 Birch, Sycamore & Maple tree at 35 Austin Drive, Banbury**

The Committee considered a report of the Strategic Director Planning, Housing and Economy and Major Developments which sought the confirmation of an unopposed Tree Preservation Order relating to a Birch, Sycamore and Maple tree at 35 Austin Drive, Banbury.

Resolved

That Tree Preservation Order No. 22/2010 be confirmed without modification.

140 **Tree Preservation Order No. 27/2010 Birch tree at 39 High Street, Bodicote**

The Committee considered a report of the Strategic Director Planning, Housing and Economy and Major Developments which sought the confirmation of an unopposed Tree Preservation Order relating to a Birch tree at 39 High Street, Bodicote.

Resolved

That Tree Preservation Order No. 27/2010 be confirmed without modification.

141 **Bodicote Park**

The Committee considered a joint report of the Head of Legal and Democratic Services and the Strategic Director Planning, Housing and Economy which updated Members on the future plans for Bodicote Park and the position regarding the Section 106 Agreement currently on the site.

Resolved

- (1) That it be noted that Bodicote Park had been acquired by the Council.
- (2) That it be acknowledged that public ownership of the site will facilitate community initiatives to fulfil the original planning intent - to provide improved sports pavilion and make the site available for public sporting use.
- (3) That it be noted that the outstanding planning obligation requirements contained in the Section 106 Agreement dated 25 June 2003 will be held in abeyance pending formal discharge or variation when a new scheme for the site is brought forward.

142 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were subject to various requirements.

Resolved

That the position statement be accepted.

143

Appeals Progress Report

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

Resolved

That the position statement be noted.

The meeting ended at 5.40 pm

Chairman:

Date:

PLANNING COMMITTEE

24 February 2011

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.

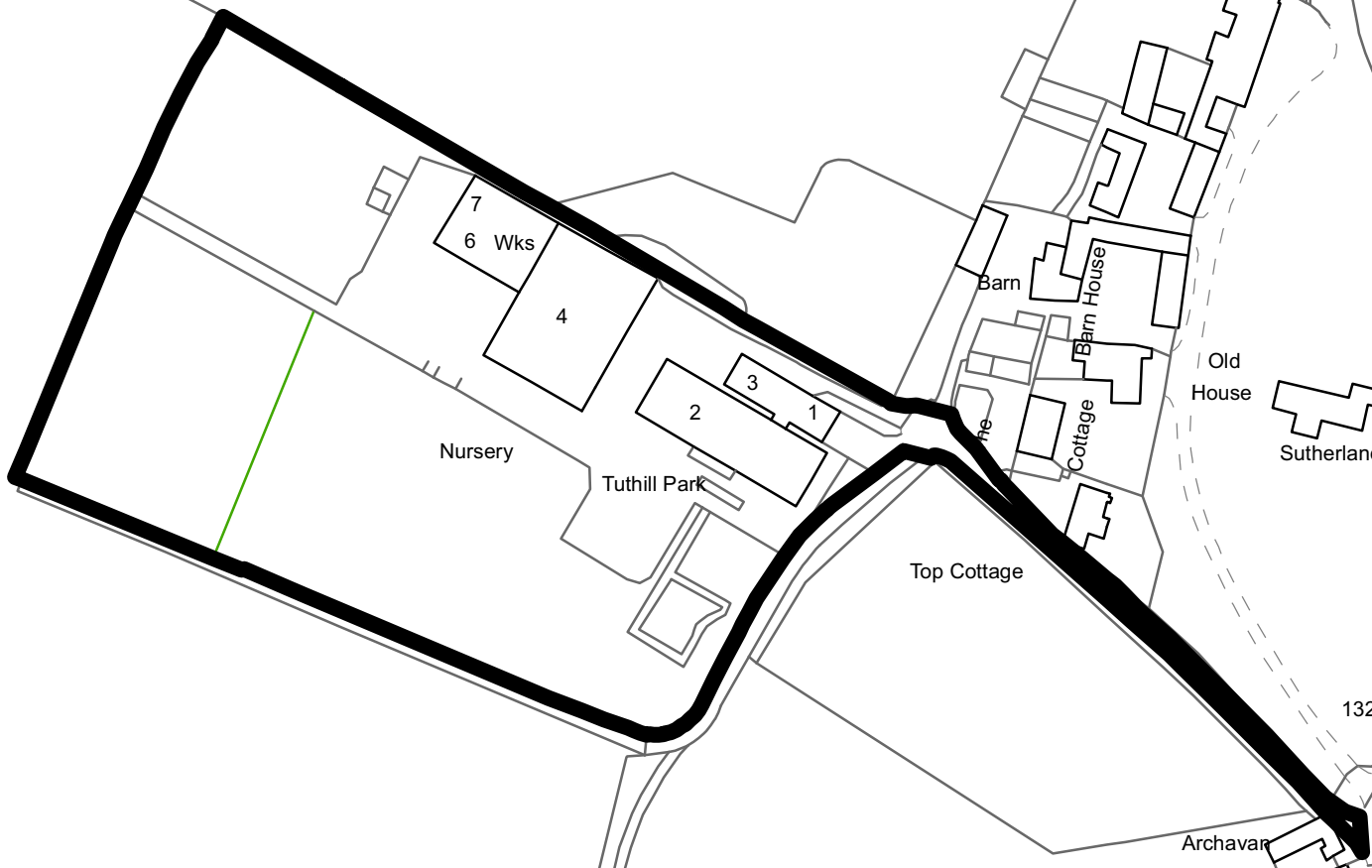
Background Papers

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
Tuthill Park, Wardington	10/01814/F	Cropredy	Refusal	Tracey Morrissey
Land east of Dorcas Road adjoining and south of Overthorpe Road, Banbury	10/01816/HYBRID	Banbury Grimsbury and Castle	Approval	Jane Dunkin
Land South of Overthorpe Road and West of M40, Banbury	10/01823/OUT	Banbury Grimsbury and Castle	Approval	Jane Dunkin
7 Colesbourne Road, Bloxham	10/01824/F	Bloxham	Approval	Paul Ihringer
Land to the Rear of The Coach House, Queens Avenue, Bicester	10/01856/F	Bicester Town	Approval	Rebecca Horley
81 Bloxham Road, Banbury	10/01859/F	Banbury Easington	Approval	Caroline Roche
Land Adjacent Radwell Grounds, Duns Tew Road, Hempton	10/01879/F	Deddington	Approval	Paul Ihringer
Land South of 85 East Street, East Street, Fritwell, Oxfordshire	11/00028/F	The Astons & Heyford	Refusal	Rebecca Horley
Blue Gates, Banbury Road, Bicester	11/00093/F	Bicester North	Approval	Laura Bailey

Agenda Item 6 **10/01814/F**



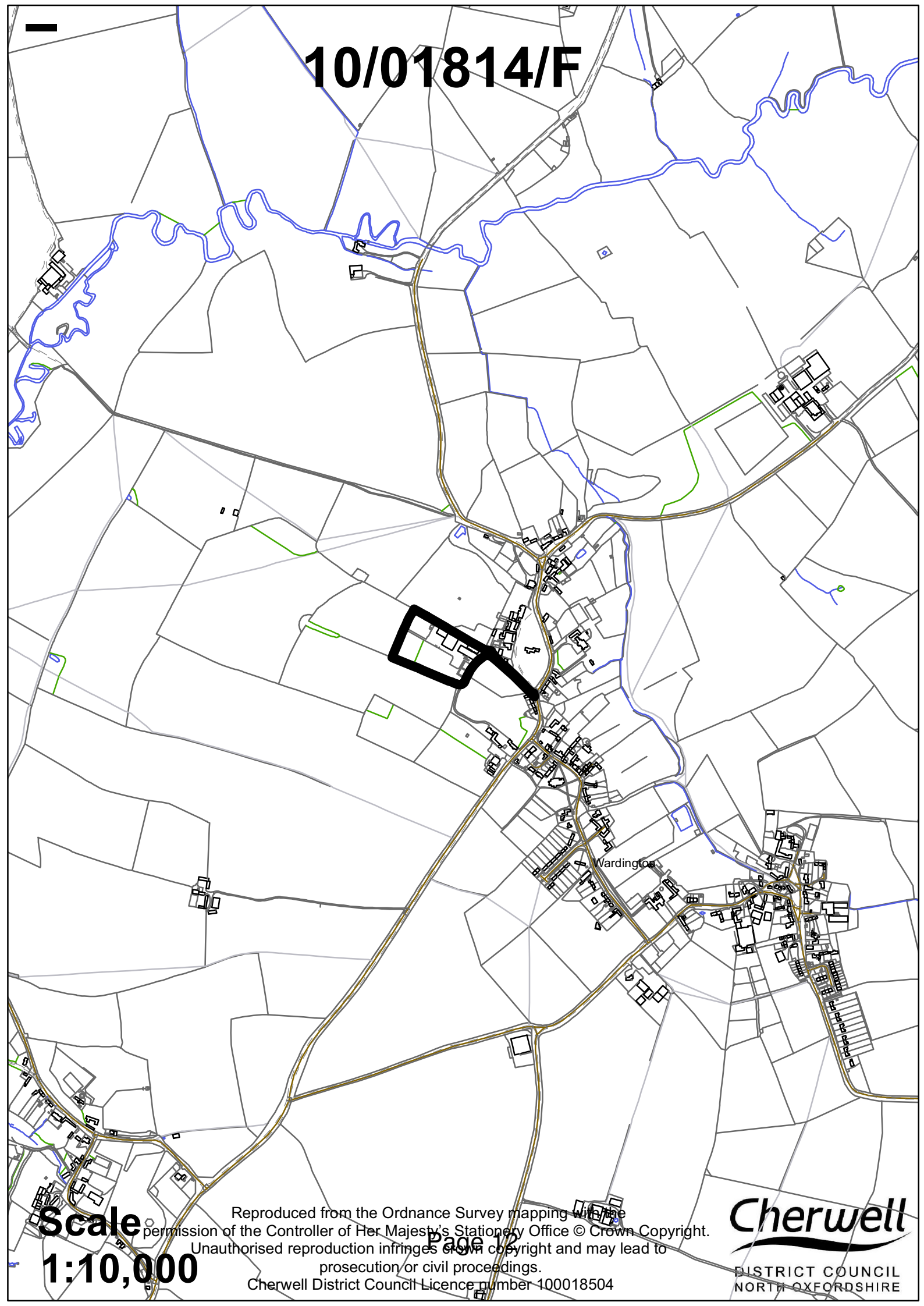
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

10/01814/F



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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application 10/01814/F	No:	Ward: Cropredy	Date Valid: 06.12.10
Applicant:	Francis Tuthill Ltd		
Site Address:	Tuthill Park, Wardington		

Proposal: Demolish existing greenhouse stores and construct new workshop and ancillary office/administration accommodation. Refurbish existing industrial buildings and construct administration/ research and development block. Upgrade and reshape existing hard standings to form car parking areas

1. Site Description and Proposal

- 1.1 This application relates to a site on the south-western side of Wardington. Located via a long access road off the main Daventry to Banbury A361 road, the access is partially shared with Wardington House Nursing Home, four neighbouring cottages and several Tuthill family properties.
- 1.2 The majority of the site is outside the Conservation Area, but the access road is within it. A Grade II listed building (Old Farm House) is in close proximity and a public footpath runs along the access road and continues in a westerly direction to the rear of the site. The site is also within an Area of High Landscape Value.
- 1.3 The site is contained within a densely screened site with large mature trees forming all boundaries. The site itself comprises a range of buildings of varying size and height, which have evolved since the 1970's when Francis Tuthill Ltd established a rally car business. Alongside the Porsche business, the site has previously accommodated a horticultural business and glazing company, whilst these uses have since ceased a large greenhouse which is currently used for storing parts and measures 45m x 15m and the range of other buildings and a large number of storage containers remain. Some of the buildings are still occupied by Francis Tuthill Ltd, however another company Omlet Ltd has been operating from the site since 2004.
- 1.4 Planning permission is sought for the redevelopment of the site by demolishing a large greenhouse and construction of 2 no. new buildings and refurbishing the existing along with the formation of a new internal access track and associated hardstanding area to form 71 no. car parking spaces.
- 1.5 The existing layout of the site comprises 3 no. separate buildings (including greenhouse), 2 no. buildings (including greenhouse) are solely used by Francis Tuthill Ltd, part of the 3rd larger building has a mezzanine floor and this whole building is used by both Francis Tuthill Ltd and Omlet. 20 no. storage containers are also used by both companies. Car parking at the site is very random although a larger section of the site is mainly used for car parking.
- 1.6 The proposed layout of the site seeks to rationalise the accommodation providing better facilities for the employees, removal of all the storage containers and allowing

Francis Tuthill Ltd to have a rally car display area in the purpose designed building. Omlet will also have a purpose designed building but will still share the larger building on site with Francis Tuthill Ltd for warehouse storage.

2. Application Publicity

- 2.1 The application was advertised by way of a site notice, press notice and neighbour notification letters. The final date for comment was 12th January 2011. No comments have been received.

3. Consultations

- 3.1 **Wardington Parish Council** raises no objection.
- 3.2 **Local Highway Authority** objects to the application and recommends refusal on sustainability grounds and highway safety
- 3.4 **OCC Footpaths Officer** raises no objection in principle as there will not be a significant increase in traffic using the public right of way, however a small building currently blocks part of the right of way and it is not clear whether this building is to remain as part of the proposed plans.
- 3.5 **Arboricultural Officer** advises that there are a number of trees on the site which are likely to be affected by the development. Therefore an Arboricultural Survey, Impact Assessment and Method Statement are required.
- 3.6 **Ecology Officer** advises that no ecology survey is necessary, but the applicant must be made aware of grass snakes in the immediate locality and potential for other reptiles in accordance with PPS9.

4. Relevant Planning Policies

- 4.1 South East Plan
CC1 – Sustainable development
CC6 – Sustainable communities and character of environment
RE3 – Employment and land provision
T4 – Parking
T5 – Travel Plans
NRM5 – Conservation and implementation of biodiversity
C4 – Landscape and countryside management
C6 – Countryside access and rights of way management
BE5 – Village Management
BE6 – Management of the Historic Environment
- 4.2 Adopted Cherwell Local Plan
EMP4 – Employment in rural areas
C2 – Protected species
C7 – Landscape Conservation
C13 – Conserve and enhance the environment in Areas of High Landscape Value
C14 – Trees and landscaping
C28 – Standards of layout, design and external appearance

ENV1 – Pollution control

4.3 Non Statutory Cherwell Local Plan

EMP4 – Existing employment sites

R4 – Rights of way and access to the countryside

EN3 – Pollution control

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

4.4 **PPS4** – Planning for sustainable Economic Growth

PPS5 – Planning For the Historic Environment

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

5. Appraisal

5.1 Main Planning Considerations

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

- Principle of the development
- Landscape impact
- Highway Impact
- Residential amenity
- Impact on historic environment
- Ecology

Each of the above points will be considered in turn.

5.2 Principle of the development

Policy EC12 of PPS4 states, “in determining planning applications for economic development in rural areas, local planning authorities should ... support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport”.

5.3 Policy EMP4 of the adopted Cherwell Local Plan seeks to encourage economic activity in rural areas by identifying opportunities for employment generating development and in particular for small businesses within an existing acceptable employment site, including redevelopment. Providing that the activity can be carried on without detriment to the character and appearance of the locality or residential amenity.

5.4 Policy EMP4 of the Non-Statutory Cherwell Local Plan 2011 echoes that of the adopted Cherwell Local Plan policy but also states that the proposal should not give rise to excessive or inappropriate traffic and should aim to reduce the need to travel by private car.

5.5 Policy RE3 of the South East Plan 2009 supports economic diversity through the promotion of small and medium enterprises and businesses in rural areas.

- 5.6 In terms of history, the Tuthill's (Brothers and Sons) have operated their own and separate businesses from the site and Wardington Nursing Home and have lived in the properties since the 1960's. These family businesses; Francis Tuthill Ltd, Omlet and Wardington Nursing Home have evolved at the Wardington site over the years and due to their success, need to provide additional accommodation and also rationalise and upgrade the existing accommodation which is fairly old.
- 5.7 Francis Tuthill Ltd build, restore and repair Porsche 911 rally cars for historic motorsport, they also provide road car servicing for Porsche, Audi and VW's and currently employs 16 local people. A small retail section is included within the business which sells the custom designed and manufactured parts for Tuthill competition cars.
- 5.8 Omlet is the second business operating at the site and currently employs 25 people from the Banbury area (95% live within 7 miles of Wardington). This company produces and delivers modern innovative 'pet' housing, including the 'Eglu' a purpose designed and built chicken house for domestic properties. The chickens are kept at the site and both Eglu and chickens are dispatched from the site by the company's delivery vehicles to the purchasers home, where the Eglu is assembled and chickens, their house and run is established as a package. Other housings within the Omlet range includes that for rabbits, guinea pigs and bees.
- 5.9 The Omlet business operates an online ordering system, however the Eglu range and chickens and related products can be viewed and purchased from Barn Farm Plants (garden centre) also located at Wardington. There is no direct retail shop/counter operating for the Omlet business at the application site.
- 5.10 For clarification, the Wardington Nursing Home business is not included in this current application but partly shares its vehicular access with the other two businesses.
- 5.11 There has been extensive negotiation over the past years, which have concluded with the submission of the existing proposal. The original plans for the redevelopment of the site have been scaled down considerably following those negotiations to ensure compliance with Policy EMP4 of adopted Cherwell Local Plan.
- 5.12 The proposal seeks to expand and consolidate the amount of floorspace by the demolition of the large greenhouse building and the provision of two new purpose designed buildings linked to the existing core buildings. The existing buildings on site (including the greenhouse building but excluding the storage containers) covers approximately 3440m². The proposal seeks to remove the greenhouse (640m²) and the storage containers (624m²) and construct 2 no. separate buildings covering an external floor area of 1736m². Taking into account the floor area covered by the greenhouse, the net increase in floor area equates to about 1096m² which is about

32% increase in building floor area on the site.

- 5.13 In respect of retail sales, none take place at the Omlet business as the nearby Wardington Barn Plants business operates as the Omlet retail outlet. Francis Tuthill Ltd operate a small retail sales outlet as part of their business, however there is no sales counter as such and therefore the SDPHE considers that this aspect of the business amounts to ancillary sales associated with the operation of the business and does not constitute a retail sales element that generally would be contrary to Government guidance contained in PPS4 – Planning for Sustainable Economic Growth. However in order to control this element of the business a restrictive condition would be necessary.
- 5.14 The SDPHE considers that the proposal represents economic development within a rural area and small scale redevelopment within an existing acceptable employment site and in that respect generally accords with Government guidance contained in PPS4 – Planning for Sustainable Economic Growth and Policies EMP4 of the adopted Cherwell Local Plan and Non-Statutory Cherwell Local Plan 2011 and RE3 of the South East Plan 2009. However, notwithstanding the compliance with those policies, it could be argued that the site has gradually extended into open countryside without the necessary consent and that the storage containers are also unauthorised. That said, taking a pragmatic view, the harm caused to the locality by the existing operation is considered to be minimal. The site is well screened by mature trees and by allowing the proposed development; it is considered that the site will be contained and conditional. The development therefore complies with Policies EMP4 of the adopted Cherwell Local Plan, Non-Statutory Cherwell Local Plan 2011, RE3 of the South East Plan 2009 and Government guidance contained in PPS4 - Planning for sustainable Economic Growth.
- 5.15 Landscape Impact
- The site lies within an Area of High Landscape Value where policies C13 and C28 of the adopted Cherwell Local Plan seek to conserve and enhance the environment and require development to be sympathetic to the character of the area. Policy EN34 of the Non-Statutory Local Plan also seeks to conserve and enhance the environment.
- 5.16 The site is physically contained within existing hedgerows and trees, the public right of way runs west to east alongside a line of mature Lime trees. The existing and proposed buildings will not be readily visible from the A361 approach road from the Banbury direction, however will be visible from the public right of way. The line of Lime trees help screen the existing range of buildings, but no Arboricultural Survey or method statement has been received, and there is concern that the proposed buildings will have a detrimental impact on these trees which are not subject to a TPO or part of the Conservation Area, but do provide an effective screen. At the time of report writing these surveys are being undertaken.
- 5.17 The existing buildings on site range from 4.2m to 7m high, the 2 no. proposed

buildings will be constructed from brick, vertical Yorkshire boarding, metal cladding and grey metal sheet roofing and will be 8m high. Providing that it can be demonstrated that the buildings can be constructed without serious harm to the Lime trees, it is considered that the proposal will not increase the overall impact of the site to the detrimental of visual amenities of the landscape and Area of High Landscape Value and therefore complies with Policies C13 and C28 of the adopted Cherwell Local Plan.

5.18 Highway Impact

The proposal seeks to use the existing vehicular access with the access track leading from the A361 to the site being upgraded, an internal access route will be formed with associated hardstanding and parking provision for 71 vehicles (staff, visitor and servicing) including 10 no. cycle parking spaces.

5.19 The applicant has provided a transport statement which details the comparison of traffic generation as a product of the proposal with the level of movements which exists at present. The figures for the traffic generation include movements by commercial, HGV and other vehicles. The traffic to the site includes:

Francis Tuthill Ltd	Existing	Proposed
Staff cars	16 per day	20 per day
Parts Deliveries (Vans)	3 per day	4 per day
Owned Delivery Vehicles	None	None
Retail Traffic (Cars)	3 per day	3 per day
Rep/Agent visits (Car)	1 per week	1 per week
Total	22.2 vehicles per day	27.2 vehicles per day

Omlet Ltd	Existing	Proposed
Staff cars	20 per day	24 per day
Parts Deliveries	2 'Artic's per week 2 Lorries (7.5 t'ne) per day	3 'Artic's per week 3 Lorries (7.5 t'ne)per day
Owned Delivery Vehicles	2 vans per day	2 vans per day
Retail Traffic (Cars)	None	None
Rep/Agent visits (Cars)	1 per week	1 per week
Total	24.6 vehicles per day	29.8 vehicles per day
TOTAL	46.8 vehicles per day	57 vehicles per day

The figures illustrate that there is a potential 22% increase in traffic to and from the site.

5.20 The local highway authority objects to the application and recommends that the application be refused on highway safety and sustainability grounds. The County Council's highway engineer has considered that "the increase of floor area and

parking provision at the site as a result the proposal has the potential to attract an increased number of trips and therefore increase the use of the access to the public highway". They also consider that "the access to the highway is poor, in terms of visibility and geometry, and increased use of the access would be to the detriment of the safety of highway users and therefore contrary to Government guidance contained in PPG13 – Transport."

- 5.21 Furthermore the local highway authority considers "that the rural location of the site is extremely limited with regard to reasonable alternatives to car travel. The site would be unlikely to attract pedestrians or cyclists from beyond Wardington, given that most routes would follow the busy strategic route A361 which is fast moving, unlit and without separate provision for non-motorised highway users beyond the settlement. An infrequent bus service is available along the A361, which is unlikely to be practical for most employees. Therefore the County's highway engineer considers that staff would be reliant upon private motor car for access to the site, contrary to the guidance of PPG13. However, due consideration to Policy EC12 of Planning Policy Statement 4 (Planning for Sustainable Economic Growth) should be made".
- 5.22 At the time of report writing the applicant's agent is attempting to discuss the reasoning for recommending refusal with the local highway authority. However, the applicant's agent has already confirmed to the County Council that whilst there will be some intensification, the applicant cannot recall any 'collision' associated with the access since operating their family run businesses on the site from 1977 and whilst not ideal, the access has proven to be safe.
- 5.23 In respect of the sustainability issue, it considered that this can be overcome by the provision of a travel plan that identifies other means of travel to the site. The applicant's agent has already confirmed that the businesses employ a number of people from Wardington and the surrounding area and already operates an 'informal' car share policy. The car parking on site is not effectively being enlarged but rationalised to improve the visual and environmental amenity of the site.
- 5.24 The site is positioned off the A361 Daventry to Banbury road, a route where Geoff Amos buses operate an hourly service to and from Banbury to Rugby. Therefore the SDPHE does not consider that the public transport available is infrequent or that it will not be practical to employees as maintained by the local highway authority. Consequently the SDPHE considers that a reason to refuse the application on sustainability grounds could not reasonably be sustained at appeal.
- 5.25 Residential amenity
- Notwithstanding the fact that no letters of representation have been received from any neighbouring property, the SDPHE considers that the proposed buildings will not give rise to loss of amenity or that the increase in traffic to and from the site will not cause serious harm to residential amenity sufficient to refuse the application on those grounds. Furthermore the site is an existing acceptable employment

generating site, the activities of which have not given rise to any amenity issues in the past and therefore complies with Policy EMP4 of the adopted Cherwell Local Plan.

5.26 Impact on historic environment

The site is not within a Conservation Area but the access road is and the site abuts the Conservation Area. There are also listed buildings in close proximity to the site. Due consideration of the impact on the setting of Heritage Assets is therefore necessary. The site is contained and very well screened by the mature trees around the boundaries. The SDPHE considers that the proposed development will have no detriment to the significance of the Heritage Assets settings and therefore accords with PPS5: Planning for the Historic Environment.

5.27 Ecology

PPS9: Biodiversity and Geological Conservation places a duty upon local planning authorities to ensure that a protected species assessment and or survey be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. PPS9 states that “It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

5.28 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;

Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those

functions”.

- 5.29 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.

Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:

- 1) is the development needed for **public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature** (development).
- 2) Is there any **satisfactory alternative**?
- 3) Is there **adequate mitigation** being provided to maintain the favourable conservation status of the population of the species?

- 5.30 In respect to the application site, there are no known protected species on the site and the current buildings are unlikely to be acceptable bat roosts, and therefore no Ecology survey was sought.

- 5.31 The Council's Ecologist has however considered the development proposals and advises that there are grass snake records close to this site and the areas outside the hardstanding on site looks to be suitable habitat for them. However from the plans it appears that there will be minimal encroachment into this green space with the majority of the proposals occurring within the hardstanding so the habitat for reptiles should not be impacted significantly, a survey is not required, but the applicant should be made aware of the legislation pertaining to reptiles (protected from injury and killing under W & C Act) and should take precautions during any works to avoid injury to reptiles.

- 5.32 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with PPS9 and Policy C2 of the adopted Cherwell Local Plan.

5.33 Conclusion

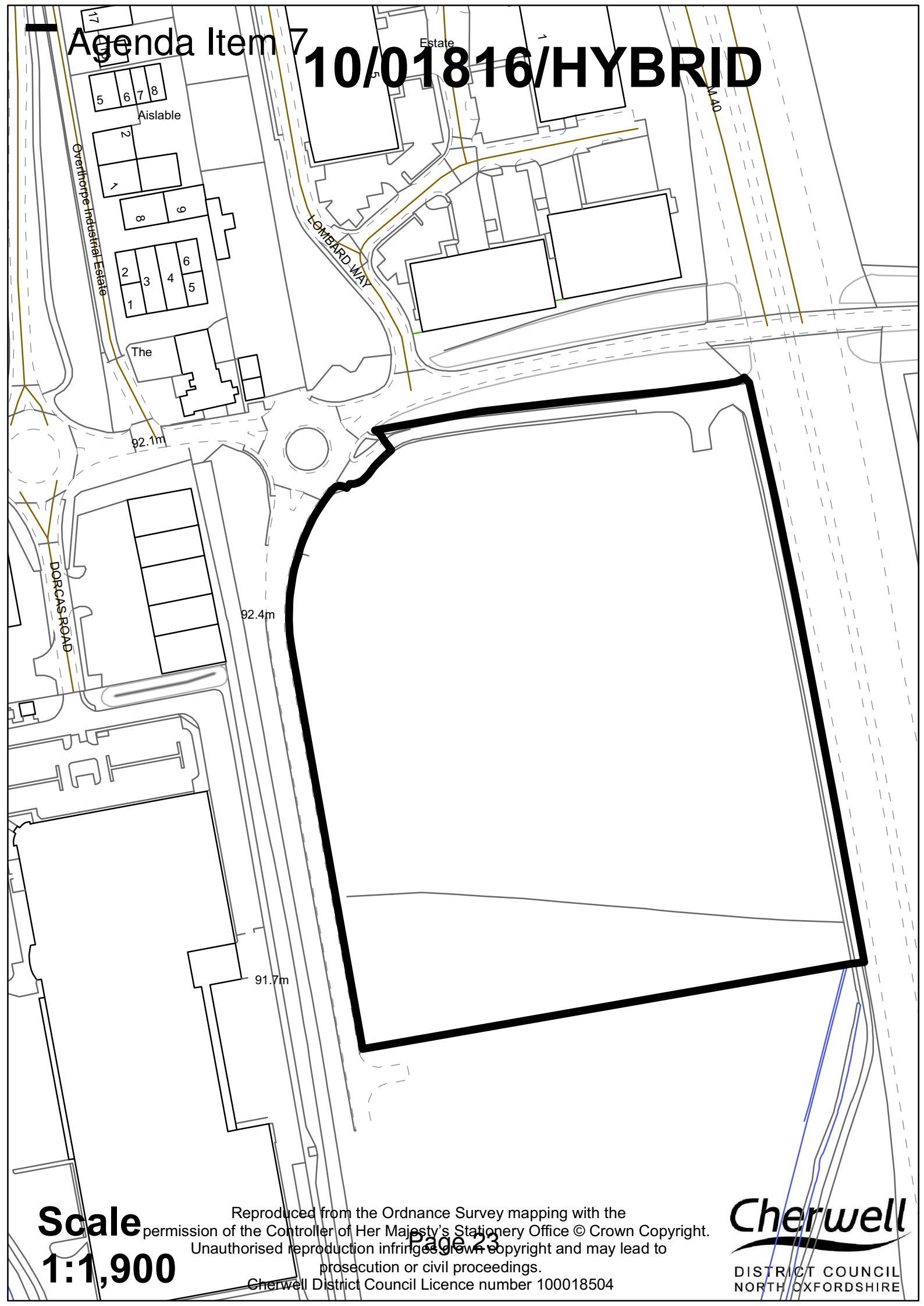
The SDPHE considers that the proposal represents economic development within a rural area and small scale redevelopment within an existing acceptable employment site that has no serious impact on the landscape amenity, residential amenity, and

significance of setting of heritage assets or ecology and therefore accords with the relevant development plan policies and Government guidance. In terms of sustainability, the site is close to Banbury, the M40 and accessed off the A361 which is a good public transport route and therefore complies with PPG13, however as the local highway authority considers that the access to the site is poor in terms of visibility and geometry, the increase in traffic generation will result in a detriment to highway safety. On that basis only the application is recommended for refusal, unless further discussions between the applicant and OCC result in the local highway authority withdrawing their objection.

6. Recommendation
Refuse for the following reason:
The Council considers that the intensification of use of the access would lead to increased risk of collision to the detriment of the safety of highway users and contrary to Government guidance contained in PPG13 – Transport.

CONTACT OFFICER: Tracey Morrissey

TELEPHONE NO: 01295 221812



Scale
1:1,900

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10/01816/HYBRID

8
Aisleable House
6
3 4 5 6

LOWBARD WAY

MAD

92.4m

91.7m

Def

Scale
1:1,700

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application No: 10/01816/HYBRID	Ward: Banbury Grimsbury and Castle	Date Valid: 06.12.2010
Applicant:	Albion Land (High Wycombe) Ltd	
Site Address:	Land east of Dorcas Road adjoining and south of Overthorpe Road, Banbury	

Proposal: Hybrid planning application for 24,005sqm (industrial) and/or B8 warehouse/distribution) uses (and associated infrastructure) with full details provided for Phase 1 comprising 12,574sqm floor space and all details except external appearance for Phase 2 comprising 11,431sqm floor space

1. Site Description and Proposal

- 1.1 The application site is located on the eastern outskirts of the town, close to Junction 11 of the M40. The site is bounded to the east by the M40 motorway and to the west by an existing warehouse development, currently occupied by 3663 and known as Echo Park. Access to the site is via an existing roundabout on the Overthorpe Road. The site is relatively flat and characterised by scrub type vegetation of no significant maturity. A public footpath runs immediately adjacent to the north and east boundaries, to the west is an existing unadopted spine road leading from the roundabout on Overthorpe Road, beyond which and parallel to is a further public footpath. To the south, is a second development site, currently being considered for outline B1c/B2/B8 development under application number 10/01823/OUT, also contained within this agenda.
- 1.2 The proposal is a Hybrid application due to the fact that full details are proposed in relation to Phase 1 (Unit 2) and that in relation to Phase 2 (Unit 1) whilst details of access, landscaping, layout and scale have been submitted, external appearance is a reserved matter, making Phase 2 an outline application.
- 1.3 First Line Ltd is the identified end user for Unit 2, suppliers of automotive components internationally, who are currently located in Bicester and needing to vacate their existing premises. The business is seeking to expand and remain in Oxfordshire and the application site offers an opportunity to achieve the required footprint (12,574sqm). First Line would relocate their existing 130 jobs and intend to create a further 80 new jobs.
- 1.4 Unit 1 would be a slightly smaller unit with a footprint of 11,431sqm. Whilst negotiations are taking place with a prospective purchaser, this end user is not yet known. This is the reason for reserving the details of the appearance of the building from this application. Scale and footprint are however detailed.
- 1.5 The application is accompanied by a Planning Supporting Statement, Design and Access Statement, Transport Assessment, Travel Plan Statement, Flood Risk Assessment, an Ecological Assessment and Ground Investigation Report all in support of the application.

2. Application Publicity

- 2.1 The application has been advertised by way of site notices, press notice and neighbour notification letters. The final date for comment was 09 February 2011.
- 2.2 One letter of representation has been received from Councillor Smithson which is summarised as follows:
- Overnight HGV parking is currently dominant in this locality, witnessed by the amount of damage to the kerbside in the vicinity of the newly constructed Lombard Way/Overthorpe Road roundabout.
 - If planning consent is to be granted S106 money should be used to provide signs/double yellow lines for parking restrictions along the Overthorpe from Thorpe way /Overthorpe Road to Lombard Way.
 - This would reduce the HGV overnight parking noise nuisance and also reduce the possibility of vehicle accidents with the current hazardous HGV parking.

3. Consultations

- 3.1 **Banbury Town Council** No objections in principle, however does not support application without formal protection of access strip for SE relief road referred to in OCC Draft Local Transport Plan. Current road is not wide enough. If application is approved this could destroy Banbury's last access point to provide a relief road. Furthermore:
- B8 becoming predominant to the detriment of Banbury's manufacturing heritage and the provision of skilled jobs.
 - Concerns about quality of proposed building and screening.
 - Overnight HGV parking results in nuisance, litter and environmental health issues.
- 3.2 **South Northamptonshire Council** No objections subject to the appearance of the building, materials and colour finish, lighting and landscaping. Furthermore a routing agreement is required to direct HGVs away from Overthorpe Road.
- 3.3 **Overthorpe Parish Council** raises objections in relation to highway safety.
- Considers that the application will result in an increase in volumes of traffic and that the current road infrastructure is insufficient.
 - Vehicles speeds on Overthorpe Road are excessive and there is no protection for pedestrians or cyclists. Furthermore a school bus routes picks up from Overthorpe Road.
 - Overthorpe Road is an access only village – this status is often abused and likely to be compounded as a result of development.
- More signage is required directing vehicles to M40 and not through Overthorpe. HGVs park along Overthorpe Road.
- 3.4 **Head of Planning and Affordable Housing Policy** sets out the policy framework relevant to this application, main points include:
- support for planning applications which secure economic development in PPS4

- allocation of site for B1/B2 although B8 not specifically restricted
- Employment Land Review 2006 recommends site be allocated for B2/B8
- Draft Core Strategy supports employment generating development – predominantly a mix of B1 and B2 uses.

Further comments:

- The proposals therefore represent significant job creation, despite the B8 use class category which has traditionally been perceived as resulting in poor job/floorspace ratios.
- Principle of employment development has been established on this site
- No objections given justification regarding job creation
- B8 uses restricted on previous applications
- Attention drawn to NRM11 of SEP re 10% of energy for development to be gained from renewables
- Attention drawn to Draft Transport Plan and potential requirement for land reservation for relief road.

- 3.5 **Economic Development Officer** The existing and emerging Economic Development Strategies identify the need for a balanced economy, to be resilient to economic downturn, accounting for the needs of expanding indigenous companies and attraction of new business to the district.

In order to accommodate the expansion needs of First Line of Bicester, the extension of uses to include B8 (warehousing and distribution) would provide considerable support to the growth of an indigenous company that would have difficulty expanding elsewhere in the district, whilst providing a higher level of employment density than typically found with B8.

This density may not, of course, remain in decades to come and therefore some control of phase 2 may be required to ensure ‘balance’ of employment opportunities locally. The restriction of B8 uses adjacent to Overthorpe Road should therefore be considered to ensure a mix of B2 and B1 akin to previous provisions for and rationale of this development site.

- 3.6 **Urban Design Officer** supports arrangement of site with servicing for unit 2 between buildings. Design approach is acceptable from front of building, accenting the entrance, however the rear elevation lacks interest and could be better articulated particularly on upper half of building.

Servicing should be more discretely arranged with more screening or reduced scale. Finished colour of building should be a more muted tone, not white. Opportunity to add visual interest to landscaping bund. Condition no plant on roof.

- 3.7 **Anti Social Behaviour Manager** Due to the location of the site no objections are raised to the principal of the proposed development. The applicants have indicated that the external lighting arrangements will be designed in accordance with the ILE Guidance and it is suggested that a prior approval condition is applied to cover this matter and a further prior approval condition to address any illumination to the proposed signage.

- 3.8 **Environmental Protection Officer** Records show potentially contaminative land uses adjacent to this site including a World War 1 munitions factory and associated railway and there are also several other potentially contaminative land uses in the

nearby area. As such applying the full phased contaminated land conditions is recommended.

3.9 **Landscape Manager** comments on the landscaping scheme stating that there is an opportunity to create a more interesting, undulating landform to mitigate the building with sensitively designed broad-leaved woodland, native shrub mixes and meadow grass.

- The northern building elevations will be prominent to users of Overthorpe industrial estate on the north side of Overthorpe Road/roundabout and tree and thicket planting will be required to mitigate this elevation.
- The existing trees along the eastern side of the motorway will screen the development.
- The site and proposed buildings will be adequately screened from Overthorpe Industrial Estate on the west by the existing large warehouse and industrial units with associated tree planting.
- The southern and eastern elevations will be partially mitigated from motorway northbound users by existing trees/hedgerow along the district council boundary with grassland buffer (approx. 47 m at its widest) between the motorway and the site. This vegetation will also provide a permeable screen for walkers on the PRow that follows the district council boundary.
- A good percentage of broadleaf tree and shrub species and grassland must be planted to satisfy the requirements of Aspect Ecology's Ecological Assessment in that bat/bird habits are enhanced.
- Amendments required in relation to the landscaping
- Off site contributions required in relation to off site open space and planting.

3.10 **Ecology Officer** Ecological assessment sufficient in scope and depth. Mitigation and enhancement measures must be adhered to together with consideration of appropriate lighting schemes.

3.11 **Right of Way Officer** Should planning consent be granted, no public path order would be required to enable this development, but the applicant should be reminded to ensure that no plant or materials obstruct Banbury FP60 during construction.

3.12 **Head of Building Control and Engineering Services** Cherwell Members have a strong aspiration to ensure that the road leading from the recently formed roundabout on Overthorpe Road should be available to form part of the Banbury South-Eastern Relief Road. The first part of the access road for these 2 application site has already been constructed.

Two issues follow from this aspiration. The first is that the carriageway width continues to the standard at which it has been started. The second is that the junction arrangements from the access road onto the application sites should not compromise the capacity of the access road if used as a relief road. Therefore, ghost islands or similar features need to be considered at this time.

On both these matters you should consult with the Highway Authority making specific reference to each point.

Both sites have been assessed as in line within Flood Zone 1 and therefore not at material risk of fluvial flooding. By following the processes prescribed in PPS25 the applicant has further concluded that there are no other material sources of flood risk

on the sites. I concur with both these assertions and agree that flood risk is minimal.

The applicant has proposed a sustainable form of drainage reliant on attenuation and the efficacy of the receiving ditch systems. I have no concerns with this but at detailed stage a condition should be attached to any consent to the effect that the ditch systems must be restored for effective conveyance of the attenuated flows and maintained accordingly thereafter.

- 3.13 **Local Highway Authority** raises no objections to the proposals (advising that the site is situated in a sustainable location) subject to a financial contribution towards sustainable highway infrastructure and services, furthermore, a Travel Plan and a fee for monitoring it will be required.
- 3.14 **County Archaeologist** The proposals do not appear directly to affect any presently known archaeological sites. However, records do indicate the presence of known archaeological finds nearby, and this should be borne in mind by the applicant. If archaeological finds do occur during development the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary.
- 3.15 **County Field Officer** Banbury public footpath 60 runs along the northern and eastern perimeter of the site. Although the footpath is shown within the red outline of the site it will be separate from it. On the eastern side there will be a landscaped bund between the development and the footpath. Apart from the visual impact the footpath will not be significantly affected. I therefore have no objections to the proposals. If permission is granted the developers should ensure that the route remains open and safe for people to use while the development takes place.
- 3.16 **County Developer Funding Team** No objections or requirements
- 3.17 **Highways Agency** raises no objections
- 3.18 **Police Architectural Liaison Officer** raises no objections
- 3.19 **Environment Agency** raises no objections subject to conditions relating to contamination and remediation, flood risk mitigation and surface water drainage. Further advice to the developer is also provided.
- 3.20 **Thames Water** sets out the developers responsibilities in relation to drainage, surface water and minimum pressure.

4. Relevant Planning Policies

- 4.1 Central Government Guidance
 - Planning Policy Statement (PPS) 1: Delivering Sustainable Development
 - Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth
 - Planning Policy Statement (PPS) 9: Biodiversity and Geological Conservation
 - Planning Policy Guidance (PPG) 13: Transport
 - Planning Policy Statement (PPS) 23: Planning and Pollution Control
 - Planning Policy Statement (PPS) 25: Development and Flood Risk

- 4.2 South East Plan (SEP)
 CC1: Sustainable Development
 RE3: Employment and Land Provision
 T1: Manage and Invest (Transport)
 T4: Parking
 NRM4: Sustainable Flood Risk Management
 NRM5: Sustainable Flood Risk Management
- 4.3 Draft Core Strategy (February 2010)
- 4.4 Adopted Cherwell Local Plan (aCLP)
 TR1 Transportation Funding
 C2 Protected Species
 C7 Landscape conservation
 C17 The Urban Fringe (enhancement by tree and woodland planting)
 C28 Standards of layout, design and external appearance
 ENV12 Contaminated Land
- 4.5 Non Statutory Cherwell Local Plan (nsCLP)
 EMP1 Employment Generating Development
 EMP2 Land to South of Overthorpe Road
 TR1 Traffic Generating Development
 TR3 Transport Assessment
 TR4 Mitigation Measures
 TR5 Road Safety
 R4 Rights of Way
 EN6 Light Pollution
 EN17 Contaminated Land
 EN25 Protected Species
 EN34 Landscape Character
 EN36 Landscape Enhancement
 D1 Urban Design Objectives
 D12 Protection of Views

5. Appraisal

5.1 Main Planning Considerations

- 5.1.1 The main issues to consider in the determination of this application are as follows:
- Planning History
 - Principle of Development
 - Transport, Highways and Access
 - Landscape Impact and Design
 - Rights of Way
 - Flooding and Drainage
 - Contamination
 - Archaeology
 - Ecology
 - Planning Obligation

Each of these matters will be considered in turn.

5.2 Planning History

- 5.2.1 04/02688/OUT: Outline planning permission was granted in August 2005 for the development of the application site for 17,000sqm of B1c and/or B2 uses with ancillary office and storage use taking access from Overthorpe Road
- 5.2.2 05/02355/OUT: Outline consent was granted in March 2006 for variation of conditions imposed in relation to 04/02688/OUT relating to the construction of the access and roundabout.
- 5.2.3 05/00929/REM: Reserved matters for the above application was granted in March 2006.
- 5.2.4 08/02352/OUT: Outline planning permission was granted in February 2009 for 17,000sqm of employment floorspace comprising of 8,500sqm of B1c/B2 and 8,500sqm of B8 uses with primary access off Overthorpe Road with some matters reserved.

5.3 Principle of Development

- 5.3.1 The application seeks permission for B1c/B2 and/or B8 uses on the site which is the northern most part of the area of land allocated for employment use (B1/B2) in the nsCLP (adopted as non-statutory policy in 2004). Although this Plan did not proceed to adoption, the principle of employment use on this site had been identified as being acceptable through the evidence base supporting the nsCLP, which subsequently lead to its allocation for employment use and to the existing 2008 outline planning permission which includes B8 uses and which remains live until February 2012.
- 5.3.2 Due to the fact that the land is not allocated for development in the aCLP 1996, if the application is to be approved, this would be a departure from the Development Plan and as such departure procedures must be followed. The proposed development has been advertised as such in anticipation of such an outcome.. However it is SDPHE's view that the application is unlikely to be called in to be determined by the Secretary of State.
- 5.3.3 With regard to the acceptability of the proposal in principle, national guidance PPS4 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development and that planning applications that secure sustainable economic growth should be treated favourably subject to a number of considerations.
- 5.3.4 The Employment Land Review (2006) undertaken to inform new planning policies in the Local Development Framework (LDF) recommends that the site be designated for future B2/B8 employment development 'to supplement the existing employment uses in the area'. This 2006 report is currently being updated.
- 5.3.5 The Draft Core Strategy 2009 (which, when adopted, will form part of the LDF for Cherwell), proposes to allocate the site for employment generating development. The supporting text highlights that development should be predominantly a mix of B1 and B2 uses.

- 5.3.6 The proposal for First Line to occupy Unit 2 represents significant job creation which, despite the B8 use class category traditionally perceived as resulting in poor job/floorspace ratios, puts the application in a strong position to be supported favourably.
- 5.3.7 SDPHE is advised that from a planning policy perspective, there is no objection in principle to the proposed balance of uses given the justification provided regarding the job creation associated with the B8 use. However it should be noted that a condition was attached to the extant consent on the site (08/02352/OUT) to limit the B8 floorspace.
- 5.3.8 Whilst the extent of B8 uses have previously been restricted in employment areas that are considered to be more appropriate for B1/B2 uses, the Employment Land Review 2006 clearly states that the site should be allocated for B2/B8 uses. Also apparent through the submission of the application, is the demand for B2 and B8 uses acknowledged by the commitment of the business First Line which due to the nature of the business, involving manual picking and packing of automotive parts, is expected to employ 200 on site.
- 5.3.9 In SDPHE's view therefore, the creation of jobs and the subsequent strengthening of the employment sector in this case outweighs the requirement to take a cautious approach to the creation of a significant extent of B8 usage on the site.
- 5.3.10 It is also considered that given the current economic downturn and the more sophisticated B8 uses that are becoming more prevalent, there should be no restriction imposed on the units to restrict their B8 usage in the future. For the reasons given, SDPHE considers the proposal to be acceptable in principle as it complies with the provisions of PPS4, Policies CC1 and RE3 of the South East Plan and Policies EMP1 and EMP2 of the non-statutory Cherwell Local Plan.
- 5.4 Transport, Highway and Access
- 5.4.1 It is proposed to access the site via the existing roundabout junction on the Overthorpe Road, which was constructed as part of the previously approved planning application. This roundabout has been adopted by the Local Highway Authority and also provides access to the industrial units located off Lombard Way. The roundabout leads to an existing spine road which remains unadopted and which runs adjacent to the western boundary of the site in question, from which three separate vehicular accesses would be taken to serve the new industrial units. The two routes from the site include travelling east along the Overthorpe Road towards the villages of Overthorpe and Warkworth, or west and then to the north along Ermont Way leading to either the M40 or Banbury.
- 5.4.2 The Highways Agency raises no objections to the proposed development following the submission of further information to support the Transport Assessment associated with the proposal.
- 5.4.3 The Local Highway Authority raises no objections to the proposal in principle stating that with regards to sustainability, the site is within 1.5km of the town centre and 1.1km from Banbury Railway Station from which there are good footway and cycle links and two bus services run within 600m of the site. A Travel Plan will however be required in relation to the proposed development and a fee paid for the

monitoring of that Travel Plan.

- 5.4.4 The Local Highway Authority advises that there is adequate parking and manoeuvring space for both cars and heavy goods vehicles however a tracking plan will be required for HGVs and that the scheme will not result in any greater impact upon the Highway network than the consented scheme. A financial contribution will be sought towards sustainable highway infrastructure and services and towards a suggested waiting restriction on the public highway.
- 5.4.5 It is also advised by the Local Highway Authority that the development must use SUDS (sustainable urban drainage system) and that the Flood and Water Management Act requires SUDS to be adopted by the lead authority. The Act is programmed to start on 01 April 2011 and would require developers to set fees for SUDS design, supervision of installation and a commuted sum for future maintenance.
- 5.4.6 As this Act is not yet in force, the Council is not in a position to require the developer to enter into such financial commitments and therefore at this stage, the matter can only be for consideration and it is recommended that a planning note be attached to the decision notice which sets out the detail of the Act.
- 5.4.7 In relation to the previously approved application 08/02352/OUT a routing agreement was entered into to control the passage of heavy goods vehicles leaving the site so as to protect the relatively minor road running east from the adopted roundabout towards Overthorpe (South Northamptonshire). It is SDPHE's view that this routing agreement should apply to this application which would address Transport impact and highway safety concerns about the proposal together with South Northamptonshire Council's direct concern about this matter.
- 5.4.8 Reference is made by a number of consultees that land must be reserved to form part of the south eastern relief road from the new roundabout on Overthorpe Road, running adjacent to the application site and then around the southern side of Banbury. This is based on significant concerns about congestion within the town centre and inner relief roads together with the Draft Transport Plan which states that *'New road links will be considered where the required capacity cannot be realised and where other alternatives have been investigated and discounted. This could include the South East Relief Road (Bloxham Road to Hennem Way) and the Banbury South West Relief Road (Stratford Road to Bloxham Road)'*.
- 5.4.9 Given the status of the Draft Transport Plan (unadopted), the relatively vague wording of the extract and the fact that there is no other policy background to this aspiration, the Council is not in a position to insist that provisions be made for the relief road in question. Furthermore, the red line site for this application does not include the spine road and does not overlap the land which has been previously identified as needing to be reserved for a future relief road.
- 5.4.10 In any event, the Council's Head of Building Control and Engineering Services advises that any extension to the spine road should be continued at the same width which suggests that the existing part of the road is acceptable for use as part of the relief road.

- 5.4.11 For these reasons, SDPHE considers that the development of the site would not prejudice the construction of a relief road in the future if such a policy were adopted and the work implemented. A planning note is recommended which sets out the aspiration for a relief road to the applicant.
- 5.4.12 Overall, the proposed development would not have a detrimental transport impact, is acceptable in terms of the accommodation and manoeuvring of vehicles within and accessing the site and would not result in unacceptable highway safety issues. For these reasons, SDPHE considers that the application complies with PPG13: Transport, Policies T1 and T4 of the South East Plan, Policy TR1 of the adopted Cherwell Local Plan and Policies TR1, TR3, TR4 and TR5 of the non-statutory Cherwell Local Plan.
- 5.5 Landscape Impact and Design
- 5.5.1 The site is visible from many vantage points, including the adjacent countryside and rights of way, on approach to Banbury via Overthorpe Road, from the Motorway and from some higher vantage points within Banbury itself.
- 5.5.2 The area is characterised by industrial development to the north and east, which includes the large 3663 building just beyond the existing spine road serving the application site. This building is approximately 16000sqm and between 12 and 14m in height.
- 5.5.3 The concept of large industrial units in this location is established and therefore is appropriate, and given their scale, much less than the footprint of the existing adjacent building, and height at 12.2m the buildings would fit comfortably with the surroundings, however it is critical to ensure that the buildings are successfully integrated into the area so as not to cause detriment to the area.
- 5.5.4 With regard to the layout of the buildings, it is considered that the key elevations are those facing east and west; towards Banbury and the approach to the site, and towards the motorway. The Council's Urban Design Officer believes that the servicing for Unit 2 has been appropriately positioned between the units to reduce their visual impact from the main views of the buildings, however it is considered that more could be done in order to reduce their visibility.
- 5.5.5 SDPHE is further advised that the design approach for unit 2 is acceptable as the main entrance to the building will be visible on approach to the building. However concern has been raised in relation to the eastern elevation as this lacks interest. Together with the company logo and signage it would be appropriate to introduce some articulation to this elevation of the building particularly the upper parts as these will be the elements of the building viewed from the motorway. It is also considered that the colour tone of the building should be muted from white so as not to be so prominent.
- 5.5.6 It is considered that these relatively minor issues can be addressed via amended plan prior to the determination of the application or that such details be secured via condition to the application.
- 5.5.7 Paladin fencing at a height of 2m and painted green is proposed to run around the perimeter of Unit 2 which is required in relation to the security of the site. Whilst not

ideal visually, SDPHE considers the design approach and colour scheme to be acceptable subject to the landscaping scheme which includes planting of trees and shrubs in front of the fencing which would assist with softening the visual appearance of the fence. In addition to this there are other examples of similar fencing in the wider locality.

- 5.5.8 Turning to the landscaping proposals for the scheme as a whole, on the eastern side a landscaping strip in excess of 20m is proposed between the buildings and the Right of Way adjacent to the motorway, this would mainly consist of a landscaped bund measuring up to 24m wide and up to 5m in height. Planting on the bund is proposed which would include native species planting.
- 5.5.9 A 12m landscape strip including drainage swale is proposed to the southern side of Unit 2 and a landscape strip up to 13m in width is proposed to the north of Unit 1. To the front of the site a 7m planted area would be achieved, all of which would be planted with native species. Within the site, more formal, ornamental planting is proposed within the parking areas.
- 5.5.10 Comments received from the Council's Landscape Design and Urban Design Officers suggest that more interest could be introduced to the landscape bund. For example, a less formal mound which achieves more undulation, and tree planting that has more of a woodland mix and appearance. More general amendments are also required in relation to the landscaping scheme in relation to species, arrangement and planting (root barriers and root pits). Amended plans are awaited.
- 5.5.11 In relation to the previous applications for this site, landscaping and its maintenance have been secured via a legal agreement. In this case, the landscaping is all proposed to be within the site area and the SDPHE considers that this can be secured via a condition, subject to a management plan to be submitted to and agreed in writing by the Local Planning Authority.
- 5.5.12 The Council's Landscape Architect's aspirations for contributions to off site open space and planting is noted however there is no policy background for such provisions in relation to the proposed development.
- 5.5.13 Subject to the recommended amendments to the scheme, SDPHE considers that the proposed buildings would be of appropriate design and could be introduced into the site without having an unacceptable landscape impact. Furthermore, the proposed landscaping following some amendments to it would appropriately mitigate against overall visual impact of the proposed development. For these reasons, the application is considered to comply with C7 of the adopted Cherwell Local Plan and Policies EN34, EN36, D1 and D12 of the non-statutory Cherwell Local Plan.

5.6 Rights of Way

- 5.6.1 Public Rights of Way 59 and 60 run to the west of the site and to the north and south of the site respectively. Right of Way 59 is situated adjacent to the east of the existing 3663 building and therefore at a distance of over 30m from the nearest of the proposed buildings, with no changes to the grading of the land between the two. Some informal planting runs along the east edge of this footpath and as such it is SDPHE's view that, whilst the new buildings and associated works would be

viewed, the proposal would have little impact upon the amenity of this footpath.

- 5.6.2 Right of Way 60 runs along what would be the rear of the buildings between the motorway and the proposed landscaped bund. The amenity of the footpath is somewhat reduced by the proximity of the motorway, therefore it is vital to ensure that the development does not reduce the amenity of the footpath to an unacceptable level as there is the potential for the buildings and bunding to enclose the footpath. The buildings would be positioned between 20 and 30m from the footpath and therefore attention should be paid to the design of the bunding to ensure that this creates as pleasant an environment as possible given the current circumstances. From a landscape point of view it is suggested that more undulation be introduced to the bunding and improved tree planting. SDPHE believes that this can be achieved and is therefore satisfied that the proposal would not cause undue harm to the amenity of the footpaths.
- 5.6.3 The District and County Council's Footpath and Right of Way Officers comment that if permission is granted the developers should ensure that the footpath route remains open and safe for people to use while the development takes place, which can be secured via a planning note.
- 5.6.4 Given the above assessment and subject to the amendments to the landscaping scheme SDPHE considers that the development can be accommodated on the site without causing harm to the amenity of the footpath in accordance with Policy R4 of the non-statutory Cherwell Local Plan.

5.7 Flooding and Drainage

- 5.7.1 The Environment Agency raises no objections to the application in relation to flood risk or land contamination, subject to a number of conditions relating to contamination and remediation, flood risk mitigation and surface water drainage. The agent for the application has had detailed discussions with the Environment Agency and submitted further details in relation to surface water drainage and ground investigation in an attempt to address the likely conditions to be attached to the decision notice.
- 5.7.2 A verbal update of the latest position in relation to such conditions will be given at the Committee meeting.
- 5.7.3 Subject to the recommended conditions, SDPHE is satisfied that the proposal accords with PPS25, NRM4 of the South East Plan and Policy EN15 of the non-statutory Cherwell Local Plan.

5.8 Contamination

- 5.8.1 Given the records on potential contaminative land use on adjacent sites, The Council's Environmental Protection Officer recommends that a full phase land investigation and remediation programme be carried out via condition prior to the commencement of the development. The ground investigation report submitted to address the Environment Agency's recommended conditions is also likely to address conditions relating to contaminated land and as such the Council's Environmental Protection Officer is reviewing the report to provide further advice.

- 5.8.2 A verbal update of the latest position in relation to such conditions will be given at the Committee meeting.
- 5.8.3 Subject to the recommended contaminated land conditions, SDPHE is satisfied that the proposal would accord with PPS23.
- 5.9 Archaeology
- 5.9.1 An archaeological field evaluation carried out in relation to the site in October 2008 which revealed no deposits of archaeological significance and as such it was concluded that the site has no archaeological potential. The County Archaeologist is satisfied with these conclusions and makes no further recommendations other than making the developer aware of their responsibility should further finds be discovered during the implantation of the development.
- 5.10 Ecology
- 5.10.1 An ecological assessment of the site was carried out in November 2010 which concluded that there is no reason to suggest that any ecological designations, habitats of nature conservation interest or any protected species will be significantly harmed by the proposals.
- 5.10.2 The Council's Ecologist is satisfied that the Ecological Assessment is sufficient in scope and depth and sets out that the mitigation and enhancement measures must be adhered to together with consideration of appropriate lighting schemes all to be secured via conditions.
- 5.10.3 SDPHE is satisfied that the application has due regard to the current ecological and biodiversity issues on site and that subject to the recommended conditions relating to mitigation and enhancements, the application complies with PPS9 and Policy NRM5 of the South East Plan.
- 5.11 Planning Obligation
- 5.11.1 Based on the consultation responses to the proposed development, and the planning history of the neighbouring site, it is considered that any permission relating to the proposed development should be the subject of a S106 agreement relating to County Council infrastructure in terms of monetary contributions towards the future highway infrastructure, the implementation and monitoring of the Travel Plan and a routeing agreement to ensure that heavy traffic generated by the development does not pass through Grimsbury, Overthorpe or Warkworth.
- 5.12 Conclusion
- 5.12.1 The proposed development for B1c/B2 and/or B8 uses is considered to be acceptable in principle when considered against planning policy and guidance as although a significant extent of B8 would not normally be supported, there is evidence through the Employment Land Review that B8 uses could be supported. Furthermore, the proposal would secure a considerable number of jobs for Banbury which would assist with complementing the current employment sector. Given the current economic climate it is considered important that we support this existing Cherwell-based company which is being forced to vacate its existing premises and

may otherwise need to re-locate out of the District. There expansion plans will bring further jobs to the District in the near future.

5.12.2 Due to the fact that the site is not allocated in the adopted Cherwell Local Plan however, the proposal must follow departure procedures.

5.12.3 Given the preceding assessment of the proposal, SDPHE is satisfied that the proposed development would not cause material harm in terms of Transport/Highway impact, landscape impact or in relation to matters of flood risk, contamination, biodiversity and archaeology. Any approval would be submitted to a s106 agreement relating to County infrastructure.

<p>6. Recommendation</p> <p>Approval, subject to:</p> <ul style="list-style-type: none"> (i) Applicant entering into Section 106 Agreement with the County Council to secure contributions towards the transport network a routeing agreement and the implementation and monitoring of the Travel Plan (ii) Departure procedures; (iii) The following conditions,
<ol style="list-style-type: none"> 1. That in the case of unit 2 and associated curtilage, development shall be begun not later than the expiration of three years beginning with the date of this permission (RC2). 2. That in the case of unit 1 and associated curtilage no development shall be commenced until full details of the external appearance (hereafter referred to as the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. (RC1). 3. That in the case of the reserved matters for unit 1 and associated curtilage, application for approval shall be made not later than the expiration of three years beginning with the date of this permission (RC1). 4. That in the case of unit 1 and associated curtilage development shall be begun not later than the expiration of two years from the final approval of the reserved matters (RC1). 5. That accept for the external appearance of unit 1 and unless otherwise required via condition, the development hereby approved shall be carried out strictly in accordance with: Application Forms, Design and Access Statement and drawings numbered: AP(0)010, AP(0)024, AP(0)027, AP(0)028, AP(0)029, AP(0)030, AP(0)031, AP(0)034, AP(0)035, S1154-01B, S1154-06, S1154-07A, S1154-08A, S1154-09A, S1154-10A and 100485E100TDv1 received with the application on 06/12/10 and amended drawings numbered AP(0)011 Rev A, AP(0)012 Rev A, AP(0)013 Rev A, AP(0)014 Rev A, AP(0)015 Rev A, AP(0)016 Rev A, AP(0)020 Rev A, AP(0)021 Rev A, AP(0)022 Rev A, AP(0)023 Rev A, AP(0)025 Rev A, AP(0)026 Rev A, AP(0)032 Rev A received 21/01/11. Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009. 6. That prior to the commencement of the development and notwithstanding the submitted landscaping scheme, a revised scheme for landscaping the whole site shall be submitted to and agreed in writing by the Local Planning Authority. (RC10a). 7. That prior to the first occupation of unit 2 a management plan for the landscaping

scheme for the whole site shall be submitted to and agreed in writing by the Local Planning Authority. The management plan shall be carried out strictly in accordance with the approved details and timescale (RC10a).

8. That full details of all service trenches, pipe runs or drains and any other excavation, earth movement, or mounding required in connection with the development hereby permitted shall be submitted to an approved in writing by the Local Planning Authority prior to such works being commenced. The development shall be carried out in accordance with the details so approved. (RC59a).
9. That prior to the installation of any part of any enclosure required in relation to unit 1, full details of the proposed enclosures shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be erected on site in accordance with the approved details. (RC4).
10. That prior to the first occupation of the buildings hereby approved car parking provision shall be provided in accordance with the approved plans and shall be retained for the parking of vehicles at all times thereafter. (RC15aa).
11. Prior to the commencement of the development hereby permitted, a detailed method statement to outline the proposed arrangements to ensure that access is maintained to adjacent industrial developments, farmland to the south and public footpaths during construction, including temporary access arrangements to the site during construction and details of wheel washing or road sweeping arrangements during construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and carried out in accordance with the approved method statement. Reason – In the interests of highway safety, convenience and maintaining proper access and to comply with Policies T1 and T4 of the South East Plan.
12. That notwithstanding the submitted external lighting details in the case of unit 2 and prior to the installation of any external lighting, further lighting details which shall be in accordance with ILE Guidance shall be submitted to and agreed in writing by the Local Planning Authority. Reason – To ensure the satisfactory appearance of the completed development and to provide the necessary environment for wildlife in accordance with Policies BE1 and NRM5 of the South East Plan.
13. SC 4.21aa Surface Water and Sewerage Disposal (RC19a) delete ‘the surface water and’
14. Notwithstanding the provisions of Section 55 (2) (a) (i) of the Town and Country Planning Act 1990 and Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2010 and its subsequent amendments, no internal operations increasing the floor space available within the buildings hereby permitted beyond their approved floor area shall be carried out without the prior express planning consent of the Local Planning Authority. Reason – To enable the Local Planning Authority to retain planning control over the provision of additional floor space in order to avoid additional congestion on surrounding highways and Junction 11 of the M40, maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with Policies CC1, T1 and T4 of the South East Plan.
15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: CS/044664/Rev A produced by Capita Symonds, dated 10 November 2010 and the following mitigation measures detailed within the FRA:
 1. Surface water discharge rates shall not exceed greenfield runoff rates, as

- described in Section 4.2 of the FRA and detailed in Table 3 of the FRA.
2. The surface water drainage system shall be designed to safely manage storm events up to and including the 1 in 100 year event with an allowance for climate change in accordance with Section 4.2 of the FRA.
 3. The surface water drainage system shall include porous paving, ponds and filter drains as detailed in Section 4.11 of the FRA and in drawing CS/044664/FRA/006 Rev C.
Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure that the water drainage scheme offers wider environmental enhancements in accordance with PPS25 and Policy NRM5 of the South East Plan.
16. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, together with details of how the scheme shall be maintained and managed after completion, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
Reason - To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, and to ensure future maintenance of the surface water drainage scheme in accordance with PPS25 and Policy NMR4 of the South East Plan.
 17. The existing ditch systems shall be restored for effective conveyance of the attenuated flows and maintained as such thereafter. Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure that the water drainage scheme offers wider environmental enhancements in accordance with PPS25 and Policy NRM5 of the South East Plan.
 18. That the premises shall be used only for purposes falling within Class B1c/B2 and B8 specified in the schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever and that no more than 8,500sqm of the buildings shall be used for B8 purposes.
Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policy CC1 of the South East Plan and Policies EMP1 and EMP2 of the non-statutory Cherwell Local Plan.
 19. That prior to the first use or occupation of the buildings hereby approved, each building and all items of mechanical plant and equipment including compressor motors and fans, within or associated with that building, shall be acoustically enclosed or insulated in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and operated at all times in accordance with the approved acoustic enclosure/insulation scheme. Reason – In order to secure a reduction in the level of any noise emanating from the development in accordance with NRM10 of the South East Plan.
 20. That in the case of both buildings and other than in the designated areas (pallet and skip storage), no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open whatsoever (RC4).
 21. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason

– To control the risk of the spread of contamination which could pollute controlled waters and in accordance with PPS23.

22. SC9.12a (RC93aa) ‘very good’

23. That the development hereby approved shall be carried out strictly in accordance with the mitigation and enhancement measures set out in Chapter 6 of the Aspect Ecology Ecological Assessment dated November 2010 submitted with the application. Reason: To ensure that the development will not cause harm to any protected species or their habitats in accordance with PPS9: Biodiversity and Geological Conservation, Policy NRM5 of the South East Plan and Policy C2 of the adopted Cherwell Local Plan.

Planning Notes

- a) F1 – [Public Footpaths: Diversion etc] add ‘and the public shall not be deterred from using the public footpaths in the area as a result of obstruction over, or development in close proximity to, the public footpath’.
- b) The applicant is advised to have due regard to the advice and recommendations contained within the consultation responses from the Environment Agency and Thames Water.
- c) Q1 – [Legal agreement]
- d) O1 – [Archaeology]
- e) U1 – [Construction Sites]
- f) X1 – [Biodiversity/Protected Species] add ‘In relation to any submission for approval of Reserved Matters, the development shall involve full details of on site enhancements for bats and birds.
- g) V1 – [Disabled People]
- h) The applicant should be aware that the draft Transport Plan makes reference to a South West Banbury Relief Road, part of which could follow the route of the spine road serving this site.
- i) The applicant’s attention is drawn to the Flood and Water Management Act which will require developers to enter into an agreement with the Leading Authority in relation to the design, provision and maintenance of a Sustainable Urban Drainage Scheme (SUDS).
- j) ZZ – [Land Contamination]

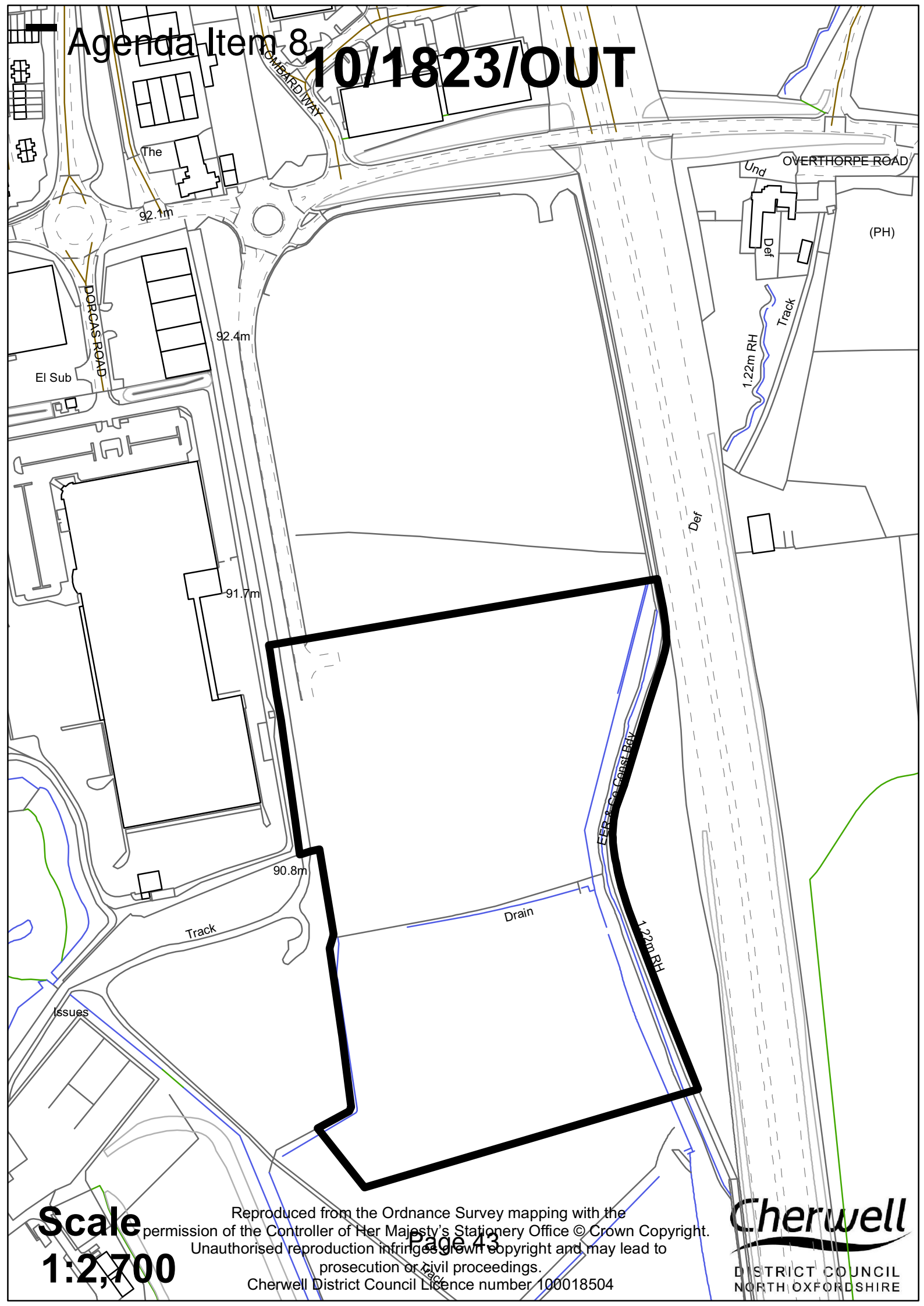
SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application with primary regard to the development plan and other material considerations. Although a departure from the development plan, it is considered to be acceptable on its planning merits as the proposal would introduce increased employment opportunities in a sustainable location and would not give rise to any unacceptable transport or landscape impact, furthermore the proposal is considered to be acceptable in terms of flood risk, land contamination, biodiversity, archaeology and the adjacent public Right of Way. As such, the proposal is in accordance with government advice contained within PPS1 - Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth, PPS9: Biodiversity and Geological Conservation, PPG 13: Transport, Policies CC1, RE3, T1, T4, NRM4 and NRM5 of the South East Plan, Policies TR1, C2, C7, C17, C28 and ENV12 of the adopted Cherwell Local Plan and Policies EMP1, EMP2, TR1, TR3, TR4, TR5, R4, EN6, EN17, EN25, EN34, EN36, D1 and D12 of the non-statutory Cherwell Local Plan. For the reasons given above and having regard to all other

matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above, and a legal agreement to secure the essential infrastructure requirements.

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Scale
1:2,700

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10/1823/OUT

91.7m

90.8m

Track

Drain

EFF & Co Const Bdy

1.22m RH

Def

Scale
1:1,800

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application No: 10/01823/OUT	Ward: Banbury Grimsbury and Castle	Date Valid: 08.12.2010
Applicant:	Kennet Properties Ltd	
Site Address:	Land South of Overthorpe Road and West of M40, Banbury	

Proposal: OUTLINE – For 19,025sqm of employment floor space comprising 10,625sqm B1c/B2 and 8,400sqm B8 with ancillary office accommodation. Primary access to be off Overthorpe Road with appearance, landscaping, layout and scale being reserved matters.

1. Site Description and Proposal

- 1.1 The application site is located on the eastern outskirts of the town, close to Junction 11 of the M40, bounded to the east by the M40 motorway and to the west by an existing warehouse development, currently occupied by 3663 and known as Echo Park. To the north is the application site currently being considered for B1c/B2 and B8 uses under application 10/01816/HYBRID also contained within this agenda and to the south is an area of vacant land allocated in the non-statutory Cherwell Local Plan for B1/B2 development, however this is not the subject of an application. Access to the site is via an existing roundabout on the Overthorpe Road along the previously constructed spine road. The eastern extremity of the site curves inwards which takes account of the district boundary with the South Northamptonshire District and which, on the Cherwell side, is delineated by a row of (relatively unmanaged) mature trees and planting. Public Footpath 60 also follows this line on the eastern side of the planting. The rest of the site is characterised by scrub type vegetation of no significant maturity and is relatively flat. A ditch runs across the site east to west and a further ditch is located amongst the row of trees to the east.
- 1.2 Outline planning permission is sought for the use of the land and the access to it. All other matters are reserved (appearance, landscaping, layout and scale)
- 1.3 The application is accompanied by a Design and Access Statement, Planning Policy Support Statement, Phase 1 Habitat Survey, Reptile Assessment, Bat Assessment, Ecological mitigation/enhancement report, Transport Assessment, Travel Plan, Flood Risk Assessment and Outline Surface Water Drainage Strategy, Archaeological Evaluation, Site Investigation Report and an Arboricultural Assessment.

2. Application Publicity

- 2.1 The application has been advertised by way of site notices, press notice and neighbour notification letters. The final date for comment was 09 February 2011.
- 2.2 One letter of representation has been received from Councillor Smithson which is summarised as follows:
- Overnight HGV parking is currently dominant in this locality, witnessed by the amount of damage to the kerbside in the vicinity of the newly constructed Lombard Way/Overthorpe Road roundabout.

- If planning consent is to be granted S106 money should be used to provide signs/double yellow lines for parking restrictions along the Overthorpe from Thorpe way /Overthorpe Road to Lombard Way.
- This would reduce the HGV overnight parking noise nuisance and also reduce the possibility of vehicle accidents with the current hazardous HGV parking.

3. Consultations

- 3.1 **Banbury Town Council** No objections in principle, however does not support application without formal protection of access strip for SE relief road referred to in OCC Draft Local Transport Plan. Current road is not wide enough. If application is approved this could destroy Banbury's last access point to provide a relief road. Furthermore:
- B8 becoming predominant to the detriment of Banbury's manufacturing heritage and the provision of skilled jobs.
 - Concerns about quality of proposed building and screening.
 - Overnight HGV parking results in nuisance, litter and environmental health issues.
- 3.2 **South Northamptonshire Council** No objections subject to the appearance of the building, materials and colour finish, lighting and landscaping. Furthermore a routeing agreement is required to direct HGVs away from Overthorpe Road.
- 3.3 **Overthorpe Parish Council** raises objections in relation to highway safety.
- Considers that the application will result in an increase in volumes of traffic and that the current road infrastructure is insufficient.
 - Vehicles speeds on Overthorpe Road are excessive and there is no protection for pedestrians or cyclists. Furthermore a school bus routes picks up from Overthorpe Road.
 - Overthorpe Road is an access only village – this status is often abused and likely to be compounded as a result of development.
 - More signage is required directing vehicles to M40 and not through Overthorpe. HGVs park along Overthorpe Road.
- 3.4 **Head of Planning and Affordable Housing Policy** sets out the policy framework relevant to this application, main points include:
- support for planning applications which secure economic development in PPS4
 - allocation of site for B1/B2 although B8 not specifically restricted
 - Employment Land Review 2006 recommends site be allocated for B2/B8
 - Draft Core Strategy supports employment generating development – predominantly a mix of B1 and B2 uses.
- Further comments:
- No objections in principle to the proposal.
 - Attention drawn to NRM11 of SEP re 10% of energy for development to be gained from renewables
 - Attention drawn to Draft Transport Plan and potential requirement for land reservation for relief road.

- 3.5 **Economic Development Officer** This proposal is to be welcomed in its support of the existing and emerging local economic development strategies. The investment would allow both existing and inward investing businesses to create modern facilities and employment on an identified strategic employment site.

In terms of detail, I support a high quality of design and landscaping to minimise the visual impact from afar, and from the motorway. The overall design of neighbouring development should also be carefully considered to maximise the potential positive effect on the image of Banbury in attracting further investment.

- 3.6 **Urban Design Officer** This site differs from that immediately to the north (being assessed under 10/01816/HYBRID) as it is set back from the motorway so visual mitigation through mounding on site would be less effective. Buildings on the site will also be visible from the Cherwell valley, which is a sensitive landscape as well as a transport corridor, and from the Cherwell Heights area which is on rising ground. Care needs to be taken that the scale, massing and bulk, as well as the colour of the proposed building is not dominant in these mid and long distance views and the bulk may need to be broken up and colour varied vertically across the building. A ZVI of the maximum height of the buildings at 13.5m to ridge should be undertaken to assess the most effective opportunities for mitigation, including the possibility of offsite mitigation.

Whilst layout etc is reserved, the illustrative layout 1091-022c is not one that we would wish to see linked to the grant of any outline consent. The location of the servicing on the eastern side of the buildings is not appropriate as it will be too exposed. An alternative layout should be sought that explores the potential for containing servicing between the two buildings on the site, as with the proposal to the north.

The swales offer the opportunity to create an attractive landscape resource. I suggest that, rather than sandwiched between the buildings, a location near the front of the two buildings could assist in creating an attractive setting for them.

Landscape proposals should ensure that the PRW is not enclosed or adversely affected in terms of amenity.

A condition should be applied restricting roof top plant.

- 3.7 **Anti Social Behaviour Manager** The location of the proposed development site is such that it is unlikely to have any significant impact by way of noise on any noise sensitive locations. The hamlet of Overthorpe will already be subject to elevated background noise levels due to the presence of the nearby M40 and whilst this environment should effectively mask any noise generated on the application site it will be important to ensure that the proposed development does not add to the noise burden at these properties.
- 3.8 **Environmental Protection Officer** Records show potentially contaminative land uses adjacent to this site including a World War 1 munitions factory and associated railway and there are also several other potentially contaminative land uses in the nearby area. As such applying the full phased contaminated land conditions is recommended.

3.9 **Landscape Officer** all elevations will require landscape mitigation with broad-leafed trees and native thicket planting

The existing trees/hedgerow will partially mitigate views from the motorway and rights of way users. Improved screening of the site will occur when this vegetation comes into leaf, evergreen Scots Pine tree planting on site would provide enhanced screening during the winter months.

development will be more prominent from vantage points to the east of the motorway.

The finished floor levels (to be confirmed) may be lower than the motorway level which will slightly reduce the impact of the warehousing. This along with the appropriate onsite tree planting will provide mitigation to at least 3/4 of the height of the building elevations over time.

Tree Removals

tree removal to facilitate the formation of the access road and the surface water attenuation area is acceptable providing suitable replacement trees are planted. levels around existing retained trees must not be changed.

Biodiversity

General biodiversity is to be improved by appropriate planting throughout the site.

3.10 **Ecology Officer** The protected species surveys carried out to date are sufficient in scope and depth.

- Tree removal should involve checking for bats prior to felling.
- Proposals will result in significant loss of bat and bird habitat and foraging.
- Mitigation and enhancement plan will go some way to mitigating and suggested methodology to avoid harm to reptiles is appropriate.
- Care should be taken in terms of badgers. No trenches to be left open.
- Are ponds to remain permanently wet?
- Enhancements for bats and bird required
- Lighting scheme to be appropriate
- Management plan for ponds, hedgerows, trees and green spaces required.

3.11 **Right of Way Officer** Should planning consent be granted, no public path order would be required to enable this development, but the applicant should be reminded to ensure that no plant or materials obstruct Banbury FP60 during construction.

3.12 **Head of Building Control and Engineering Services** Cherwell Members have a strong aspiration to ensure that the road leading from the recently formed roundabout on Overthorpe Road should be available to form part of the Banbury South-Eastern Relief Road. The first part of the access road for these 2 application site has already been constructed.

Two issues follow from this aspiration. The first is that the carriageway width continues to the standard at which it has been started. The second is that the junction arrangements from the access road onto the application sites should not compromise the capacity of the access road if used as a relief road. Therefore, ghost islands or similar features need to be considered at this time.

On both these matters you should consult with the Highway Authority making specific reference to each point.

Both sites have been assessed as in line within Flood Zone 1 and therefore not at material risk of fluvial flooding. By following the processes prescribed in PPS25 the

applicant has further concluded that there are no other material sources of flood risk on the sites. I concur with both these assertions and agree that flood risk is minimal.

The applicant has proposed a sustainable form of drainage reliant on attenuation and the efficacy of the receiving ditch systems. I have no concerns with this but at detailed stage a condition should be attached to any consent to the effect that the ditch systems must be restored for effective conveyance of the attenuated flows and maintained accordingly thereafter.

The red line application boundary follows the County Boundary with Northamptonshire. To leave a small tract of undeveloped land between the application site and the M40 would not be logical and could cause future maintenance problems. A means should be found to include the Northamptonshire area within this development proposal.

- 3.13 **Local Highway Authority** raises no objections to the proposals (advising that the site is situated in a sustainable location) subject to a financial contribution towards sustainable highway infrastructure and services, furthermore, a Travel Plan and a fee for monitoring it will be required.
- 3.14 **County Archaeologist** The proposals do not appear directly to affect any presently known archaeological sites. However, records do indicate the presence of known archaeological finds nearby, and this should be borne in mind by the applicant. If archaeological finds do occur during development the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary.
- 3.15 **County Field Officer** Banbury public footpath 60 runs along the eastern boundary of the site. The footpath is shown within the red outline of the site but is shown as being separated from the development via a landscaped strip. I therefore have no objections to the proposals. If permission is granted the developers should ensure that the footpath remains open and safe for people to use while the development takes place.
- 3.16 **County Developer Funding Team** No objections or requirements
- 3.17 **Highways Agency** raises no objections
- 3.18 **Police Architectural Liaison Officer** raises no objections
- 3.19 **Environment Agency** No objections subject to conditions relating to contamination and remediation, flood risk mitigation and surface water drainage. Further advice to the developer is also provided.
- 3.20 **Thames Water** sets out the developers responsibilities in relation to drainage, surface water and minimum pressure.

4. Relevant Planning Policies

- 4.1 Central Government Guidance
 - Planning Policy Statement (PPS) 1: Delivering Sustainable Development
 - Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth

Planning Policy Statement (PPS) 9: Biodiversity and Geological Conservation
Planning Policy Guidance (PPG) 13: Transport
Planning Policy Statement (PPS) 23: Planning and Pollution Control
Planning Policy Statement (PPS) 25: Development and Flood Risk

4.2 South East Plan (SEP)

CC1: Sustainable Development
RE3: Employment and Land Provision
T1: Manage and Invest (Transport)
T4: Parking
NRM4: Sustainable Flood Risk Management
NRM5: Sustainable Flood Risk Management

4.3 Draft Core Strategy (February 2010)

4.4 Adopted Cherwell Local Plan (aCLP)

TR1 Transportation Funding
C2 Protected Species
C7 Landscape conservation
C17 The Urban Fringe (enhancement by tree and woodland planting)
C28 Standards of layout, design and external appearance
ENV12 Contaminated Land

4.5 Non Statutory Cherwell Local Plan (nsCLP)

EMP1 Employment Generating Development
EMP2 Land to South of Overthorpe Road
TR1 Traffic Generating Development
TR3 Transport Assessment
TR4 Mitigation Measures
TR5 Road Safety
R4 Rights of Way
EN6 Light Pollution
EN15 Surface Water Run-off and Source Control
EN17 Contaminated Land
EN25 Protected Species
EN34 Landscape Character
EN36 Landscape Enhancement
D1 Urban Design Objectives
D12 Protection of Views

5. Appraisal

5.1 Main Planning Considerations

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

- Planning History
- Principle of Development
- Transport, Highways and Access
- Landscape Impact and Design
- Rights of Way
- Flooding and Drainage
- Contamination
- Archaeology

- Ecology
- Trees
- Planning Obligation

Each of these matters will be considered in turn.

5.2 Planning History

- 5.2.1 None. However in relation to the adjacent site to the north, consent has previously been granted for B1c/B2 and B8 uses under planning applications 04/02688/OUT, 05/02355/OUT, 05/00929/REM and 08/02352/OUT.

5.3 Principle of Development

- 5.3.1 The application seeks outline permission for B1c/B2 and/or B8 uses on the site which is the central section of the area of land allocated for employment use (B1/B2) in the nsCLP (adopted as non-statutory policy in 2004). Although this plan did not proceed to adoption, the principle of employment use in this area has been identified as being acceptable through the evidence base supporting the nsCLP which subsequently lead to its allocation for employment use. Furthermore, the site to the north benefits from outline planning permission which includes B8 uses and which remains live until February 2012.
- 5.3.2 Due to the fact that the land however is not allocated for development in the aCLP 1996, if the application is to be approved, this would be a departure from the development plan and as such departure procedures must be followed. The proposed development has been advertised as such in anticipation of such an outcome. However it is SDPHE's view that the application is unlikely to be called in to be determined by the Secretary of State.
- 5.3.3 With regard to the acceptability of the proposal in principle, national guidance PPS4 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development and that planning applications that secure sustainable economic growth should be treated favourably subject to a number of considerations.
- 5.3.4 The Employment Land Review (2006) undertaken to inform new planning policies in the Local Development Framework (LDF) recommends that the site be designated for future B2/B8 employment development 'to supplement the existing employment uses in the area'. This 2006 report is currently being updated.
- 5.3.5 The Draft Core Strategy 2009 (which, when adopted, will form part of the LDF for Cherwell), proposes to allocate the site for employment generating development. The supporting text highlights that development should be predominantly a mix of B1 and B2 uses.
- 5.3.6 The proposal for employment generating development is acceptable in principle therefore when considered against the above policy framework. The site is considered to be in a sustainable location (see Local Highway Authority comments) and would result in significant job creation and the strengthening of the employment sector. In this instance, B8 is proposed, however at a lower ratio than B1c/B2.

- 5.3.7 SDPHE is advised that from a planning policy perspective, there is no objection in principle to the proposed balance of uses given the justification provided regarding the job creation associated with the B8 use. However it should be noted that a condition was attached to the extant consent on the site (08/02352/OUT) to limit the B8 floorspace.
- 5.3.8 In comparison to the proposal under 10/01816/HYBRID, an end user has not yet been identified and as such the Council could not be certain about the number of jobs created by the B8 use. B8 use is not however to be completely excluded based on the policy framework and as the B1c/B2 and B8 ratios are set out in the description of the development, it would be appropriate in this case to condition that no more than 8,400sqm of the total floor area of the buildings to be used for B8 purposes, to ensure that there is a good mix of uses in the locality in accordance with Policy Framework.
- 5.3.9 Subject to the recommended condition relating to use restriction, SDPHE considers the proposal to be acceptable in principle as it complies with the provisions of PPS4, Policies CC1 and RE3 of the South East Plan and Policies EMP1 and EMP2 of the non-statutory Cherwell Local Plan.
- 5.4 Transport, Highway and Access
- 5.4.1 It is proposed to access the site via the existing roundabout junction on the Overthorpe Road, which was constructed as part of the previously approved planning application. This roundabout has been adopted by the Local Highway Authority and also provides access to the industrial units located off Lombard Way. The roundabout leads to the existing spine road which remains unadopted and which runs up to the north west corner of the site. The plans indicate that the spine road would be extended and three access taken from it into the site. The two key exit routes from the site along the spine road include travelling east along the Overthorpe Road towards the villages of Overthorpe and Warkworth, or west and then to the north along Ermont Way leading to either the M40 or Banbury.
- 5.4.2 The Highways Agency raises no objections to the proposals.
- 5.4.3 The Local Highway Authority raises no objections to the proposal in principle stating that with regards to sustainability, the site is within 1.5km of the town centre and 1.1km from Banbury Railway Station from which there are good footway and cycle links and two bus services from Banbury run within 600m of the site. An appropriate Framework Travel Plan has been submitted however this will need to be tailored to the transport plans of future occupiers and a fee paid for the monitoring of that Travel Plan.
- 5.4.4 The Local Highway Authority also advises that at the reserved matters stage an appropriate level of parking in accordance with local standards; appropriate loading/unloading and manoeuvring areas for goods vehicles including setting down and parking areas for waiting vehicles. With regard to parking/waiting; problems are currently caused by HGVs setting down on the local network and therefore both provision within the site and controls beyond are required. Tracking diagrams should accompany detailed submissions as should visibility splays, footway and crossing provision details. In general, the submitted illustrative

schemes appear to satisfy the aforementioned requirements.

- 5.4.5 The Transport Assessment demonstrates the proposed development would have a relatively small impact upon flows on the local highway network. In addition a financial contribution will be sought towards sustainable highway infrastructure and services and towards a suggested waiting restriction on the public highway.
- 5.4.6 It is also advised by the Local Highway Authority that the development must use SUDS (sustainable urban drainage system) and that the Flood and Water Management Act requires SUDS to be adopted by the lead authority. The Act is programmed to start on 01 April 2011 and would require developers to set fees for SUDS design, supervision of installation and a commuted sum for future maintenance.
- 5.4.7 As this Act is not yet in force, the Council is not in a position to require the developer to enter into such financial commitments and therefore at this stage, the matter can only be for consideration and it is recommended that a planning note be attached to the decision notice which sets out the detail of the Act.
- 5.4.8 In relation to the previously approved application 08/02352/OUT a routeing agreement was entered into to control the passage of heavy goods vehicles leaving the site so as to protect the relatively minor road running east from the adopted roundabout towards Overthorpe (South Northamptonshire). It is SDPHE's view that this routeing agreement should apply to this application which would address Transport impact and highway safety concerns about the proposal together with South Northamptonshire Council's direct concern about this matter.
- 5.4.9 Reference is made by a number of consultees that land must be reserved to form part of the south eastern relief road from the new roundabout on Overthorpe Road, running adjacent to the application site and then around the southern side of Banbury. This is based on significant concerns about congestion within the town centre and inner relief roads together with the Draft Transport Plan which states that *'New road links will be considered where the required capacity cannot be realised and where other alternatives have been investigated and discounted. This could include the South East Relief Road (Bloxham Road to Hennes Way) and the Banbury South West Relief Road (Stratford Road to Bloxham Road)'*.
- 5.4.10 Given the status of the Draft Transport Plan (unadopted), the relatively vague wording of the extract and the fact that there is no other policy background to this aspiration, the Council is not in a position to insist that provisions be made for the relief road in question.
- 5.4.11 In any event, the Council's Head of Building Control and Engineering Services advises that any extension to the spine road should be continued at the same width which suggests that the existing part of the road is acceptable for use as part of the relief road.
- 5.4.12 For these reasons, SDPHE considers that the development of the site would not prejudice the construction of a relief road in the future if such a policy were adopted and the work implemented. A planning note is recommended which sets the aspiration for the road out to the applicant.

5.4.13 Overall, the proposed development would not have a detrimental transport impact, is acceptable in terms of the accommodation and manoeuvring of vehicles within and accessing the site and would not result in unacceptable highway safety issues. For these reasons, and subject to the recommended transport and highway safety conditions below together with the routing agreement, the application complies with PPG13: Transport, Policies T1 and T4 of the South East Plan, Policy TR1 of the adopted Cherwell Local Plan and Policies TR1, TR3, TR4 and TR5 of the non-statutory Cherwell Local Plan.

5.5 Landscape Impact and Design

5.5.1 The site is visible from many vantage points, including the adjacent countryside and rights of way, on approach to Banbury via Overthorpe Road, from the Motorway and from some higher vantage points within Banbury itself including from Bankside to the west.

5.5.2 The area is characterised by industrial development to the north and east, which includes the large 3663 building just beyond the existing spine road serving the application site. This building is approximately 16000sqm and between 12 and 14m in height.

5.5.3 The concept of large industrial units in this location is established and therefore is appropriate, and as such subject to the detail of the scheme it is considered that the buildings could be integrated into the area so as not to cause detriment.

5.5.4 The indicative layout is somewhat unfortunate as the buildings are indicated with their servicing to the rear. Despite the tree belt, it is considered that the buildings should be re-orientated and servicing accommodated between the units to reduce their visual impact.

5.5.5 Subject to detail, SDPHE considers that the proposed buildings would be of appropriate design and could be introduced into the site without having an unacceptable landscape impact. For these reasons, the application is considered to comply with C7 of the adopted Cherwell Local Plan and Policies EN34, EN36, D1 and D12 of the non-statutory Cherwell Local Plan.

5.6 Rights of Way

5.6.1 Public Rights of Way 59 and 60 run to the west of the site and to the north and south of the site respectively. Right of Way 59 is situated adjacent to the east of the existing 3663 building at a distance of over 25m from the boundary of the site. Some informal planting runs along the east edge of this footpath and as such it is SDPHE's view that, whilst the new buildings and associated works would be viewed, the proposal would have little impact upon the amenity of this footpath.

5.6.2 Right of Way 60 runs along the eastern boundary of the site of the eastern side of the existing planting along this edge, which will assist with reducing the visual impact of the buildings when viewed from the footpath. The amenity of this footpath is somewhat reduced by the proximity of the motorway, therefore it is vital that the development does not reduce the amenity of the footpath to an unacceptable level. Layout, design and landscaping are all reserved matters, however each will be expected to be of high quality to ensure that the buildings do not cause

unacceptable harm to the amenity of the footpath.

5.6.3 The District and County Council's Footpath and Right of Way Officer comments that if permission is granted the developers should ensure that the footpath route remains open and safe for people to use while the development takes place, which can be secured via a planning note.

5.6.4 Subject to the detail of the proposal SDPHE considers that the development can be accommodate on site without causing harm to the amenity of the footpath in accordance with Policy R4 of the non-statutory Cherwell Local Plan.

5.7 Flooding and Drainage

5.7.1 The Environment Agency raises no objections to the application in relation to flood risk or land contamination, subject to a number of conditions relating to contamination and remediation, flood risk mitigation and surface water drainage.

5.7.2 Subject to the recommended conditions, SDPHE is satisfied that the proposal accords with PPS25, NRM4 of the South East Plan and Policy EN15 of the non-statutory Cherwell Local Plan.

5.8 Contamination

5.8.1 Given the records on potential contaminative land use on adjacent sites, The Council's Environmental Protection Officer recommends that a full phase land investigation and remediation programme be carried out via condition prior to the commencement of the development.

5.8.2 Subject to the recommended contaminated land conditions, SDPHE is satisfied that the proposal would accord with PPS23.

5.9 Archaeology

5.9.1 An archaeological field evaluation carried out in relation to the site in October 2008 which revealed no deposits of archaeological significance and as such it was concluded that the site has no archaeological potential. The County Archaeologist is satisfied with these conclusions and makes no further recommendations other than making the developer aware of their responsibility should further finds be discovered during the implantation of the development.

5.10 Ecology

5.10.1 An ecological assessment of the site was carried out in November 2010 which concluded that there is no reason to suggest that any ecological designations, habitats of nature conservation interest or any protected species will be significantly harmed by the proposals.

5.10.2 The Council's Ecologist is satisfied that the Ecological Assessment is sufficient in scope and depth and sets out that the mitigation and enhancement measures must be adhered to in relation to procedures to be followed prior to the commencement of the development, mitigation and management plans throughout the construction of the development and enhancement opportunities for ecology together with the

consideration of appropriate lighting schemes all to be secured via conditions.

5.10.3 SDPHE is satisfied that the planning outline application has due regard to the current ecological and biodiversity issues on site and that subject to the recommended conditions relating to mitigation and enhancements, the application complies with PPS9 and Policy NRM5 of the South East Plan.

5.11 Planning Obligation

5.11.1 Based on the consultation responses to the proposed development, and the planning history of the neighbouring site, it is considered that any permission relating to the proposed development should be the subject of a S106 agreement relating to County Council infrastructure in terms of monetary contributions towards the future highway infrastructure, the implementation and monitoring of the Travel Plan and a routeing agreement to ensure that heavy traffic generated by the development does not pass through Grimsbury, Overthorpe or Warkworth.

5.12 Conclusion

5.12.1 The proposed development for B1c/B2 and/or B8 uses is considered to be acceptable in principle when considered against planning policy and guidance. Furthermore, the proposal would secure a considerable number of jobs for Banbury which would assist with complementing the current employment sector.

5.12.2 Due to the fact that the site is not allocated in the adopted Cherwell Local Plan however, the proposal must follow departure procedures.

5.12.3 Given the preceding assessment of the proposal, SDPHE is satisfied that the proposed development would not cause material harm in terms of Transport/Highway impact, landscape impact or in relation to matters of flood risk, contamination, biodiversity and archaeology. Any approval would be subject to a s106 agreement relating to both County and District infrastructure.

6. Recommendation

Approval, subject to:

- (i) **Applicant entering into Section 106 Agreement with the County Council to secure contributions towards the transport network a routeing agreement and the implementation and monitoring of the Travel Plan**
- (ii) **Departure procedures;**
- (iii) **The following conditions:**

- 1. SC 1.0a Outline: Approval of Reserved Matters Details (RC1).**
- 2. SC 1.1 Outline: Expiry of Application for Reserved Matters (RC1).**
- 3. SC 1.2 Outline duration limit (RC1).**
- 4. SC 3.0a Submit Landscaping Scheme (RC10a).**
- 5. SC 3.1a Carry Out Landscaping Scheme and Replacements (RC10a).**
- 6. That the existing line of trees on the eastern side for the site shall be retained in its entirety apart from any poor tree specimens identified to be removed in accordance with the landscaping scheme to be submitted and approved.**

Furthermore, the existing line of trees shall be reinforced by new tree planting, details of which shall be set out in the landscaping scheme under condition 4 (RC10a).

7. That full details of all service trenches, pipe runs or drains and any other excavation, earth movement, or mounding required in connection with the development hereby permitted shall be submitted to an approved in writing by the Local Planning Authority prior to such works being commenced. The development shall be carried out in accordance with the details so approved (RC59a).
8. Prior to the commencement of the development hereby permitted, a detailed method statement to outline the proposed arrangements to ensure that access is maintained to adjacent industrial developments, farmland to the south and public footpaths during construction, including temporary access arrangements to the site during construction and details of wheel washing or road sweeping arrangements during construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and carried out in accordance with the approved method statement. Reason – In the interests of highway safety, convenience and maintaining proper access and to comply with Policies T1 and T4 of the South East Plan.
9. SC 4.21aa Surface Water and Sewerage Disposal (RC19a) delete ‘the surface water and’
10. SC 2.10a Floor Levels (RC7a)
11. Notwithstanding the provisions of Section 55 (2) (a) (i) of the Town and Country Planning Act 1990 and Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2010 and its subsequent amendments, no internal operations increasing the floor space available within the buildings hereby permitted beyond their approved floor area shall be carried out without the prior express planning consent of the Local Planning Authority. Reason – To enable the Local Planning Authority to retain planning control over the provision of additional floor space in order to avoid additional congestion on surrounding highways and Junction 11 of the M40, maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with Policies CC1, T1 and T4 of the South East Plan.
12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: CS/044664/Rev A produced by Capita Symonds, dated 10 November 2010 and the following mitigation measures detailed within the FRA:
 1. Surface water discharge rates shall not exceed greenfield runoff rates, as described in Section 4.2 of the FRA and detailed in Table 3 of the FRA.
 2. The surface water drainage system shall be designed to safely manage storm events up to and including the 1 in 100 year event with an allowance for climate change in accordance with Section 4.2 of the FRA.
 3. The surface water drainage system shall include porous paving, ponds and filter drains as detailed in Section 4.11 of the FRA and in drawing CS/044664/FRA/006 Rev C.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface

water from the site and to ensure that the water drainage scheme offers wider environmental enhancements in accordance with PPS25 and Policy NRM5 of the South East Plan.

13. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, together with details of how the scheme shall be maintained and managed after completion, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, and to ensure future maintenance of the surface water drainage scheme in accordance with PPS25 and Policy NMR4 of the South East Plan.

14. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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

15. If a potential risk from contamination is identified as a result of the work carried out under condition 14, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

16. If contamination is found by undertaking the work carried out under condition 15, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning

Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

17. If remedial works have been identified in condition 16, the remedial works shall be carried out in accordance with the scheme approved under condition 16. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

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

18. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason – To control the risk of the spread of contamination which could pollute controlled waters and in accordance with PPS23.

19. SC9.12a (RC93aa) 'very good'

20. That the development hereby approved shall be carried out strictly in accordance with the submitted Ecological Mitigation and Enhancement Plan which specifically refers to mitigation in relation to nesting birds, reptiles, water voles and bats, together with habitat enhancement and habitat creation relating to bird, invertebrate, reptile and amphibian habitats, ditches and ponds.

Reason: To ensure that the development will not cause harm to any protected species or their habitats in accordance with PPS9: Biodiversity and Geological Conservation, Policy NRM5 of the South East Plan and Policy C2 of the adopted Cherwell Local Plan.

21. That prior to the commencement of the development and regardless of whether badgers have been recorded on the site or not, a working plan which takes account of movement of, and access by, badgers during the implementation of the development shall be submitted to and approved in writing by the Local Planning Authority, the movement and access plan shall be implemented and maintained on site throughout the whole of the development process.

Reason: To ensure that the development will not cause harm to any protected species or their habitats in accordance with PPS9: Biodiversity and Geological Conservation, Policy NRM5 of the South East Plan and Policy C2 of the adopted Cherwell Local Plan.

22. Prior to the first occupation of any part of the development hereby approved, an access programme for the long term movement of badgers into and through the site (using appropriate corridors and boundary hedging) for foraging shall be submitted to and approved in writing by the Local Planning Authority and the access programme shall be introduced on site in accordance with the approved

details.

Reason: To ensure that the development will not cause harm to any protected species or their habitats in accordance with PPS9: Biodiversity and Geological Conservation, Policy NRM5 of the South East Plan and Policy C2 of the adopted Cherwell Local Plan.

- 23.** Prior to the commencement of development a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas including ponds, hedgerows, trees and green spaces, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

Reason - This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with PPS9 and NRM5 of the South East Plan.

- 24.** The existing ditch systems shall be restored for effective conveyance of the attenuated flows and maintained as such thereafter. **Reason -** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure that the water drainage scheme offers wider environmental enhancements in accordance with PPS25 and Policy NRM5 of the South East Plan.

- 25.** That the premises shall be used only for purposes falling within Class B1c/B2 and B8 specified in the schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever and that no more than 8,500sqm of the buildings shall be used for B8 purposes.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policy CC1 of the South East Plan and Policies EMP1 and EMP2 of the non-statutory Cherwell Local Plan.

- 26.** Prior to the installation of any external lighting on the site, full design details, including height of columns/lanterns, luminance levels, lantern geometry and type of lighting unit, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. **Reason –** To ensure the satisfactory appearance of the completed development and to provide the necessary environment for wildlife in accordance with Policies BE1 and NRM5 of the South East Plan.

- 27.** That the height of the buildings hereby approved shall not exceed 14m in height (RC7a)

Suggested planning notes if approved;

- a) **B – [No implied Approval of Sketch Details]** add ‘The applicant is advised to note the Urban Designer’s comments in relation to layout.
- b) **D – [High Standard of Design]**
- c) **F1 – [Public Footpaths: Diversion etc]** add ‘and the public shall not be deterred from using the public footpaths in the area as a result of obstruction over, or development in close proximity to, the public footpath’.
- d) The applicant is advised to have due regard to the advice and recommendations contained within the consultation responses from the Environment Agency and Thames Water.
- e) **Q1 – [Legal agreement]**
- f) **O1 – [Archaeology]**
- g) **U1 – [Construction Sites]**
- h) **X1 – [Biodiversity/Protected Species]** add ‘In relation to any submission for

approval of Reserved Matters, the development shall involve full details of on site enhancements for bats and birds.

- i) **V1 – [Disabled People]**
- j) **The applicant should be aware that the draft Transport Plan makes reference to a South West Banbury Relief Road, part of which could follow the route of the spine road serving this site.**
- k) **The applicant is advised that the Travel plan submitted with this application will need to be tailored to suit the future end user of the site.**
- l) **The applicant's attention is drawn to the Flood and Water Management Act which will require developers to enter into an agreement with the Leading Authority in relation to the design, provision and maintenance of a Sustainable Urban Drainage Scheme (SUDS).**

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

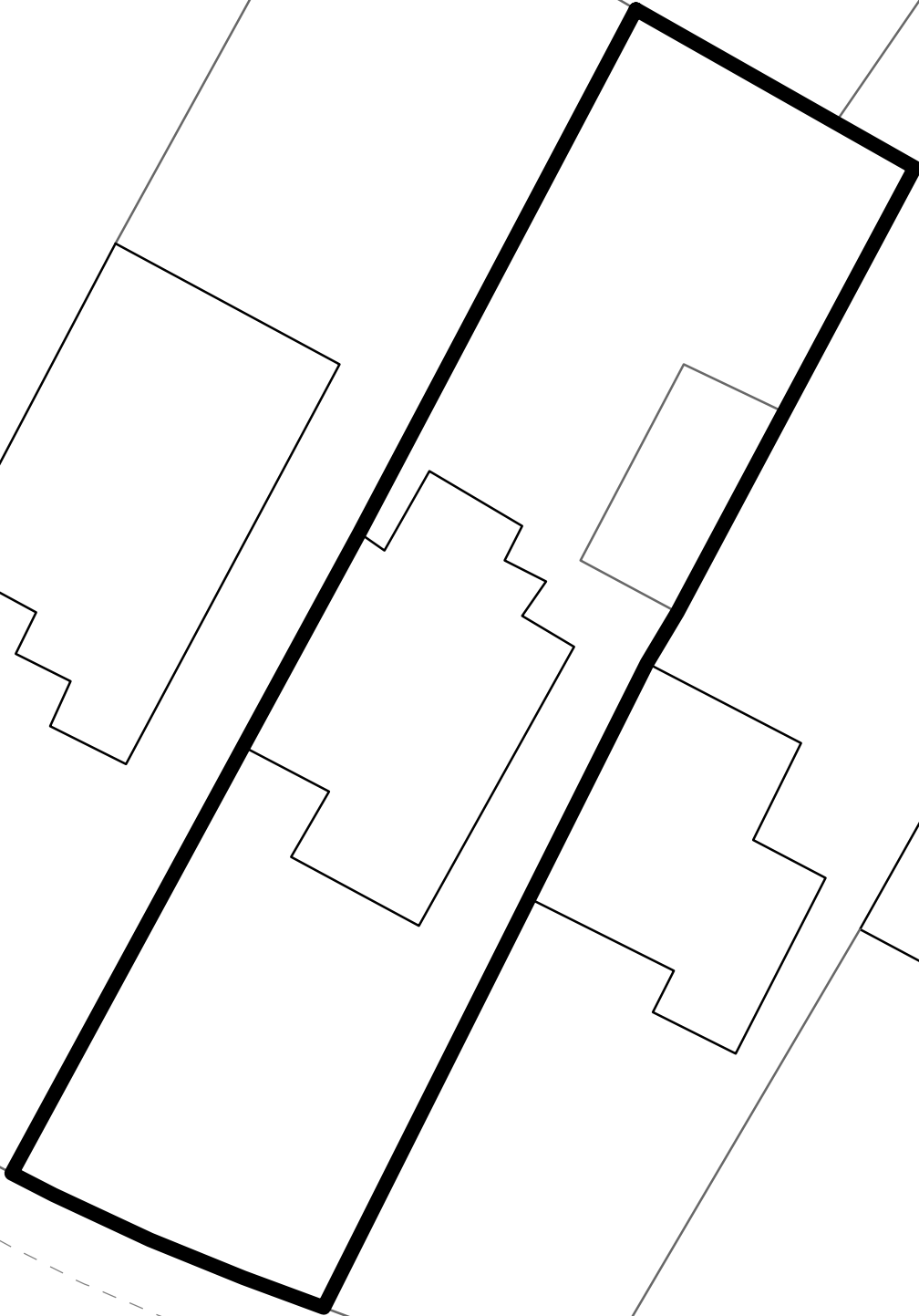
The Council, as local planning authority, has determined this application with primary regard to the development plan and other material considerations. Although a departure from the development plan, it is considered to be acceptable on its planning merits as the proposal would introduce increased employment opportunities in a sustainable location and would not give rise to any unacceptable transport or landscape impact, furthermore the proposal is considered to be acceptable in terms of flood risk, land contamination, biodiversity, archaeology and the adjacent public Right of Way. As such, the proposal is in accordance with government advice contained within PPS1 - Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth, PPS9: Biodiversity and Geological Conservation, PPG 13: Transport, Policies CC1, RE3, T1, T4, NRM4 and NRM5 of the South East Plan, Policies TR1, C2, C7, C17, C28 and ENV12 of the adopted Cherwell Local Plan and Policies EMP1, EMP2, TR1, TR3, TR4, TR5, R4, EN6, EN17, EN25, EN34, EN36, D1 and D12 of the non-statutory Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above, and a legal agreement to secure the essential infrastructure requirements.

CONTACT OFFICER: Jane Dunkin

TELEPHONE NO: 01295 221815

10/01824/F

Agenda Item 9



Scale
1:200

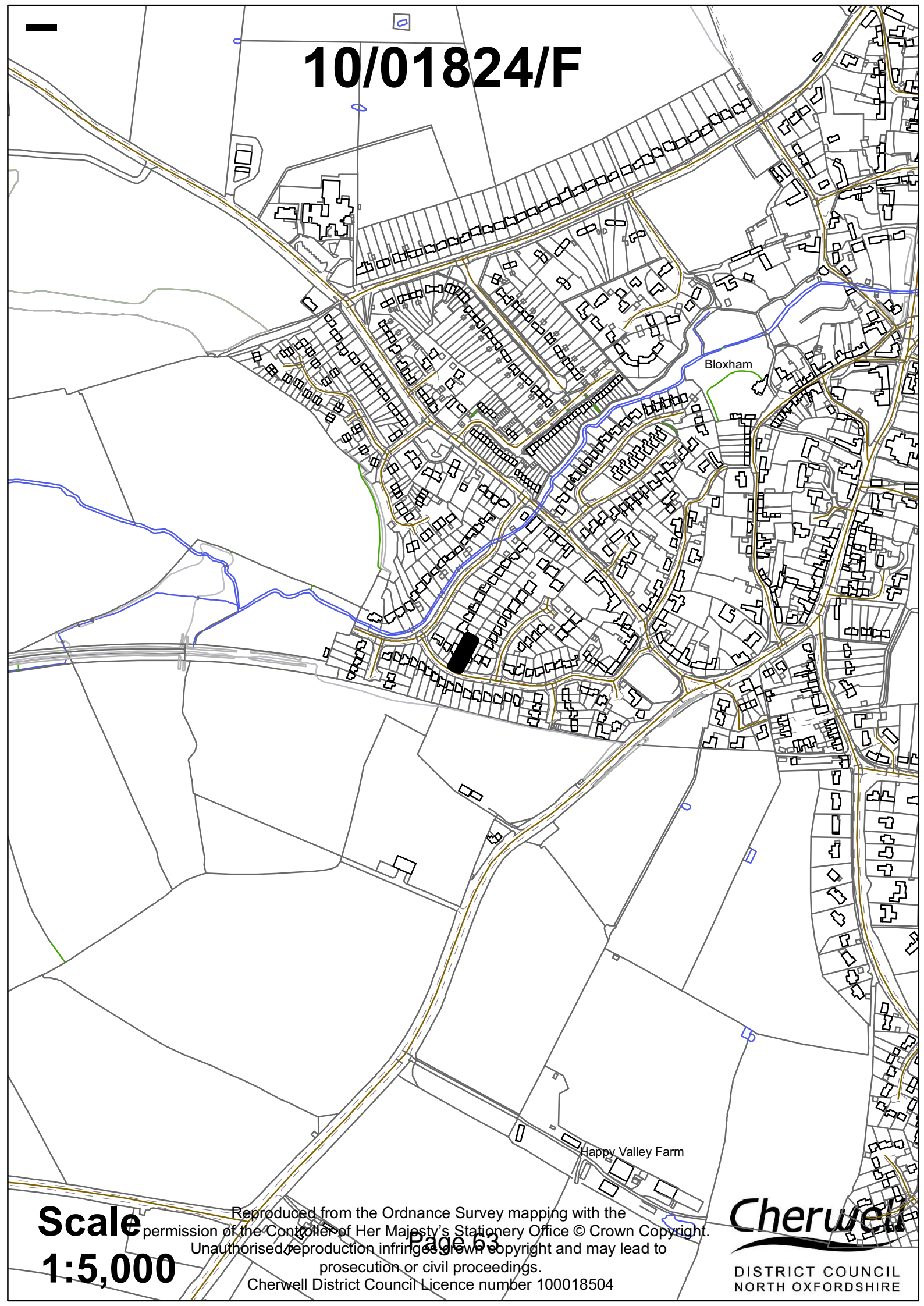
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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

10/01824/F



Bloxham

Happy Valley Farm

Scale
1:5,000

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application No: 10/01824/F	Ward: Bloxham	Date Valid: 21/01/11
Applicant:	Mr. Mark Tibbetts	
Site Address:	7 Colesbourne Road, Bloxham	

Proposal: Two storey side and rear extension

1. Site Description and Proposal

- 1.1 7 Colesbourne Road is a brick built 1970s two storey dwelling in an estate location. The property, otherwise detached, is currently linked to 9 Colesbourne Road by a single storey flat roofed timber store room.
- 1.2 The applicant is proposing to remove the store room and replace it with a two storey extension. As the applicant also wishes to create a side access path to the rear of his property, the extension only has a width of 1.75 metres. Aside from the full depth side extension, permission is also being sought for a full width, twin gabled, two storey rear extension, which has a depth of 3.2m. This part of the proposal will require the demolition of an existing single storey extension. The applicant has indicated that the tiles from this structure will be re-used on the front elevation, so as to lessen the visual impact of the extension on the street scene.
- 1.3 Members may recall that they approved a slightly different version of the two side extension last year (10/00273/F refers).

2. Application Publicity

- 2.1 The application has been advertised by way of press notice and neighbour letter. The final date for comment is the 25th February 2011. As of the 14th February 2011, no correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Bloxham Parish Council had not commented at the time of writing this report.
- 3.2 Environmental Protection Officer raised no objections subject to informative.
- 3.3 The Highways Liaison Officer raised no objections

4. Relevant Planning Policies

- 4.1 Policy BE1 of the South East Plan 2009

4.2 Policies ENV12, C28 and C30 of the adopted Cherwell Local Plan

5. Appraisal

- 5.1 The key consideration in this case is that of design. Officers would normally advise an applicant to step back a two storey side extension from the front elevation to show subservience to the existing building. In mitigation there are a number of other properties along the road that have had full depth two storey side extensions. It was therefore not considered equitable to require an amendment to the scheme.
- 5.2 Likewise, whilst there maybe a better solution to the proposed twin gabled rear addition, it would be unreasonable to oblige the applicant to alter the plans given that the neighbouring property, 5 Colesbourne Road, was similarly extended in the recent past - 02/00137/F refers.
- 5.3 There are no windows in the side elevation of 9 Colesbourne Road facing the applicant's property and those in the facing side of 5 Colesbourne Road are obscurely glazed. The rear extension will however breach the 45 degree line with the closest windows in the rear of 9 Colesbourne Road. Given the orientation and that it is not significantly beyond the 45 degree guidance line, the SDPHE concludes that it would be difficult to sustain a reason for refusal on amenity grounds.
- 5.4 Based on the assessment above, the SDPHE concludes that this application complies with Policies C28 and C30 of the adopted Cherwell Local Plan. It is therefore recommended that permission be granted subject to the imposition of appropriate conditions.
- 5.5 This application is referred to Committee as it is submitted by the partner of a Council employee.

6. Recommendation

That, subject to the expiration of the neighbour consultation period on 25 February 2011, and the delegation of the authority to issue the permission to the Strategic Director Planning Housing and Economy, the application be approved, subject to following conditions:

1. **1.4A - Full Permission: Duration Limit (3 years) (RC2)**
2. **Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the schedule of materials and approved plans numbered 1, 3, 5, 7 and 9, floor and elevation plan and block plan.**

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

3. **2.6AA – Materials to match (RC5AA)**

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

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed extension is of a design, size and style that is appropriate and will not unduly impact on the neighbouring properties or compromise highway safety. As such the proposal is in accordance with Policy BE1 of the South East Plan 2009 and Policies ENV12, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Paul Ihringer

TELEPHONE NO: 01295 221817

House

The Walled
Gardens

The Coach
House

Bicester House Cottage

Oxford
House

73.3m

Scale
1:400

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10/01856/F

BICESTER



Scale
1:5,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application No: **Ward: Bicester Town** **Date Valid: 15/12/10**
10/01856/F

Applicant: Mr T Clarkson, The Old Coach House, Queens Avenue, Bicester, Oxon
OX26 6TA

Site Address: Land to the Rear of The Coach House, Queens Avenue, Bicester

Proposal: 1 No. dwelling (resubmission of 10/00784/F)

1. Site Description and Proposal

1.1 Site

This 0.18 hectare site occupies a corner plot at the junction of Queen's Avenue with King's End. It is a walled garden to the south of The Coach House (a curtilage listed property) and was originally part of the garden to Bicester House, the grade II listed building situated to the west. It remains as garden land under the same ownership as the applicant who lives at The Coach House.

1.2 The site is within the Bicester Conservation Area and is part of the setting of a listed building and a curtilage listed property. The site is further constrained by the presence of several TPO'd trees and is a site of archaeological interests.

1.3 Proposal

The proposal (as amended by revised plans received on 31.01.11) seeks consent for a new dwelling to a height of 6.3 m (2.6m to eaves) allowing for a first floor including a mezzanine to provide four bedrooms. It is linear in form with a gable width of 7.5m including a canopy along the southwest elevation. The design allows for covered parking on the end (north west) elevation and the revised drawings now shows an unbroken roofline, the chimney replaced by a steel flue and repositioned rooflights adding symmetry to the southwest elevation.

1.4 The dwelling is proposed to be built of limestone (Cotswold) with a slate roof and timber windows. A close boarded fence will mark the boundary between the 2 properties. Access to the site is proposed to be shared from the existing point from the Queens Avenue. The established stone wall, at 2.6m in height, will remain untouched along the south and west boundaries to the site.

1.5 Relevant Planning History

- CHS.335/79 – Consent granted for the conversion of the coach house to a dwelling. The detached garage was erected in 1984 (CHS.410/84 refers) and the coach house was extended in 2006 (06/00517/F and 06/00518/LB refer).
- 10/00784/F – Planning permission was refused for a similar development on grounds of harm to the setting of the curtilage listed Coach House and the wider setting of the grade II listed building and threat to the TPO'd trees.

2. Application Publicity

2.1 The application has been advertised by site notice, neighbour letter and press notice. The final date for comment was 4 February 2011. At the time of compiling this report 4 letters had been received objecting to the scheme. These comments are summarised as follows:

- Detrimental effect on the Conservation Area
- Detrimental effect on the setting of a listed building
- A modern building will be at odds with this historical area
- Detrimental effect on the view and outlook enjoyed from Bicester House Cottage
- Mature TPO'd trees will be felled, in particular a fine Horse Chestnut which looks healthy and in good condition
- Adverse impact on wildlife and habitats
- The access will have to be shared with another users
- Disruption and damage to the area during works
- The application represents garden grabbing
- The development will be an eyesore in the landscape
- A large 4 bed house would be totally out of keeping in comparison to its closest neighbours
- The access is not suitable for works traffic

2.2 One letter of support has been received from a nearby resident stating that the proposed property will neither be obtrusive nor detrimental to other residents in the immediate vicinity.

3. Consultations

- 3.1 Whilst all the responses to the consultation exercise are detailed on the core file, available electronically via our website, a summary of the submissions received is provided below:
- 3.2 Bicester Town Council: Comments are awaited though it is noted that no objections were received on the previous application.
- 3.3 Oxfordshire County Council (Highways): **No objection**, subject to conditions relating to access spec and no conversion of garage space.
- 3.4 Oxfordshire County Council (Archaeology): **No objection**, subject to conditions to ensure the implementation of a staged programme of archaeological work.
- 3.5 The Council's Conservation Officer: **No objection**, subject to conditions relating to design and construction details. Limited impact on Conservation Area and minimal impact on setting of listed building. Marginal impact on setting of curtilage listed building.
- 3.6 The Council's Landscape Services Mgr (Trees): **No objection**, subject to conditions relating to restriction on service trenches close to trees, site supervision, replacement tree planting and the submission of a landscaping scheme to ensure the continuity of the health of any retained trees and continuity of tree cover generally in the interests of visual amenity.
- 3.7 The Council's Environmental Protection Officer (Contaminated Land): Comments are awaited though it is noted that **no objections** were received on the previous application subject to full contaminated land conditions.

4. Policy Considerations

- | | |
|--------------------------|---|
| National Policy Guidance | <ul style="list-style-type: none"> • PPS1 - Delivering Sustainable Development • PPS3 - Housing • PPS5 – Planning for the Historic Environment |
|--------------------------|---|

- PPG13 – Transport
 - PPS23 – Planning & Pollution Control
- South East Plan
2009 Policies
- Cross Cutting – CC2, CC4 and CC6 – Sustainable Communities and Character of the Environment
 - Housing - H5 – Housing design and density
 - Transport - T1 & T4 – management, investment and parking
 - Natural Resource Management - NRM5 – Conservation and improvement of biodiversity
 - Management of the Built Environment - BE1 & BE6 - management for an urban renaissance and of the historic environment
- Adopted Cherwell
Local Plan 1996
saved policies
- C10- Historic Landscapes, Parks and Gardens and Historic Battlefields
 - C23 – Conservation Areas
 - C27 – Design Considerations re: Historic Settlement Pattern
 - C28 – Design, layout etc standards
 - C30 – Housing standards
 - C33 – Undeveloped gaps of historic value
 - ENV12 – Contaminated land

5. Appraisal

5.1 Principle of the development

The site falls within the town of Bicester so is appropriately located in policy terms. PPS3 reflects policy in PPS1 seeking good design which is appropriate in its context. Good design is fundamental to the development high quality new housing which contributes to the creation of sustainable, mixed communities.

Being constrained by its siting within the Conservation Area and the setting of a listed building, the development needs to be assessed against PPS5 which addresses the historic environment with the overarching aim of conserving heritage assets. The guidance makes it clear that if a proposal would be harmful to a Conservation Area or listed building setting then it should be weighed against any wider public interest and that the proposal should be fully justified. It is equally clear that there is no intention that areas should remain 'frozen in time' and only where there is harm that cannot be outweighed should consent be refused.

In this case the heritage assets would include the listed building (Bicester House) curtilage listed buildings, their settings and the settings of other listed buildings in proximity, the wider Conservation Area including the trees and matters of archaeology.

A recent and very similar application has recently been refused planning permission and provided this application now demonstrates how the reasons for refusal can be overcome then it should be acceptable.

5.2 Effect on the Heritage Assets

The boundary of the Conservation Area passes to the north of the subject property and includes the site and the listed building and shares a small section of the boundary to the site on the west side along Queens Avenue. The general layout of the listed building and this part of the Conservation Area has remained largely undisturbed since the 1948, though a close boarded fence now features along the boundary line shared with Bicester House.

A point has been raised about the curtilage listed status of the site (in association with The Coach House) as if the Coach House is curtilage listed then this site is a crucial part of its setting. When ascertaining whether a building is listed by reason of being within the curtilage of a listed building there is a complex matter of present and past association to be considered i.e.

- the historic independence of the building;
- the physical layout of the principal building and other buildings;
- the ownership of the buildings now and at the time of the listing;
- whether the structure forms part of the land;
- the use and function of the buildings, and whether a building is ancillary or subordinate to the principal building.

Were it to be argued that given any change in circumstances in more recent times that the Coach House is not curtilage listed, it is considered that the site is nevertheless important to the setting of the host listed building (Bicester House) despite the physical separation of the fence. The site is of such character, being very densely tree'd surrounded by a high wall that it clearly has an association with the principle listed building.

The Conservation Area appraisal notes the features of Bicester House and grounds which include the Coach House. It is noted that the visual influence of the former Manor on the public domain is restricted due to the screening effect of its boundary wall. The grounds are private and many of the views enjoyed to it are from private domains. The mature trees are noted in the Conservation Area appraisal and these have a 'significant impact' on the views. The extent of the setting of the former Manor House in landscaped grounds is now restricted to a small area at its front.

It could be argued that more weight should be given to protecting what is left of the original grounds of Bicester House or alternatively now that development around the site has taken place, would further development of the nature proposed cause significant harm. The case, at this point, is finely balanced. The setting of the curtilage listed building is very much more compromised and when considering the degree of harm that impacts on the significance of the designated heritage asset, it is appropriate to ask whether this can be outweighed by the benefit of the proposal. On balance, it is considered that the harm incurred to the setting of The Old Coach House is not of such weight that this application can be justifiably refused.

With regard to archaeological issues, the application has not met with an objection from the County archaeologist who has suggested that this issue can be adequately dealt with by conditions.

5.3 Effect on the trees

There is no doubt that the trees at this site make a significant contribution to the character and appearance of this part of the Conservation Area. The trees are mature and enjoyed from the public domain at some distance.

It is considered that, in the short term, there will be a negative impact on the character and appearance of the Conservation Area primarily due to the removal of 9 No. trees. However, 6 of these are recommended and agreed for removal in any event due to noted structural or physiological defects which present an unacceptable level of risk to persons and property. Only 3 No. trees are required to be removed as a direct consequence of this proposal and only one is considered to have any aesthetic qualities.

The arboricultural advice is that the 9 trees proposed for replacement planting is increased to 13 to provide a greater visual depth to the site and that the size of tree planted should be 14-18cm girth so that they will be visible above the boundary wall. When these trees reach maturity any aesthetic imbalance will be corrected within a reasonable timescale. Consideration could be given to protecting all the trees to be retained and the new trees on site with a TPO.

It is considered that the reason for refusal of the previous recent application has now been overcome based on the detailed submission and subject to the conditions as set out. The character and appearance of the Conservation Area will not be adversely affected in your officer's opinion.

5.4 Siting and Design

Policies C28 and C30 seek to ensure that all developments (especially those in sensitive areas such as Conservation Areas) are of a high standard and that housing development should be compatible with existing dwellings in the vicinity.

Were any development on this land to be acceptable it would need to respect the historic settlement pattern but this has been eroded over recent years by the developments to the north and east of the site. The character of the area is very mixed but in the immediate environs it is not unusual for there to be individual properties set in their own grounds. To this end the introduction of a new property would not be out of character with the area.

Keeping the property at bungalow height of not dissimilar footprint, size, gable widths, in materials that match and in a linear form and layout represents a sound design which is appropriate in this area. Having acknowledged these aspects, it should be further noted that there is little more the applicant could do to improve the design. Also it is a fact that the building would be highly unlikely to be visible from the public domain given the high wall and the trees.

A property at this site would be likely to go unnoticed in the public domain and there would be even less disturbance to the site area with the utilisation of the existing access.

5.5 Effect on neighbouring residential amenity

The residential amenities of the adjacent property remain protected given the distances between the properties and the overall scale of the proposal. There would be no overlooking, overshadowing, loss of light or overdomination as a result of the scheme. Most of the impact felt by this scheme will be on the owners of the host property.

5.6 Highway Safety

The application has not met with an objection from the County in this regard and this position is accepted. The existing access arrangement is acceptable.

5.7 Other matters raised by third party representations

Most of the issues raised have been dealt with above. Private views onto an area is not a material planning consideration per se and would only be relevant if the proposal were to prevent views of a heritage asset which it would not in this case. Ecological matters are noted and this is an area where swifts have been documented. Good arboricultural practice (as conditioned by this consent) will ensure satisfactory protection and enhancement. Garden grabbing in itself is not a reason to refuse an application but it brings some awareness to the need to utilise

brown field sites first.

5.8 Conclusion

This case is finely balanced. Impact on the Conservation Area will be negligible because the property will not be visible from the public domain, the established wall will not be touched and the site area will remain densely tree'd by proper long term good arboricultural practice which will also respect the needs of biodiversity. The design and siting of the property are sound and acceptable and there will be no conflict with highway safety or parking and no impact on neighbours. The remaining issue of the historical significance of retaining this site as the last part of the original gardens to the grade II listed Bicester House is a matter of principle but the view is held that on balance the proposal should succeed as it is considered that there would be no significant further harm caused to the heritage asset.

6. Recommendation

Approval, subject to the following conditions:

1. SC1.4 (RC2) – Duration Limit.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following information: dwg numbers WG13-020(A), 021(A), 022(A) and 023(A) received on 31.01.11 and dwg numbers 024, 025, 026, the Design & Access Statement and the site location plan received with the application.
Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with PPS1 – Delivering Sustainable Development.
3. SC2.2BBslate.....dwelling.....(RC4A)
4. SC2.3DD.....dwelling.....(RC5B)
5. SC3.7BB (RC12AA)
6. SC4.13CD (RC13BB)
7. SC5.5Atimber windows.....(RC4A)
8. SC5.14Adoors.....(RC4A)
9. SC5.19A (RC4A)
10. SC6.2AA
Reason – To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the interests of the heritage assets and the amenities of occupants of adjoining dwellings in accordance with Government Advice contained in PPS5, Policies BE1 and BE6 of the South East Plan and policies C28 and C30 of the adopted Cherwell Local Plan.
11. SC6.3 (RC4A)
12. SC6.6AB
Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the interests of the heritage assets and to

ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government Advice contained in PPS5, Policies BE1, BE6 and T4 of the South East Plan 2009 and policy C28 of the adopted Cherwell Local Plan.

13. SC9.13A4.....(RC93AA)
14. The development shall be carried out strictly in accordance with the Arboricultural Method Statement by Trevor Clarkson of Crown Consultants Ltd submitted with the application, unless otherwise agreed in writing by the Local Planning Authority. (RC72A)
15. No service trenches, pipe runs or drains or any other excavation, earth movement or mounding shall be constructed within the Root Protection Area of the tree/trees on the site, without the prior approval in writing of the Local Planning Authority.
Reason – To ensure that the tree/trees is/are retained in a safe and healthy condition and is/are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
16. No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and shall include details of:
 - (a) Induction and personnel awareness of arboricultural matters
 - (b) Identification of individual responsibilities and key personnel.
 - (c) Statement of delegated powers.
 - (d) Timing and methods of site visiting and record keeping, including updates
 - (e) Procedures for dealing with variations and incidents.The Local Planning Authority will require the scheme of supervision to be administered by a qualified arboriculturist approved by the Local Planning Authority but instructed by the applicant.
(RC72A)
17. That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas. (RC10A)
18. That 13 No. 14-18cm tree(s) shall be planted in the first planting season (mid November to end of March) following removal of the tree(s) for which permission has been granted.
Reason – To ensure the continuity of tree cover in the interest of visual amenity of the area and to comply with Policy c4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
19. No development shall commence within the application area until the applicant, or their agents or successors in title, has secured the implementation of a staged programme of archaeological investigation and mitigation in accordance with a written scheme of investigation that shall first be submitted to and approved by the Local Planning Authority. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication. The work shall be carried out by a professional archaeological organisation acceptable to the Local Planning Authority.
Reason - To ensure the appropriate measures are taken to detect and preserve

archaeological remains either in situ or by record in accordance with Government Advice contained in PPS5 and Policy BE1 of the South East Plan 2009.

20. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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

21. If a potential risk from contamination is identified as a result of the work carried out under condition 20, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason – as condition 20 above.

22. If contamination is found by undertaking the work carried out under condition 21, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason – as condition 20 above.

23. If remedial works have been identified in condition 22, the remedial works shall be carried out in accordance with the scheme approved under condition 22. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

Reason – as condition 20 above.

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 conserves the interests of the heritage assets (Conservation Area, listed buildings and their settings, trees and archaeology), is compatible with the scale and character of the surrounding area, not harmful to the public or private amenity, provides adequate amenity space without

adversely affecting that of surrounding properties, and is not considered to be detrimental to highway safety. As such the proposal is in accordance with government guidance contained in PPS3 – Housing, PPS5 – Planning for the Historic Environment, PPG13 – Transport, Policies BE1, BE6 and T4 of the South East Plan 2009 and Policies ENV12, C23, C27, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Rebecca Horley

TELEPHONE NO: 01295 221837

10/01859/F



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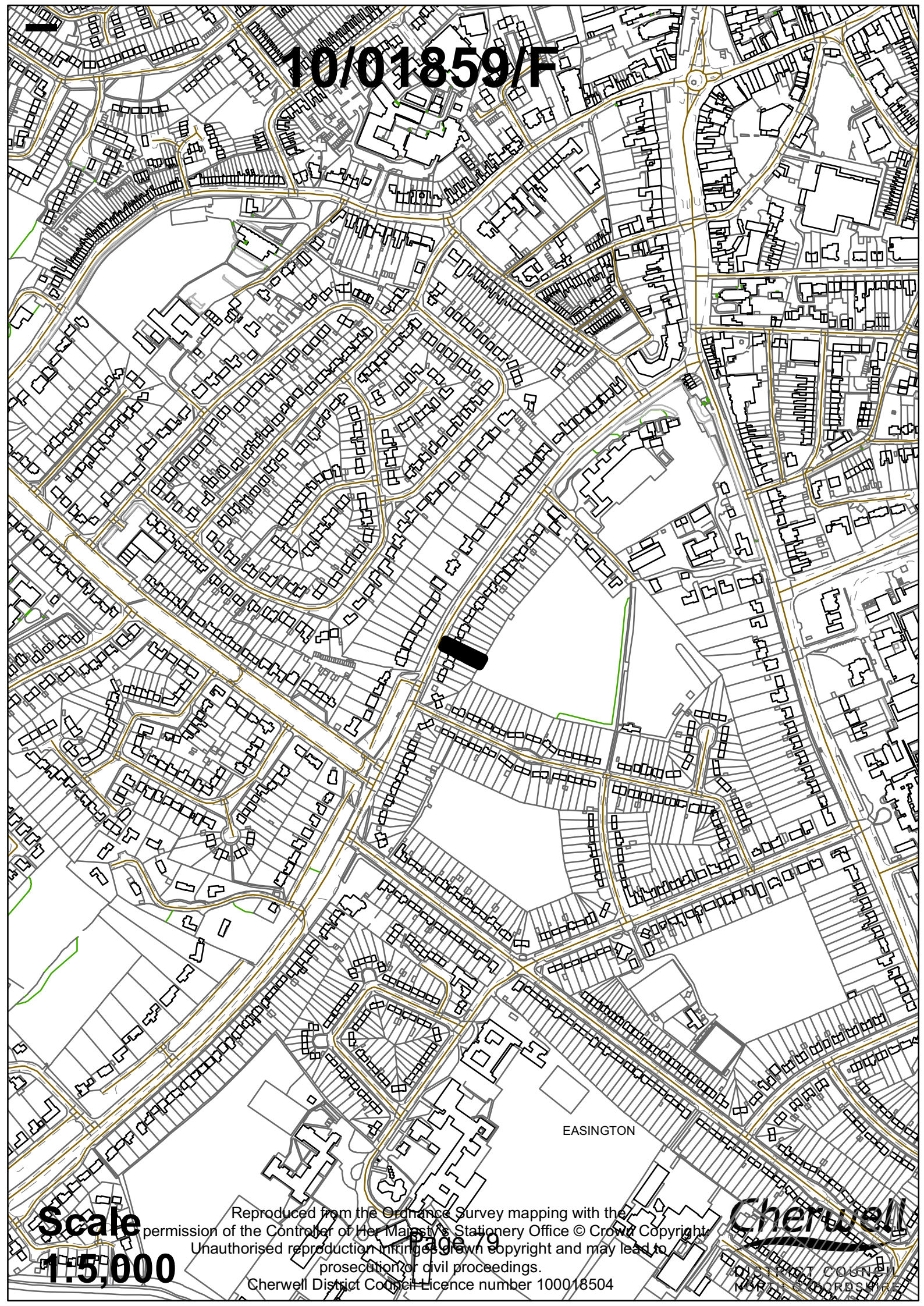
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10/01859/F



EASINGTON

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Application 10/01859/F	No:	Ward: Easington	Banbury	Date Valid: 16/12/11
Applicant:	Mrs Pauline McCreddie			
Site Address:	81 Bloxham Road, Banbury			

Proposal: Two storey and single storey rear extension

1. Site Description and Proposal

1.1 The property is a two storey semi detached dwelling located on the eastern side of Bloxham Road and to the west of the recreation ground at Harriers View and Easington Road. The driveway for the property is accessed straight off the Bloxham Road. The property is built from brick and render with a plain concrete tile roof and currently has a conservatory and a small flat roof utility room on the rear elevation. These will not be retained as part of the proposal.

To the front of the property is an area of garden land and hard standing. Most of the area to the front of the property appears to be used for parking vehicles.

1.2 The proposal is for a two storey rear extension and a single storey lean-to extension. The footprint of the extension is proposed to cover approximately two thirds of the width of the original dwelling. At ground floor the extension will accommodate a new lounge with a single storey lean-to utility both accessed through the existing kitchen but via two separate doorways. At first floor level the extension will accommodate a bedroom and en-suite. The ground floor extension measures nearly 6 metres in width and projects 4.5 metres out from the rear of the property.

1.3 The scheme has been amended and further consultations issued as a result of officer's concerns about neighbour impact.

2. Application Publicity

2.1 The application has been advertised by way of press notice, site notice and neighbour notification letter. The final date for comment is 18 February 2011. To date no letters of objection have been received.

3. Consultations

3.1 Banbury Town Council has not yet commented on the proposal.

3.2 The Local Highway Authority raises no objections as adequate parking is retained.

4. Relevant Planning Policies

- 4.1 Adopted Cherwell Local Plan 2011
C28 – Standards of layout, design and appearance
C30 – Compatible with scale of existing dwelling and character of street scene and standards of amenity and privacy
- 4.2 Non-Statutory Cherwell Local Plan
D6 – Compatible with scale of existing dwelling and the character of the street scene.

5. Appraisal

- 5.1 The application should be assessed by way of its impact on the character and appearance of the property and the surrounding area, impact on the residential amenities of neighbouring properties and highway safety.

5.2 Visual amenity

The extension is to the rear of the property and the property is set back from the highway therefore it is only likely to be glimpsed through the gap between the properties. As the single storey element is proposed to be on the outside edge of the property it will largely be screened by the existing access gates into the rear garden. The rear of the property backs onto a park but the extension will be approximately 27 metres from the rear boundary and partially screened by existing trees and vegetation. The extension will not be prominent from the public domain and it is therefore unlikely to cause harm to the surrounding amenity.

The extension is domestic in its design and retains the domestic scale of the property. Given its positioning on the rear elevation and its design it reads as an extension to the main property and whilst being large does not over dominate the remainder of the house. It is therefore considered that in this respect the proposal complies with Policy C28 and C30 of the adopted Cherwell Local Plan and Policy D6 of the Non-Statutory Cherwell Local Plan.

5.3 Neighbouring amenity

The extension was originally proposed to project from the rear of the property by 5.5 metres, at two storeys in height, along the southern extent of the house. However it was considered by officers that the neighbouring property to the south (No. 83) would be adversely affected by this. It was thought that the extension would be overbearing, an impact that would be exacerbated by the fact that the property to its south (No. 85) already has a two storey rear extension. However the proposal has been amended so that it is only single storey in height closest to the shared boundary and it only projects by 4.5 metres. This reduces the overbearing impact on the property to the south.

The amended scheme brings the two storey element to within 2.5 metres of the property to the north (No. 79) and due to its orientation this will result in the loss of

some direct sunlight onto the most private amenity space and into the living accommodation. However the relationship is similar in principle to that which was permitted on No. 85. Furthermore the properties benefit from substantial gardens which add to the residential amenity and help lessen the impact of the extension.

In terms of overlooking the principal windows are on the end elevation and will therefore not result in overlooking. Two first floor windows are proposed on the southern elevation, one within the extension and one within the existing property. These both serve bathrooms therefore they are not likely to result in overlooking. A window and door opening are proposed on the ground floor south elevation but these serve the utility room and will be screened from the neighbouring property by the existing boundary fence.

It is not considered that the proposal will result demonstrable harm to the residential amenities of neighbouring properties. In this respect the proposal is considered to comply with Policy C30 of the adopted Cherwell Local Plan and Policy D6 of the Non-Statutory Cherwell Local Plan.

5.4 Highway Safety

The extension results in one additional bedroom, making the property a four bed property. Whilst the front of the property is only partially laid to hard standing there is sufficient space to accommodate up to three cars. This is sufficient for a four bedroom property. It is not considered that the extension will result in any harm to highway safety.

5.5 Conclusion

The proposal is considered to be acceptable as it does not cause demonstrable harm to the visual amenities of the areas, the residential amenities of neighbouring properties or highway safety. It is therefore considered to comply with the relevant policies and as such is recommended for approval subject to the conditions set out below.

The application is before the Committee as the applicant is a Council employee.

6. Recommendation

Approval, subject to;

- a) the expiration of the consultation period**
- b) the following conditions;**

- 1. SC1.4A (RC2) Duration limit**
- 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:**
 - Plan no. BWC2010/GB/81BRB (amended plan rec. 07/02/11)**
 - Site and block plan (amended plan rec. 08/02/11)**

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.
- 3. SC 2.6AA (RC5AA) Materials to match existing**

4. That the first floor windows in the south elevation shall be glazed at all times with obscure glass. (RC6A)

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

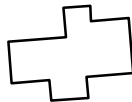
The Council as local planning authority, has determined this application in accordance with the development plan unless material considerations indicate otherwise. The development is considered to be acceptable on its planning merits as the proposal is unlikely to give rise to any adverse visual impact, neighbour impact or highway safety impact. As such the proposal is in accordance with policies C28 and C30 of the adopted Cherwell Local Plan and guidance contained within PPG13, Transport. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Caroline Roche

TELEPHONE NO: 01295 221816

10/01879/F

The Shippon



Saxton House



Dovecote

Hempton

Path (um)

College Farm

Scale
1:900

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10/01879/F

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Application No: 10/01879/F	Ward: Deddington	Date Valid: 20/12/10
Applicant:	Calcutt Farms	
Site Address:	Land Adjacent Radwell Grounds, Duns Tew Road, Hempton	

Proposal: Corn store

1. Site Description and Proposal

- 1.1 Radwell Grounds, which is in an Area of High Landscape Value, is a farm located on the southern boundary of Hempton. The farm forms part of the Calcutt Farms estate, a largely arable based holding which operates on 1,862 hectares of land in the Bicester and Deddington areas. The Radwell Grounds side of the operation has recently acquired additional land which necessitates extra grain drying and storage capacity.
- 1.2 The applicant proposes to meet this shortfall by erecting a new barn, which has a footprint of 36m x 29.5m and a height of 10.4m. A fan room will be attached to the southern elevation of the barn. Following discussions with the Officer responsible for this case, the applicant agreed to site the barn alongside an existing barn and close to the brow of Radwell Hill. Unlike the existing barn, the new structure would be outside the existing farmyard and in an adjacent field.

2. Application Publicity

- 2.1 The application has been advertised by way of press notice and neighbour letter. As of the 14th February 2011, no correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Deddington Parish Council objected to the original scheme on the grounds that the barn would be overly prominent in the landscape and the noise from the corn dryer would disturb local residents. They recommended sound proofing and a schedule for turning the grain dryer on and off.
- 3.2 The Environmental Protection Officer raised no objections.
- 3.3 The Anti-Social Behaviour Officer raised no objections to the grain dryer providing that the noise is appropriately mitigated.
- 3.4 The Footpath Officer (OCC) raised no objections to the scheme providing that the proposed trees did not interfere with the footpath.

- 3.5 The Local Highways Officer raised no objections subject to condition.
- 3.6 The Landscape Officer raised no objections to the revised siting of the barn.

4. Relevant Planning Policies

- 4.1 PPS7: Sustainable Development in Rural Areas
PPG13: Transport
PPS23: Planning and Pollution Control
PPG24: Planning and Noise
- 4.2 Policy CO1 of the South East Plan 2009
- 4.3 Saved Policies ENV1, ENV12, C7, C13 and C28 of the adopted Cherwell Local Plan

5. Appraisal

- 5.1 Aside from the principle of the development, the two main considerations in this case are the barn's impact on the landscape and upon the local residents (the Highways Liaison Officer and the Environmental Protection Officer have not raised any issues in respect of the proposal).
- 5.2 In absence of saved local policy, the principle of the development is assessed against national guidance. Paragraph 27 of PPS7 states that local planning authorities should support proposals which enable farmers, amongst other things, to become more competitive and to adapt to new and changing markets.
- 5.3 Notwithstanding the broad support afforded to agricultural development, there is a recognition that it should be achieved in a way that causes minimal harm to the local environment. In this regard, the SDPHE shared the Parish Council reservation about extending the farmyard. However, having inspected the site, it was accepted that it was not feasible to construct a barn of the dimensions sought within the confines of the existing farmyard.
- 5.4 Given that a smaller building could be incorporated within the existing farmyard, the applicant was asked to justify the dimensions of the building. It was argued that, notwithstanding the increased storage capacity required, the size of the barn simply reflects the fact that lorries and trailers have become longer over recent years. Furthermore the height of the building, which is some 4m higher than the adjacent grain store, is warranted by the tipping height of the trailers used which can be upwards of 8m.
- 5.5 Despite the justification, it is the height of the building that it is perhaps the most contentious part of the proposal given the exposed nature of the site. After considering various alternatives, the SDPHE concluded that the position finally agreed upon had least impact on the landscape when balanced up against two other important considerations. The SDPHE had to take in to account that by moving the barn further away from the brow of the hill and closer to the village, the

amenities of the local residents would be more compromised, not just in terms of the visual impact but, more significantly, by the noise associated with the grain drying process.

- 5.6 The Council's Anti Social Behaviour Manager is satisfied that at a minimum distance of approximately 150m, the effect of the fans on the neighbouring residents should be negligible given the orientation of the barn (the fans will be on the elevation on the opposite side of the building to the village) and with the imposition of a suitably worded condition that will limit noise levels.
- 5.7 As the area demarcated for tree planting will help to address the visual impact of the barn on the landscape, the SDPHE believes that any misgivings in respect of this issue are successfully counter balanced by the lack of a more appropriate alternative siting, and the general presumption in favour of agricultural development.
- 5.8 Based on the assessment above, the SDPHE concludes that this application complies with Government guidance contained with PPS7: Sustainable Development in Rural Areas, PPG13: Transport, PPS23: Planning and Pollution Control and PPG24: Planning and Noise and Policies ENV1, ENV12, C7, C13 and C28 of the adopted Cherwell Local Plan. It is therefore recommended that permission be granted subject to the imposition of appropriate conditions.
- 5.9 This application is referred to Committee as the proposed barn has a footprint in excess of 1,000 square metres (1,062m²).

6. Recommendation

Approval, subject to the following conditions:

1. **SC 1.4A - Full Permission: Duration Limit (3 years) (RC2)**
2. **Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the schedule of materials and approved plans numbered 2176/02 received 20/12/2010 and 2176/04 received on the 27/01/2011 and the site location plan .**
Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.
3. **The steel cladding shall be in accordance with the sample panel, Corus Colorcoat HPS200 Ultra Juniper Green submitted on the 20/12/2010.**
Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and/or on the adjoining building and to comply with Policy C28 of the adopted Cherwell Local Plan.
4. **SC 3.0A - Submit Landscaping Scheme**

5. SC 3.1A - Implement Landscaping Scheme

- 6. The rated level of noise emitted from grain drying equipment permitted by this approval shall not exceed background noise levels when measured in accordance with British Standard BS 4142:1997' Method for rating industrial noise affecting mixed residential and industrial areas' at nearby dwellings.**

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

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

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed barn is of a design, size and style that is appropriate and will not unduly impact on the Area of High Landscape Value and neighbouring properties or compromise highway safety or public health. As such the proposal is in accordance with Government guidance contained within PPS7: Sustainable Development in Rural Areas, PPG13: Transport, PPS23: Planning and Pollution Control and PPG24: Planning and Noise and Policy CO1 of the South East Plan 2009 and Policies ENV1, ENV12, C7, C13, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Paul Ihringer

TELEPHONE NO: 01295 221817

11/00028/F⁸

Agenda Item 13

EAST STREET

Allotment

Gardens

Scale
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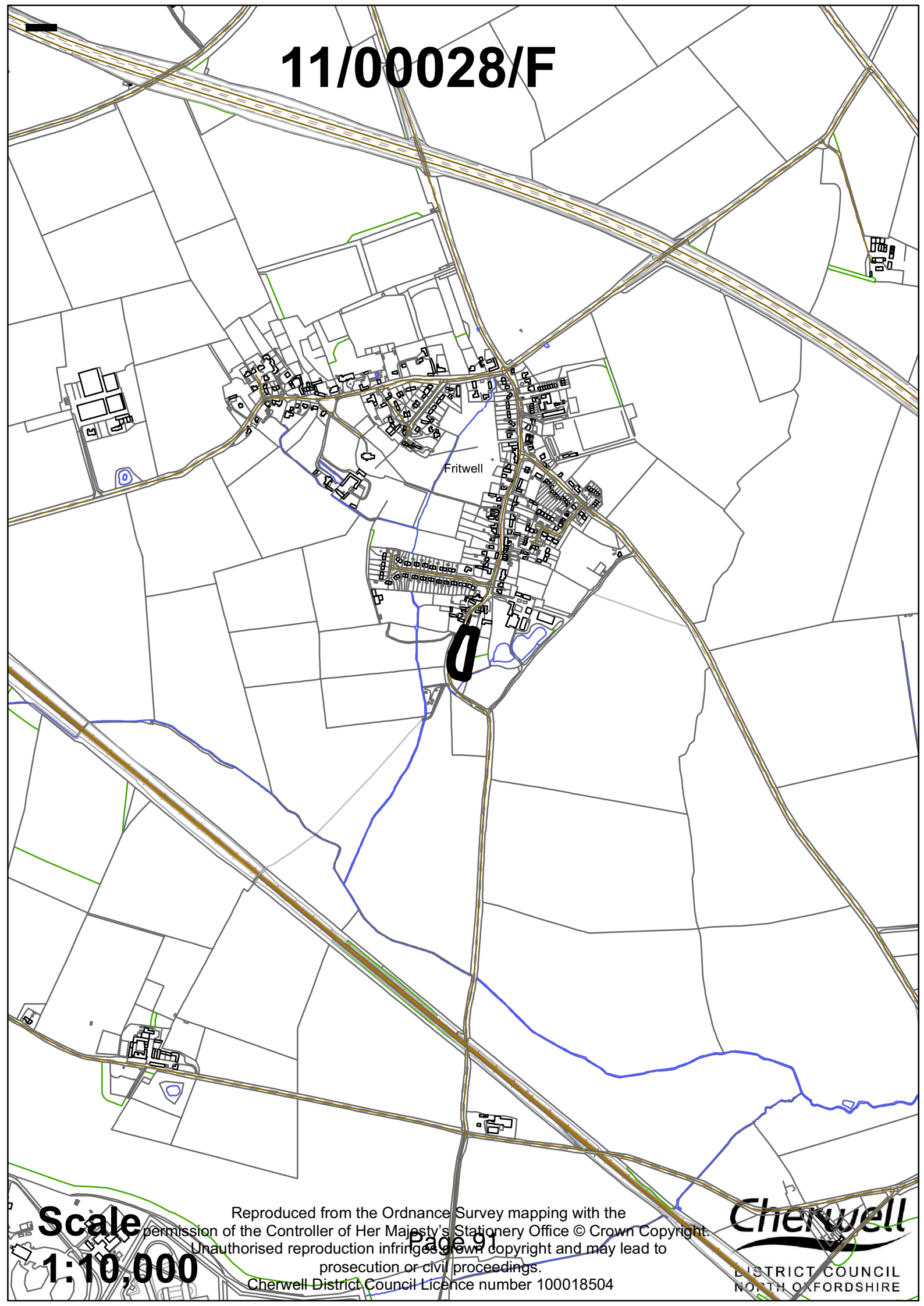
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11/00028/F



Fritwell

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Application No:
11/00028/F

**Ward: The Astons &
Heyford**

Date Valid: 10/01/11

Applicant: Mr Robert Thurlow, 6 Price Close, Bicester, Oxfordshire, OX26 4JH

**Site
Address:** Land South of 85 East Street, East Street, Fritwell, Oxfordshire

Proposal: Erection of detached 4 bedroomed house. Garage and workshop. Disabled WC, allotments, pond and landscaping – Re-submission of 10/00677/F.

1. Site Description and Proposal

1.1 Site

This 0.382 hectare site is situated on a winding lane without footways on the southern side and outside the limits of the present built up area of the village of Fritwell. The area of land is mainly scrub, bounded by mature copse and hedgerows with a wall to the north. There is a dilapidated domestic metal gate and broken wall close to the northern proposed access point. There is no evidence of a vehicular access point here as the verge is raised and undisturbed. The wider landscape is characterised by arable farmland and pasture.

1.2 Proposal

This application seeks to erect a new dwelling and garage/workshop which will be located in the northern part of the site close to No. 85 East Street. The house is proposed to be 9.2m high (4.5m to eaves) and 10.3m wide at the front with a 2 storey rear gable addition to the rear to create a 4 bed property. The house will be of limestone with a slate roof. The proposed timber clad garage offers one bay for parking and 3 bays for store and workshop. The layout also shows parking provision for No. 85 (2 spaces) and a turning area.

1.3 The allotment gardens together with parking, wc and pond are proposed to be located to the south of the site and the intervening land is shown on the submitted drawings as orchard.

1.4 The site is within the Fritwell Conservation Area, the boundary of which follows the west side boundary to the site. The Farm, 100 East Street is a listed building situated directly opposite No. 85. A public footpath leads from close to the south of the site from the road, past the sewage works away to the south.

1.5 Relevant Planning History

- 96/01546/OUT – Appeal dismissed for 4 No. detached dwellings on the site. The decision notice is attached at Appendix A.
- 10/00677/F – Planning permission was refused for a near identical development on grounds of it representing an extension to the built up limits of the village into the countryside, affecting visual amenities of the area, failing to conserve the Conservation Area, design and consequential conflict with identified policies.

2. Application Publicity

- 2.1 The application has been advertised by site notice, neighbour letter and press notice. The final date for comment was 18 February 2011. At the time of compiling this report 12 emails have been received from third parties living outside the village and 2 from within the village in support of the application. The comments raised are summarised as follows:
- Building your own family home on previously developed land should be encouraged,
 - The development of one house with reinstatement of allotments will be an advantage to the local community including schools,
 - The applicant has strong ties to the area with friends in the village,
 - The development will help people with disabilities as they will be able to participate in community activities,
 - A new detached dwelling is a natural progression of the site as the previous one ended up in a dilapidated state,
 - The dwelling would contribute aesthetically to the plot and surrounding area,
 - The development would bring much needed next generation into the village helping to sustain village life and local amenities,
 - A pond and toilets are a good idea though maintenance may be an issue,
 - The applicant has shown commitment to the village,
 - The house will not be outside the village limits because it is a replacement dwelling.
 - Because this is a private builder and not being handed to a developer then pp should be given.
 - The development is in keeping with materials used on existing housing in the locality and there are many new houses in Fritwell which do not fit this criteria.
 - Use of the site for allotments and amenity will ensure it will remain undeveloped.

3. Consultations

- 3.1 Whilst all the responses to the consultation exercise are detailed on the core file, available electronically via our website, a summary of the submissions received is provided below:
- 3.2 Fritwell Parish Council: Apparently do not object but make the comment that it would extend the built up footprint of the village and the entrance is on a narrow road and at corner.
- 3.3 Anglian Water: Comments awaited.
- 3.4 Oxfordshire County Council (Highways): **No objection**, subject to conditions.
- 3.5 Oxfordshire County Council (Archaeology): **No objection**. A planning note is recommended should finds occur.
- 3.6 The Council's Conservation Officer: **Object**. The proposed cannot be justified on the presence of a previous building of which it has no resemblance, has not stood on the site for over 100 years and with which there is no evidence to suggest was ever a dwelling. The proposed dwelling would form a dominant and prominent building on the edge of the conservation area, which would be to its detriment and it

would also harm the setting of the listed building.

- 3.7 The Council's Landscape Services Mgr:
Trees – **No objection**, subject to conditions.
Landscape – **Object**. The landscape proposals will not adequately mitigate the large dwelling, the toilet block, the car park, and allotments with potentially unsightly sheds.
Ecology – **No objection** and there is scope and opportunity for wildlife to benefit. The suggested precautionary measures should ensure that there is no protected species issue and the mitigation and enhancements recommended are appropriate and should be conditioned should permission be given.
Right of Way – **No objection**. No public rights of way would be affected by the proposal
- 3.8 The Council's Head of Building Control/Technical Services: **No objection**. Advice is offered regarding the treatment of pond overflow.
- 3.9 The Council's Environmental Protection Officer (Contaminated Land): **No objection**, at this stage, subject to full contaminated land conditions.

4. Policy Considerations

- | | |
|---|---|
| National Policy Guidance | <ul style="list-style-type: none">• PPS1 - Delivering Sustainable Development• PPS5 – Planning for the Historic Environment• PPS7 – Sustainable Development in Rural Areas (Dec 2009) – Planning for Sustainable Economic Growth• PPG13 – Transport |
| South East Plan 2009 Policies | <ul style="list-style-type: none">• Cross Cutting - CC6 – Sustainable Communities and Character of the Environment• Housing - H5 – Housing design and density• Transport - T1 & T4 – management, investment and parking• Natural Resource Management - NRM5 – Conservation and improvement of biodiversity• Countryside & Landscape Management - C4 & C6 - Landscape and countryside management and countryside access & rights of way management• Management of the Built Environment - BE1 & BE6 - management for an urban renaissance and of the historic environment |
| Adopted Cherwell Local Plan 1996 saved policies | <ul style="list-style-type: none">• H6 – Rural Exception sites for housing• H13 – Cat 1 Settlements• H18 – New dwellings in the countryside• C7 – Landscape conservation• C8 – Sporadic development in the open countryside• C27 – Historic settlement pattern• C28 – Design, layout etc standards• C30 – Housing standards• C33 – Undeveloped gaps of historic value• ENV12 – Contaminated land |

5. Appraisal

5.1 Principle of the development

The site is situated on a winding land without footways on the southern side and outside the logical limits of the present built up area of the village of Fritwell. This stance is supported by the Inspectors decision on a previous application (96/01546/OUT refers). The evidence submitted by the applicant indicates a building may have been on the site at one time. The 1904 photograph shows a wall and derelict building but it may have been an agricultural barn or other outbuilding, not a dwelling. In any event, it is no longer in existence and it is reasoned that the property of No. 85 East Street represents the boundary to the edge of the village and this has been supported by an independent authority in the form of a government inspector at appeal.

Local Plan policy H13 notes that Fritwell is a Category 1 settlement where residential development will be restricted to infilling, minor developments within the built up area or conversions. Having established that the site is outside the built up limits of the village, this application does not fit into any of these important and defining criteria and it is for this reason that policy H18 comes into play. This policy addresses new dwellings in the countryside and again it is criteria based stating that planning permission will only be granted if it is essential for the needs of agriculture, meets a specific and identified local housing need (Policy H6) and does not conflict with other policies in the plan (addressed later). The application, once again does not comply with these criteria.

Government advice contained in PPS1 and PPS3 seeks to encourage development on sites which are brownfield and that these should be considered before putting pressure on greenfield sites. To pursue development on a site which is not classified as a 'brownfield' site would, by definition, be less sustainable.

It is apparent that the application conflicts with adopted local plan policies and government guidance and is unacceptable in principle.

5.2 Effect on the Heritage Assets

PPS5 is also important to this decision as it relates to how applications, that would affect a Conservation Area (including impact on trees) and listed building settings, should be assessed. It should be noted that the overarching aim is that the 'historic environment and its heritage assets should be conserved'. A key objective is 'to contribute to our knowledge and understanding of our past'.

The guidance makes it clear that if a proposal would be harmful to a Conservation Area or listed building setting then it should be weighed against any wider public interest and that the proposal should be fully justified. It is equally clear that there is no intention that areas should remain 'frozen in time' and only where there is harm that cannot be outweighed should consent be refused.

In this case, it is noted from the Conservation Area Appraisal that the little row of houses (of which no. 85 is one) makes a contribution to the Conservation Area. The boundary of the Conservation Area was extended to include the site subject of this application and approved in 2007. This boundary extension to the south aims to protect the aesthetically pleasing entrance to the village and it includes an area

that has historical importance as the gardens of the medieval Manor of Ormond to the NE. The inclusion of this site is intended to protect the character of the village entrance.

Policy C27 expects that development proposals in villages should respect their historic settlement pattern and particular attention should be paid to Conservation Areas. As previously stated, the evidence submitted might have indicated a building may have been on the site at one time but the 1904 photograph showing a wall and derelict building but it may have been an agricultural barn or other outbuilding.

It is considered that this proposal would harm the heritage asset of this part of the Conservation Area and the setting of historic buildings, including the listed cottage (100 East Street). Currently No. 100 is one of the first buildings noticeable when arriving in Fritwell along East Street, along with No. 85 itself. This arrangement has existed for a considerable length of time but if the proposed were to be constructed the approach would be dominated by the new dwelling which would tend to over dominate the listed building.

Development at this site would harm important views across to the Conservation Area at an important entrance to the village and disrupt views to notable properties, one of which is listed, which contribute to the Conservation Area. Government advice is particularly clear in this respect as it stating specifically in para HE9.5 that proposals should better reveal the significance of Conservation Areas.

5.3 Impact on the character and appearance of the rural landscape

The site is within the countryside and its present character and appearance is greatly valued. PPS7 advises that the countryside be protected for its own sake and current policies in the local plan (Policies C7 and C8) seek to retain tight control over all development proposals in the countryside. Only residential developments which comply with policy H18 could be considered as being exceptions to development in the countryside and this application does not comply (see above). This site would be very visible from the public domain of the road and there is a footpath route which joins the main road just to the south of the site where first views across to the village will be enjoyed.

Whilst the land may be scrub and unkempt, this is not a reason to allow an inappropriate development. The land can be left open and is acceptable as it is because it is causing no harm and indeed is recognised as being adjacent to a traditional orchard and broadleaved woodland and therefore a possible ecological habitat, though it is accepted that these could be mitigated.

The landscaping scheme submitted is considered inadequate. Timber fences for the boundary are not attractive and the allotments would need sheds creating a more urbanised form than that shown. The disabled wc would be very visible from East Street and incongruous in this setting. That said, whilst the dwelling and the allotments both form part of this application, there is no reason that they do so; the allotments could be provided without the dwelling as they are not dependant on each other. Indeed, the allotment element does not require planning permission so the applicant can undertake those works without further reference.

To conclude this issue, it is considered that the loss of this site within the open

countryside is unacceptable. Not only should the land be protected for its own sake, the impact of the development would be harmful to the character of the area. Further, the scheme is supported by an inadequate landscaping proposal.

5.4 Design

Policies C28 and C30 of the local plan seek to ensure that all developments (especially those in sensitive areas such as Conservation Areas) are of a high standard and that housing development should be compatible with existing dwellings in the vicinity.

Were any development on this land to be acceptable it would need to respect the historic settlement pattern which is very much characterised by little cottages facing directly onto the main road i.e. a continuation of the row of which No. 85 forms part. The introduction of a large detached 4 bed house is wholly inappropriate to the character of the area and it bears no relation to this part of the village. It would be separated by a gap for the car parking arrangement thereby giving it even more of an impression of its alien feature detached from the village. The gable widths are almost twice as wide as the existing properties. The form and layout are also unacceptable.

5.5 Residential Amenity

Given the distance from other properties there would be no harm caused to neighbouring properties in terms of overdomination, overshadowing, loss of light or loss of privacy.

5.6 Highway Safety

The application has not met with an objection from the County in this regard and this position is accepted.

5.7 Other matters raised by the applicant and/or supporters

- Provision of a community use - This is not being prevented. If the applicant wishes to pursue the allotments side of the application separately from the dwelling then this may be worthy of further discussion. It is the principle of the dwelling outside the village boundary that is at issue.
- A house used to be there - The 1904 photo shows a derelict wall not a house. Even if it had been there then it would only have formed part of the history to the site. It does not mean that permission should be granted. Circumstances change and each case must be considered on its merits. This application would cause harm to historic, environmental and landscape interests.
- Making use of green technology - This can only be pursued once the fundamental principles have been established as acceptable and the proposition of its use does not outweigh the strong policy objection.
- The development would clean up an area - The applicant is not prevented from doing this if he wants to improve the environment for the enjoyment of others.
- Personal family circumstances – These are rarely taken into account and can only be done so if the fundamental policy objections have been overcome.
- Local connections - This is not a planning matter.

5.8 Conclusion

It is apparent that the application conflicts with adopted local plan policies and government guidance and is unacceptable in principle. The site is outside the built

up limits of the village and this view is supported by an independent authority in the form of an Inspector at appeal at this site. It is considered that this proposal would harm the heritage asset of this part of the Conservation Area and the setting of historic buildings, including the listed cottage (100 East Street). Development here would harm importance views across to the Conservation Area at an important entrance to the village and disrupt views to notable properties which contribute to the Conservation Area. This is contrary to very specific Government advice which is particularly clear in this respect as it states that proposals should better reveal the significance of Conservation Areas. It is considered that the loss of this open countryside is unacceptable. Not only should the land be protected for its own sake, the impact of the development would be harmful to the character of the area. Further, the scheme is supported by an inadequate landscaping proposal. The introduction of a large detached 4 bed house is wholly inappropriate to the character of the area and it bears no relation to this part of the village. It would be separated by a gap for the car parking arrangement thereby giving it even more of an impression of its alien feature detached from the village. The gable widths are almost twice as wide as the existing properties. The form and layout are also unacceptable.

6. Recommendation

Refusal, on the following grounds:

1. The proposal represents an extension of the built up limits of the village into the open countryside, detracting from its rural character and visual amenities of the street scene thereby failing to conserve the heritage asset of the Fritwell Conservation Area and historic buildings in proximity contrary to government guidance in PPS5 – Planning for the Historic Environment, PPS7 – Sustainable Development in Rural Areas and Policies CC6, C4, BE6 of the South East Plan 2009 and Policies C7, C8, H13 and H18 of the adopted Cherwell Local Plan.
2. The proposed dwelling is incongruous in its setting as its design is incompatible with the appearance, layout, scale and density of existing dwellings in the vicinity detracting from the character of the area and failing to respect the historic settlement pattern contrary to Government Guidance in PPS1 – Delivering Sustainable Development, PPS3 – Housing, PPS5 – Planning for the Historic Environment and Policies CC6, BE1 and BE6 of the South East Plan 2009 and Policies C27, C28 and C30 of the adopted Cherwell Local Plan.

CONTACT OFFICER: Rebecca Horley

TELEPHONE NO: 01295 221837



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Houlton Street
Bristol BS2 9DJ

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GTN 1374

DEVELOPMENT AND PLANNING SERVICES						
HPS	RPM	PCM	EDC	PSM	AQ	Ref:
Chris Mullis						THU/AP/97
Beacon House						Our Ref: T/APP/C3105/A/97/279998/P5
35d Newland Street	07 AUG 1997					Date: 1-6 AUG 1997
Eynsham	PASS TO:		COPY TO:			
WITNEY			FILE:			
Oxon OX18						

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPEAL BY MR D L THURLOW
 APPLICATION NO: 96/01546/OUT

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Cherwell District Council to refuse an application for planning permission for the construction of four detached dwellings at East Street, Fritwell, Oxon. I have considered the written representations made by you and by the Council. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on Thursday 24 July 1997.
2. The application was made in outline form, with siting and access only to be considered at this stage. From my inspection of the site and its surroundings, and the representations made, I consider that the main issues are, firstly, whether the proposal would be contrary to the policies for the area and, secondly, whether the proposal would be likely to result in hazards to traffic and pedestrians using the highway.
3. The Oxfordshire Structure Plan was approved in 1992. Policy EN1 deals with the protection of the environment and policy EN6 with buildings of aesthetic, historic or architectural value. The Cherwell Local Plan was adopted in November 1996. Policy H13 refers to residential development in Fritwell and other villages being restricted to infilling, minor development of small groups of dwellings, and the conversion of non-residential buildings; policy H18 states that development beyond the built up limits of settlements being acceptable only where essential for agriculture or other existing undertakings. Policies C22 and C23 in the Local Plan set out considerations which development in Conservation Areas should meet. The northernmost part of the site is partly within the Fritwell Conservation Area.
4. On behalf of the appellant, you say that this site, opposite the sewage works, would form a logical edge to development in Fritwell. There are precedents for this proposal in substantial residential development having been allowed outside the limits of this and other villages in the area. The site is well screened, and could satisfactorily accommodate a few substantial houses in this large village with good local facilities, as anticipated in Planning Policy Guidance Note (PPG) 7 paragraph 3.19. PPG15 says that not all development can be prevented in Conservation Areas,

and the properties would be designed to fit in with their surroundings and enhance and preserve the character of the Fritwell Conservation Area.

5. You consider that the entrance to the site is proposed in the safest location along the frontage where, due to the road alignment, traffic moves slowly. The proposal would be no more unsafe than other development in Fritwell; selective trimming of the hedge along the frontage would provide an adequate access without adversely affecting the character of the locality. The lack of footways is common in the area.

6. The Council says that the site is clearly beyond the village limits, and would be an unfortunate precedent for other development contrary to the policies in the Local Plan. No need for housing on this site has been shown; the homes currently being built elsewhere in Fritwell are on land allocated in the previous and present Local Plans. Development here would be in conflict with government advice in PPG7, and with policies G1, EN7, H1 and RUR3 in the Structure Plan and H13, H18, C8, C22 and C23 in the Local Plan. These refer to the general strategy for the county, the location of development including that in rural areas, and the locations for new housing. The extension of the village limits southwards would be ribbon development which would harm the countryside.

7. The highway authority considers that the access would be unsafe because of the restricted visibility in both directions along the road frontage. Improving the visibility would mean opening up the site to view by cutting back the hedge. The road is narrow and winding, and the lack of footways would mean that pedestrians would be at risk from increased traffic movements from the development.

8. The appeal site is situated on a winding lane without footways on the southern side of Fritwell. As this is an outline application, it is not possible to be certain whether the proposal would preserve or enhance the character or appearance of the Conservation Area, or fail to do so and therefore be contrary to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Although the village sewage works is opposite, the nearest residential development on the far side of the road is some distance away to the north. I therefore consider that the site does lie outside the logical limits of the present built up area of Fritwell, so that its development would be unrelated to existing dwellings. The proposal would therefore be in conflict with the policies to retain the pleasant rural character of this locality, to which the present use of the land for allotments contributes. I note that another site being developed for housing elsewhere in the village is also located on the edge of the built up area; however, that land was allocated for development in the previous local plan and it appears to be outside the Conservation Area.

10. Moreover, that site is situated on the Fewcott Road, where the highway alignment is straighter and the width of the street is much more suitable for additional vehicular and pedestrian traffic than is the road at the appeal site. By contrast, pedestrians passing or living on the appeal site would have little warning of on-coming vehicles, although I accept that the horizontal alignment of the road means that traffic cannot travel very fast past the site.

11. I agree that the appeal site is well screened now, but it would be necessary to remove part of the hedge, and trim other parts back to meet the highway authority's requirements, which would open up the site to views from outside, and therefore be detrimental to the rural character of the area. No other material considerations have been put forward which, under the provisions of Section 54A of the Town and Country Planning Act 1990, would indicate that planning permission should be granted. I have considered all the other matters raised, but find them insufficient to outweigh the considerations which have led me to my decision.

12. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

Jean Brushfield

Mrs Jean Brushfield LLB PhD FRICS FCI Arb
Inspector

Willow

11/00093/F

Agenda Item 14

Gamlingay

7

Blue Gates

5

1

TAYLOR CLOSE

Scale 1:400

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

11/00093/F



Scale
1:5,000

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Cherwell

Not to scale

Application 11/00093/F	No:	Ward: Bicester North	Date 20/01/2011	Valid:
Applicant:	Henaud Developments			
Site Address:	Blue Gates, Banbury Road, Bicester			

Proposal: Erection of four x 3 bed semi-detached dwellings and four x 4 bed detached dwellings. New vehicular access to Banbury Road and individual accesses to Taylor Close

1. Site Description and Proposal

1.1 The application site is situated within an existing residential area, accessed via the Banbury Road. The site was previously occupied by a large, detached dwelling located fairly centrally on the plot, bounded by a hedge/mixed vegetation along the eastern boundary (Taylor Close frontage) and intervening grassed area. The dwelling and hedge have recently been demolished/removed and a high panel fence has been erected along the back edge of the footpath.

The Banbury Road frontage comprises a mature hedgerow, which is separated from the road edge by a grass verge. The site is not situated within a Conservation Area nor are there any listed buildings within close proximity.

1.2 The proposal involves the erection of 8 dwellings comprising, four 3 bed semi detached and four 4 bed detached dwellings. A new vehicular access is proposed to the Banbury Road and 6 dwellings (4x3 bed and 2x4 bed) are to be accessed via Taylor Close. The larger detached dwellings are provided with a garage and two off street parking spaces; plot 6 is provided with one off street space and a garage. The semi detached dwellings are each provided with two off street car parking spaces.

1.3 The application is placed before the committee for determination following a call-in request by the ward member.

2. Application Publicity

2.1 The application has been advertised by way of site notices, press notice and neighbour letters. The final date for comments is 3 March 2011.

2.2 At the date of writing this report (10/2/11), 10 letters of objection have been received. Material comments raised were as follows;

- impact on residential amenity (through overshadowing, loss of light and privacy)
- impact on highway safety (parking, increased volume of traffic, emergency access)
- Overdevelopment of site
- Loss of open space and trees/hedgerow

Non material comments raised were as follows;

- issues of ownership of the land and acquisition (in relation to the grassed area fronting Taylor Close).
- House numbering

3. Consultations

- 3.1 Bicester Town Council – no comments received at the time of writing this report. Any further comments received will be reported at the meeting.
- 3.2 *Thames Water - Waste Comments*
Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
Water Comments
On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.
- 3.3 OCC as Local Highway Authority – No objection, subject to conditions.
- 3.4 Ward Member – Objects to the proposal and raises the following material planning considerations;
⇒ Detriment to highway safety, in terms of increased use of Taylor Close and proximity of new access to bus stop on Banbury Road
⇒ Overdevelopment

4. Relevant Planning Policies

- 4.1 National Policy Guidance:
PPS1 – Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport
- 4.2 Regional Policy Guidance:
Policy CC1: Sustainable Development
Policy CC6: Sustainable communities and character of the environment
Policy T4: Parking
Policy BE1: Management for an urban renaissance

- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:
Policy C28 – Standards of layout, design and materials
Policy C30 – Standards of residential amenity

5. Relevant Planning History

- 5.1 Outline planning permission was originally granted in 2003 (application no. 03/02425/OUT refers) for the demolition of the existing bungalow and garage and erection of 6 semi detached dwellings, accessed via the Banbury Road. There have been two subsequent consents to re-new the original consent (08/00209/OUT and 10/01164/OUT refers). The original scheme is extant until 17 September 2013.

6. Appraisal

- 6.1 The key issues to consider in the determination of this application are as follows: Principle of the development, impact on neighbour amenity, impact on highway safety and impact on the character and appearance of the area. Addressing each point in turn:

6.2 Principle of the development

One of the main objectives contained in Central Government guidance in PPS3 is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land, existing infrastructure and available public and private investment, and include consideration of the opportunity for housing provision on surplus public sector land (including land owned by Central Government and its bodies or Local Authorities) to create mixed use developments. The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.

The principle of residential development on this site is considered to be acceptable. The site is within the built up limits of Bicester, within an existing residential area. It is also located on a main bus route into the town centre. It is considered to be a suitable and sustainable location for residential development.

6.3 Impact on neighbour amenity

Six properties are proposed along the Taylor Close frontage, two detached and the remainder semi detached. These properties face onto the existing bungalows along Taylor Close, whose frontages (closest part) contain a garage door and window. Given the distance of over 20 metres between the dwellings, proposed landscaping and parking along the frontages, it is not considered that the proposal would cause demonstrable harm to resident's amenity by way of overlooking, overshadowing or overbearing.

- 6.4 The proposed detached dwellings accessed via the Banbury Road are not considered to be detrimental to neighbour amenity, given their position on the plot and orientation. Plot 1 is positioned ~8 metres from the side elevation of 'Gamlingay', but is set forward towards the Banbury Road frontage and orientated such that the windows in the neighbouring property will not be overshadowed or overlooked to a detrimental extent. The distance between the side elevation of plot

2 & no.5 Taylor Close and intervening landscaping is such that it will not result in detriment by way of overlooking or overshadowing.

- 6.5 Similarly, the relationship between the proposed dwellings is considered acceptable, given their orientation, position of windows and distances involved.
- 6.6 The two storey element of plot 3 is ~6 metres from the side elevation of no. 5 Taylor Close, with the single storey element being 3.4m away. The side elevation of plot 3 is blank, as is the first floor side elevation of no. 5. As such, it is considered that the proposal would not result in detriment to the occupant's amenity by way of overbearing, overshadowing or overlooking.
- 6.7 Plot 8 has an ensuite window proposed at first floor level on the north facing (side) elevation and the side elevation of no.7 Taylor Close is blank at first floor level. An access to 'Gamlingay' separates no. 7 from plot 8, with its side elevation positioned ~4.9 metres away. Given the distances involved, the respective positions of the dwellings on the plot and existing boundary treatment along the northern perimeter (~2 metre high close boarded fence) it is not considered that the proposal would cause detriment to the amenities of no's 7 and 9 Taylor Close.
- 6.8 In summary, it is considered that the proposal would not cause harm to the residential amenity of both existing and proposed occupants.
- 6.9 Impact on highway safety
The Local Highway Authority raises no objection to the proposal, subject to conditions controlling the details & vision splays associated with the new accesses, implementation & retention of parking and manoeuvring areas and removal of permitted development rights for garage conversions.
- 6.10 The frontage footpath and wide grass verge along the Banbury Road would provide a suitable vision splay, the details of which are required by condition. Turning areas have also been provided to enable vehicles to enter and leave the site from the Banbury Road in a forward direction.
- 6.11 The larger detached dwellings are provided with a garage and two parking spaces, as is the smaller detached dwelling along Taylor Close (plot 3). The remaining detached dwelling (plot 6) is served by a garage and one off street car parking space and the semi detached dwellings each have two off street car parking spaces.
- 6.12 Given the central location of site and good public transport links, the level of parking provision accords with central Government guidance contained in PPG13 and Policy T4 of the South East Plan.
- 6.13 Concern has been raised with regard to the proximity of the access to the existing bus stop on the Banbury Road. However, the proposed access would still be ~16 metres away from the stop and the extant scheme positions the proposed access closer to the stop (~8 metres away).
- 6.14 Given the nature of Taylor Close, being a small cul-de-sac within an existing residential area and the proximity of the dwellings to the Blake Road/Taylor Close junction, vehicular speeds are likely to be very low. Therefore, whilst the use of

Taylor Close will increase, it is not considered that it will be detrimental to highway safety given the latter points. Furthermore, the Local Highway Authority is satisfied with the proposal, subject to the conditions mentioned in paragraph 6.9 above.

It is therefore considered that the proposal would not be detrimental to highway safety, subject to conditions.

6.15 Impact on the character and appearance of the area

The existing properties to the north of the site along the Banbury Road frontage typically comprise large, detached dwellings set within spacious plots that are set back a significant distance from the highway. Plots 1 and 2 reflect the layout, form and scale of the properties along the Banbury Road. The hedge along the road frontage is to be retained (except for the new access), which will effectively screen the dwellings from views along the Banbury Road.

6.16 Plots 3 to 8 inclusive (Taylor Close frontage) comprise 2 x detached dwellings and 4 x semi detached, two storey dwellings. This reflects the surrounding street scene which contains a variety of sizes, heights and designs of properties, (in particular, two storey houses either side along Taylor Close and a dormer bungalow to the north of the site).

6.17 The materials for the dwellings would be buff facing bricks to ground floor window head level, above an engineering brick plinth. Render is proposed above, with an interlocking concrete tile roof. All windows and doors are proposed to be white upvc. The final schedule of materials and finishes will be required to be submitted and approved in writing by condition.

6.18 The submission of a landscape proposal, to include soft and hard landscaping along the Taylor Close frontage and Banbury Road frontage will be required as a condition of consent.

6.19 It is considered that the proposal is of an appropriate scale, form, layout and design which is compatible with the street scene and surrounding residential development.

6.20 Other matters raised

Several residents have strongly objected to the removal of the hedgerow/trees along the Taylor Close frontage, prior to the submission of this application. However, the hedgerow/trees were not protected by any TPO nor was there any requirement to notify the Council of the removal of the trees, given their location outside of a Conservation Area.

Whilst the original consent made reference to the retention and reinforcement of this boundary on the site location plan, it was not specifically covered by a planning condition. The removal of this boundary did not require consent.

The developers have also erected a high panel fence (~2 metres) along the Taylor Close frontage, presumably to safeguard the site. Whilst the erection of the fencing along the Taylor Close frontage is unauthorised, it is not considered to be expedient to take enforcement action at this time, in light of the current pending application.

7. Recommendation

Approval, subject to the expiration of the 21 day consultation period and the following conditions;

- 1. SC 1.4A (RC2) [Time limit]**
- 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing no's P01, P02, P03, P04 and P05.**

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.
- 3. SC 2.0A (RC4A) 'dwellings and garages' [Materials and finishes]**
- 4. SC 3.0A (RC10A) [Submit landscaping]**
- 5. SC 3.1A (RC10A) [Carry out landscaping]**
- 6. SC 3.4AA (RC11A) 'west' '2.5m' [Retain tree/hedgerow]**
- 7. SC 3.7AA (RC12AA) [Boundary enclosure details]**
- 8. SC 4.3AA (RC13BB) (Banbury Road) [Access details for approval]**
- 9. SC 4.8AA (RC13BB) 'Banbury Road' 'full faced kerb, reinstatement of path and verge' [Close existing access]**
- 10. That prior to the commencement of the development, the proposed means of access to the dwellings fronting Taylor Close, between the land and the highway, shall be formed, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification. '3 metres' (RC13BB)**
- 11. That before the development is first occupied, in relation to plot 3, a turning area and three car parking spaces shall be provided within the curtilage of the site so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, and as such the turning area and parking spaces shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The turning area and car parking spaces shall be retained for the parking and manoeuvring of vehicles at all times thereafter. (RC15AA)**
- 12. SC 4.13CD (RC13BB) [Parking and manoeuvring area retained]**
- 13. SC 6.1AA (RC30) [Open fronts]**

14. SC 6.2AA (RC32A) [No extensions]

15. SC 6.6AB (RC35AA) [No garage conversion]

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

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. As such, the proposal is in accordance with Central Government guidance contained in PPS1, PPS3 and PPG13, Policies CC1, CC6, T4 and BE1 of the South East Plan 2009 and Policies C28 and C30 of the Adopted Cherwell Local Plan 1996. For the reasons given above and having proper 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: Laura Bailey

TELEPHONE NO: 01295 221824

Planning Committee

Variation of obligation which restricts the use of the accommodation ancillary to Buzzard Farm House, Chapel Lane, Little Bourton

24 February 2011

Report of Strategic Director, Planning, Housing and Economy

PURPOSE OF REPORT

To seek the variation by agreement of S106 planning obligations relating to Buzzard Farm House, Chapel Lane, Little Bourton.

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To allow the variation of S106 planning obligations by agreement as set out

Executive Summary

Introduction

- 1.1 The self contained unit which is the subject of this report is situated to the side of Buzzard Farm House on Chapel Lane, Little Bourton.
- 1.2 The unit was converted from a garage and workshop to a “single self-contained unit with ancillary parking and amenity area” under application ref CHN.438/91, granted in March 1992.
- 1.3 That planning permission was granted subject to a condition restricting the development to being used as ancillary accommodation to the existing dwelling house, not to be separately sold, leased or otherwise used as an independent dwelling.
- 1.4 That condition was supplemented by a legal agreement between the Council and the Applicant which included, among others, the following obligations:
 - (a) not to use or occupy the self-contained unit for any purpose other than residential use by the owners’ family or household ancillary to the existing dwelling known as Buzzard Farmhouse;
 - (b) not to sell let or occupy the self-contained unit independently of Buzzard

Farmhouse

- 1.5 In 2010, planning permission was sought, and granted, to vary the condition attached to the original permission, to allow the self contained unit to be used for rental purposes (Application reference 10/01036/F). This permission was granted subject to a condition requiring that the unit not be sold separately from Buzzard Farm House.

Proposals

- 2.1 As can be seen from the planning history, it was originally considered necessary for the Council to reinforce the restrictions set out in the conditions attached to the planning approval with a legal agreement. It is no longer considered reasonable or necessary to reinforce planning conditions of this type with a matching legal agreement.
- 2.2 The applicant for planning permission 10/01036/F has approached the Council requesting its agreement to vary the legal agreement to achieve consistency with 10/01036/F. This will require deleting the obligation referred to at paragraph 1.4(a) above and amending the obligation at paragraph 1.4(b) so that the only restriction will be on selling the self-contained unit independently of Buzzard Farmhouse.
- 2.3 Application 10/01036/F was considered acceptable on its planning merits and would not unduly impact on the neighbouring properties, public, private or any other amenity, the appearance of the street scene or highway safety. As such, the variation of the legal agreement to achieve consistency with 10/01036/F is considered acceptable.

Conclusion

- 3.1 It is considered that in the circumstances, the obligations in the S106 agreement which limit the use of the ancillary unit should be varied by agreement to match the updated planning permission (that is, to allow the unit to be independently let, but not separately sold).

Background Information

- 4.1 S106A of Town and Country Planning Act 1990 as substituted by S12 Planning and Compensation Act 1991
- 4.3 Circular 05/2005: Planning Obligations

Key Issues for Consideration/Reasons for Decision and Options

None

Consultations

Implications

- Financial:** The cost of varying the legal agreement will be borne by the applicants. There are no direct financial implications from varying the legal agreement.
Comments checked by Emma Warburton, Management Support Officer, 01295 227936.
- Legal:** Section 106A (1) gives the Local Planning Authority the power to discharge or modify a planning obligation by agreement with the person against whom the obligation is enforceable ,
Comments checked by Ross Chambers, Solicitor, 01295 221690
- Risk Management:** If the Council refuses to agree to vary the S106, the applicant could make a formal application which if refused 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.
Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221566.

Wards Affected

Cropredy

Document Information

Appendix No	Title
Appendix 1	Site location plan
Background Papers	
Application number CHN.438/91 Application number 10/01036/F	
Report Author	Simon Dean
Contact Information	01295 221814 simon.dean@cherwell-dc.gov.uk

10/01036/F

Zircon

Sandford

Purbeck

11

Buzzard

Farm

1

Scale
1:300

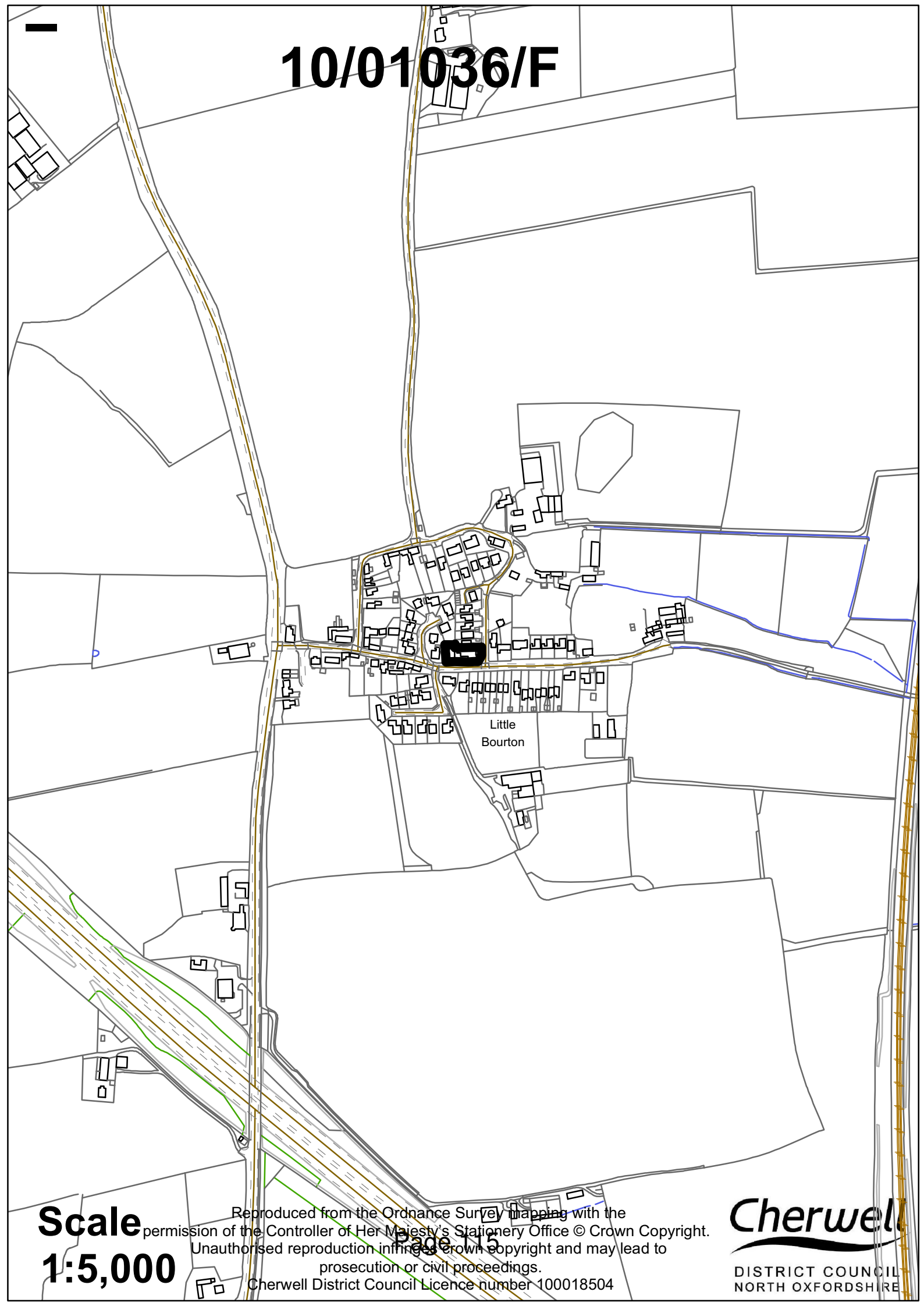
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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

10/01036/F



Little
Bourton

Scale
1:5,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Planning Committee

Tree Preservation Order (No. 10/2010) Yew tree at St Peter's Church, South Newington

24 February 2011

Report of Head of Strategic Director Planning, Housing & Economy

PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order relating to a Yew tree (copy plan attached as Annex 1) at St Peter's Church, South Newington Tree Preservation Order No. (10/2010)

This report is public

Recommendations

The meeting is recommended:

- (1) To confirm the Order without modification

Background Information

- 2.1 The Scheme of Reference and Delegation authorises the Strategic Director Planning, Housing and Economy (or in their absence the authorised officer) to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 2.2 The above mentioned Tree Preservation Order was authorised and made on 10 January 2010. The statutory objection period has now expired and no objections were received to the Order.

Key Issues for Consideration/Reasons for Decision and Options

3.1 None

Implications

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

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

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

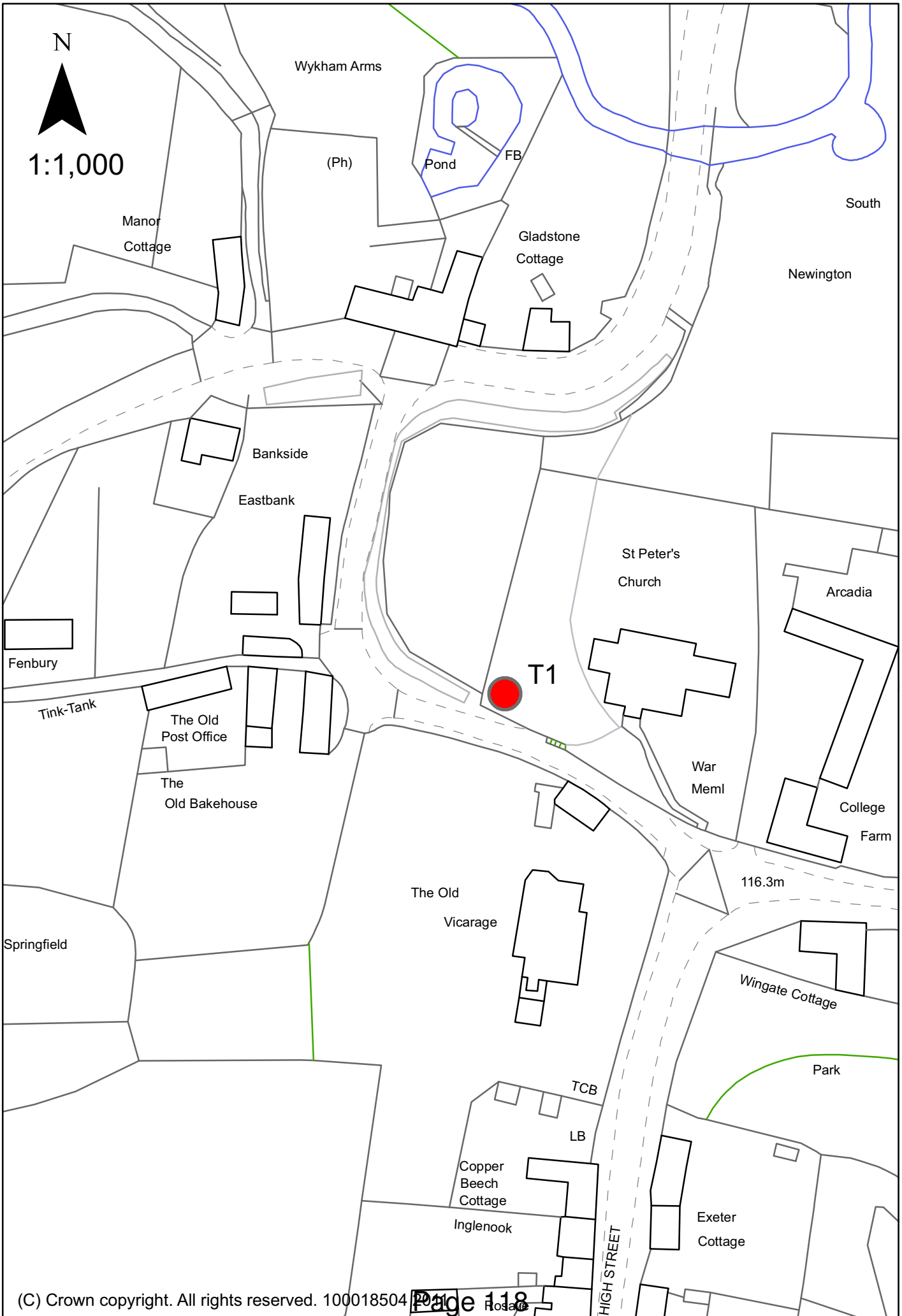
Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221566

Wards Affected

South Newington

Document Information

Appendix No	Title
Appendix 1	Plan
Background Papers	
NONE	
Report Author	Michael Sands, Democratic & Scrutiny Officer
Contact Information	01295 221554 michael.sands@Cherwell-dc.gov.uk



Agenda Item 17

Planning Committee

Decisions Subject to Various Requirements – Progress Report

24 February 2011

Report of Strategic Director Planning, Housing and Economy

PURPOSE OF REPORT

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

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

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To accept the position statement.

Details

The following applications remain outstanding for the reasons stated:

Subject to Legal Agreement with Cherwell District Council

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

Subject to legal agreement re:off-site highway works, green travel plan, and control over occupancy now under discussion. Revised access arrangements refused October 2008. Appeal dismissed. Pre-application meetings held in August and October. Meeting held 1/12/10. Application received but awaiting ecological surveys before registering

09/00171/OUT (17.7.08)	Pow Wow Water Site, Langford Lane, Kidlington Subject to agreement re transport infrastructure payments.
10/00388/OUT (17.6.10)	Land adj 35 Crouch Hill Road, Banbury Subject to amendment of existing legal agreement concerning affordable housing and on-site and off-site infrastructure contributions. Agreement with other side for signature
10/00640/F	Former USAF housing South of Camp Rd, Upper Heyford Subject to legal agreement concerning on and off site infrastructure and affordable housing
10/00664/F (12.8.10)	Former Dashwood School, Marlborough Place, Banbury Subject to legal agreement re off-site infrastructure contributions. Draft agreement prepared
10/00765/F (9.9.10)	Land SW Wickes, Launton Rd. Bicester Subject to legal agreement re public art and off-site highway infrastructure. Draft agreement with other side
10/00806/OUT (12.6.10)	Land at Arncott Hill Farm Buchanan Rd. Arncott Subject to legal agreement re affordable housing and on-site/off-site infrastructure contributions; comments of Environment Agency and departure procedures. Agreement drafted
10/00807/OUT (12.6.10)	Land SW Orchard Close, Arncott Subject to legal agreement re affordable housing and on-site/off-site infrastructure contributions; comments of Environment Agency and departure procedures. Agreement drafted
10/00967/OUT (9.9.10)	Oak Farm, Milcombe Subject to legal agreement concerning affordable housing and on-site/off-site contributions. Draft agreement with other side

- 10/01021/F Otmoor Lodge, Horton-cum-Studley
Subject to legal agreement concerning building phases and interim appearance. Draft agreement prepared
- 10/01302/F Land south of Bernard Close, Yarnton
(4.11.10) Subject to legal agreement concerning on and off site infrastructure and affordable housing

Implications

- Financial:** There are no additional financial implications arising for the Council from this report.
Comments checked by Joanne Kaye, Service Accountant 01295 221545
- Legal:** There are no additional legal implications arising for the Council from this report.
Comments checked by Nigel Bell, Team Leader – Planning & Litigation 01295 221688
- Risk Management:** This is a monitoring report where no additional action is proposed. As such there are no risks arising from accept the recommendation.
Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221560

Wards Affected

All

Document Information

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

Planning Committee

Appeals Progress Report

24 February 2011

Report of Head of Development Control and Major Developments

PURPOSE OF REPORT

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

This report is public

Recommendations

The meeting is recommended:

- (1) That the position statement be accepted.

Details

New Appeals

- 1.1 **10/01339/F – Land to the rear of End Cottage, The Stile, Deddington**- appeal by Mr R Hayward against the refusal of planning permission for the erection of 1 no. single storey dwelling – Written Reps
- 1.2 **10/00839/F – OS parcel 2678, adjacent A43/ A34 by Hampton Gay and Poyle** – appeal by Mr David Goddard against the refusal of planning permission for the change of use of land for British Romani gypsy families. 8 mobile homes, 8 touring caravans for nomadic use only and 8 utility day rooms - Inquiry

- 1.3 **10/00208/ECOU- Grange Farm, Little Chesterton, Bicester** – appeal by Mr C Hawes against the service of an enforcement notice alleging a breach of planning control – without planning permission the change of use of the land to provide a site for a mobile home - Hearing
- 1.4 **10/00846/F – Hill House, Sibford Ferris** – Appeal by Mr C Etherington – Smith against the refusal of planning permission for the conversion of disused barn to provide a self contained residential studio- Hearing

Forthcoming Public Inquiries and Hearings between 24 February 2011 and 24 March 2011

- 2.1 **None**

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by Mr Stephen Trice against the refusal of application 10/00947/F for the erection of a new oak framed double garage and the creation of an additional gravel driveway at Glebe House, Water Stratford Road, Finmere (Delegated)** – In the Inspector's view the proposed double garage would result in a significant erosion of the openness of the side garden. Although its height alone would not cause harm, the width and bulk of the proposed garage would result in the appearance of a cramped form of built development to the side of the host property which, by reason of loss of openness, would materially harm the setting of the listed building. This harm would be accentuated by the proposed oak frame which, although it may be appropriate in some rural locations, would not fully reflect the materials and appearance of the adjacent listed building. Further although clay tiles would be appropriate, the design of the proposed hipped roof form would not reflect the gabled roof form of the host property.
- 3.2 **Allowed the appeal by Mr & Mrs Timms against the refusal of application 10/00551/F for the construction of a replacement dwelling and two new dwellings at The Bungalow, Queen Street, Bloxham (Delegated)** – The Inspector commented "Having regard to the stopping sight distances referred to within Manual for Streets, the speed limit within Cumberford, and actual speeds measured by both the local highway authority and on behalf of the appellant, the achievable level of visibility is adequate to ensure safe manoeuvring and stopping. This together with the absence of any recorded injury accidents within the last five years and the very small increase in likely traffic generation occasioned by the development, leads me to conclude that in relation to Queen Street the proposal would not result in conditions prejudicial to highways or pedestrian

safety.” With regard to the one new dwelling that would be served via the existing access from Kings Road, the Inspector was of the view that with the limited additional traffic that would be likely to result from the erection of a single dwelling, and the absence of personal injury accidents within the last five years, this element of the scheme would also be unlikely to have any significant implications for highway or pedestrian safety.

- 3.3 **Allowed the appeal by Mr Roger Marshall (Worton Farms Ltd) against the refusal of application 09/01505/F for removal of condition no.9 of 97/01944/F – “That the garages and barns hereby permitted shall be used only for the purposes incidental to the enjoyment of the dwellinghouse as such and shall not be used for any trade, industry, business or other use other than for agricultural purposes” at Manor Farm, Canal Road, Thrupp (Delegated)** – The Inspector concluded that the appeal proposal does not constitute inappropriate development in the Green Belt. Subject to a new condition which restricts the use of the appeal buildings to storage purposes and the garaging of cars, the removal of the disputed condition would not have an unacceptable effect on the character and appearance of the Thrupp Conservation Area, the living conditions of nearby residents or highway safety. In order to minimise traffic movements into Thrupp and along Canal Road and to ensure that the use remains ‘low key’, the Inspector considered it necessary to restrict the usage of the buildings to individuals or businesses that are associated with Thrupp.

Implications

- Financial:** The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.
- Comments checked by Joanne Kaye, Service Accountant 01295 221545
- Legal:** There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.
- Comments checked by Nigel Bell, Team Leader - Planning & Litigation 01295 221687
- Risk Management:** This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.
- Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221566

Wards Affected

All

Document Information

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