

Committee: Planning Committee
Date: Thursday 16 June 2011
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

| | |
|--------------------------------------|--|
| Councillor Rose Stratford (Chairman) | Councillor Alastair Milne Home (Vice-Chairman) |
| Councillor Ken Atack | Councillor Fred Blackwell |
| Councillor Colin Clarke | Councillor Tim Emptage |
| Councillor Mrs Catherine Fulljames | Councillor Michael Gibbard |
| Councillor Chris Heath | Councillor David Hughes |
| Councillor Russell Hurle | Councillor Mike Kerford-Byrnes |
| Councillor James Macnamara | Councillor George Parish |
| Councillor D M Pickford | Councillor G A Reynolds |
| Councillor Trevor Stevens | Councillor Lawrie Stratford |

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 - 17)

To confirm as a correct record the Minutes of the meetings of the Committee held on 18 May 2011 and 19 May 2011.

Planning Applications

6. **81 Bloxham Road, Banbury** (Pages 20 - 25) **11/00663/F**
7. **The Mallards, High Street, Souldern** (Pages 26 - 30) **11/00505/LB**

Tree Preservation Orders

8. **Tree Preservation Order 03/2011 - Sycamore tree at 31 West Street, Banbury**
(Pages 31 - 38)

Report of Strategic Director Planning, Housing & Economy

Summary

To seek the confirmation Tree Preservation Order no 03-11 with one objection relating to a Sycamore tree at the site of 31 West Street, Banbury, OX16 3HA (copy plan attached as Annex 1).

Recommendation

- (1) It is recommended that Tree Preservation Order 03-11 at the site of 31 West Street, Banbury be confirmed without modification in the interest of public amenity.

9. **Tree Preservation Order (no. 01/2011) Various trees at Allotments, Oxford Road, Bletchington** (Pages 39 - 41)

Report of Head of Strategic Director Planning, Housing & Economy

Summary

To seek the confirmation of an unopposed Tree Preservation Order (no.01/2011) relating to a various trees (copy plan attached as Appendix 1) at Allotments, Oxford Road, Bletchington.

Recommendation

The meeting is recommended:

- (1) To confirm the Order without modification

10. Tree Preservation Order (no. 24/2010) Walnut tree at Ashen End, 4 Stud Farm, Wardington (Pages 42 - 44)

Report of Head of Strategic Director Planning, Housing & Economy

Summary

To seek the confirmation of an unopposed Tree Preservation Order (no.24/2010) relating to a sycamore tree (copy plan attached as Appendix 1) at Ashen End, 4 Stud Farm, Wardington.

Recommendation

The meeting is recommended:

- (1) To confirm the Order without modification

11. Tree Preservation Order (no. 07/2011) Walnut tree at South Newington Village Hall (Pages 45 - 47)

Report of Head of Strategic Director Planning, Housing & Economy

Summary

To seek the confirmation of an unopposed Tree Preservation Order (no.07/2011) relating to a walnut tree (copy plan attached as Appendix 1) at South Newington Village Hall.

Recommendation

The meeting is recommended:

- (1) To confirm the Order without modification

Review and Monitoring Reports

12. Decisions Subject to Various Requirements - Progress Report (Pages 48 - 51)

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 is recommended:

- (1) To accept the position statement.

13. Appeals Progress Report (Pages 52 - 54)

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:

- (1) To accept the position statement.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or (01295) 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 Part 5 Section A of the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

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

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

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

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

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

Queries Regarding this Agenda

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

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.

Sue Smith
Chief Executive

Published on Wednesday 8 June 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 18 May 2011 at 7.40pm

Present: Councillor Rose Stratford (Chairman)
Councillor Alastair Milne Home (Vice-Chairman)

Councillor Ken Atack
Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor George Parish
Councillor D M Pickford
Councillor G A Reynolds
Councillor Trevor Stevens
Councillor Lawrie Stratford

Apologies for absence: Councillor Mrs Catherine Fulljames

1 **Appointment of Chairman**

Resolved that Councillor Rose Stratford be elected Chairman of Planning Committee for the 2011/12 Council year.

2 **Appointment of Vice-Chairman**

Resolved that Councillor Alastair Milne Home be elected Vice-Chairman of Planning Committee for the 2011/12 Council year.

The meeting ended at 7.45 pm

Chairman:

Date:

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 May 2011 at 4.00 pm

- Present: Councillor Rose Stratford (Chairman)
Councillor Fred Blackwell
Councillor Ken Atack
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Trevor Stevens
Councillor Lawrie Stratford
- Substitute Members: Councillor Barry Wood (In place of Councillor Alastair Milne Home)
Councillor Leslie Sibley (In place of Councillor George Parish)
- Apologies for absence: Councillor Alastair Milne Home
Councillor Mrs Catherine Fulljames
Councillor George Parish
- Officers: John Hoad, Strategic Director - Planning, Housing and Economy
Bob Duxbury, Development Control Team Leader
Rebecca Horley, Senior Planning Officer
Ross Chambers, Solicitor
Simon Dean, Planning Case Officer
Michael Sands, Democratic and Scrutiny Officer

3 **Declarations of Interest**

Members declared interest with regard to the following agenda items:

6. Land North West Of Launton Road Roundabout Adjoining Skimmingdish Lane Caversfield.

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

Councillor James Macnamara, Prejudicial, as a Member of the Oxford Diocesan Board of Finance.

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

7. Land Between Birmingham London Rail Line and Gavray Drive, Bicester.

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

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

12. Unit 1 Adj Topps Tiles, Southam Road, Banbury.

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

13. Unit 1 Adj Topps Tiles, Southam Road, Banbury.

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

15. The Old Rectory, Mere Road, Finmere, Buckingham.

Councillor Barry Wood, Prejudicial, as Ward Member.

Councillor Fred Blackwell, Prejudicial, as a Member of the Licensing Committee that considered the application.

Councillor G A Reynolds, Prejudicial, as a Member of the Licensing Committee that considered the application.

Councillor James Macnamara, Personal, as the Applicant was known to him.

Councillor Mike Kerford-Byrnes, Prejudicial, as a resident of Finmere and as a Member of Finmere Parish Council.

4 Petitions and Requests to Address the Meeting

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

5 Urgent Business

The Chairman advised that one item of urgent business had been admitted to the agenda to enable Officers to respond to legal advice within the required timeframe. It would be dealt with after the last agenda item.

6 Minutes

The Minutes of the meeting held on 14 April 2011 were agreed as a correct record and signed by the Chairman.

7

Land North West of Launton Road Roundabout Adjoining Skimmingdish Lane Caversfield

The Committee considered a report for reserved matters (ref: outline 05/01563/OUT) B1 Office development with associated parking, turning and landscaping areas.

The Committee considered the impact to the conservation area and also expressed concern regarding the eco standards of the proposed development.

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

Resolved

That application 09/01659/REM be approved subject to the following conditions:

- i) the applicant entering into an agreement to link the existing Section 106 to this permission to secure the required contributions.
- ii) Any further conditions as recommended by the EA (to be delegated to officers)
- iii) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application site plan drawing no. JJG014/101 submitted with the application.

And the following conditions:

- (1) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved plans:

| | |
|--------------------------------|---------------------|
| Location Plan | Drawing no-2354-25 |
| Site Plan | Drawing no-2354-12B |
| Elevations/Floor Plans-Unit A | Drawing no-2354-13B |
| Elevations/Floor Plans-Unit B | Drawing no-2354-14B |
| Elevations/Floor Plans-Unit C1 | Drawing no-2354-15B |
| Elevations/Floor Plans-Unit C2 | Drawing no-2354-26 |
| Elevations/Floor Plans-Unit D | Drawing no-2354-16B |
| Elevations/Floor Plans-Unit E | Drawing no-2354-17B |
| Elevations/Floor Plans-Unit F | Drawing no-2354-18B |
| Elevations/Floor Plans-Unit H | Drawing no-2354-27 |
| Elevations/Floor Plans-Unit I | Drawing no-2354-21B |

| | |
|------------------------|--------------------|
| Cycle and Refuse Store | Drawing no-2354-22 |
| Pole Sign | Drawing no-2354-23 |

| | |
|-------------------------------|----------|
| Landscape Framework Proposals | 0385.1.3 |
| Soft Landscape Proposals | 0385.1.4 |

Schematic Surface Water Drainage Strategy-Drawing 3284.410 Rev B
Floodplain compensation (option 2)-Drawing 3284.502 Rev A

- (2) That the external walls and roof(s) of the proposed individual buildings shall be constructed in accordance with a schedule of materials and finishes which, together with samples of all facing materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
- (3) All plant, machinery, mechanical ventilation equipment and ducting, other than that shown on the approved plans, shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority.
- (4) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- (5) That, before any part of the development is first occupied the vehicle access via the Skimmingdish Lane Roundabout and the complete internal roads and footpaths network shall be constructed, surfaced, laid and marked out, drained, lit 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.
- (6) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- (7)
 - (i) Before the use commences screened provision for the storage of refuse and recycling facilities shall be made in accordance with details as shown on the approved plans. Thereafter the facilities shall be retained solely for their intended purpose and refuse and recycling items shall be placed and stored only in this storage area.
 - (ii) Before the use commences screened provision for the storage of cycles shall be made in accordance with details as shown on the approved plans. Thereafter the facilities shall be retained solely for their intended purpose and cycles shall be placed and stored only in this storage area.

- (8) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) comprising:
- (i) FRA dated Nov 2009 ref 3284.FRA&DS produced by Stuart Michael Assoc.
 - (ii) Letter dated 11 Aug from RME Hewitt at Stuart Michael Assoc.
 - (iii) Letter dated 12 Nov from RME Hewitt at Stuart Michael Associates providing
 - micro drainage calculations dated Nov 2010
 - drawings: 3284.410 Rev B dated 12 Nov 2010 'Schematic Surface water Drainage Strategy'
 - SUDS checklist
 - (iv) Letter dated 17 Dec from Tim Wood at Stuart Michael Associates providing:
 - Drawing 3284.502 Rev A dated 12 Nov 2010 'floodplain compensation (option 2)'
 - Floodplain compensation calculations
- and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off following development to less than greenfield rates as set out in the letter from Stuart Michael Associates dated 11 Aug 2010
 2. floodable voids will be utilised under the buildings to ensure that flood flows are not obstructed and Provision of compensatory flood storage on / or in the vicinity of the site to a 1 in 100 year plus climate change standard as set out in the letter from Stuart Michael Associates dated 17 Dec 2010
 3. Finished floor levels are set no lower than 70.075 m above Ordnance Datum (AOD) as set out in the letter dated 11 August 2010
- (9) No development approved by this planning permission shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.
- The scheme shall also include:
- Details of how the scheme shall be maintained and managed after completion
 - Greenroofs on all buildings, use of porous paving as shown on drainage plan 3284.410 Rev B
 - Limiting the surface water run-off following development to less than greenfield rates as set out in the letter from Stuart Michael Associates dated 11 Aug 2010

8 Land Between Birmingham London Rail Line and Gavray Drive, Bicester

The Committee considered a report for the extension of time limit to 04/02797/OUT: residential development.

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

Resolved

That application 10/01667/OUT be deferred to await the submission of a supplementary Environmental Statement as requested by Natural England.

9

Butchers Meadow, Balscote, Oxfordshire, OX15 6EX

The Committee considered a report for the erection of two business units – previous application number 06/01090/F.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 10/01921/F be approved subject to the applicant entering into an agreement to restrict the disposal of the workshop development and subject to the following conditions and any further conditions required by the Environment Agency:

- (1) SC 1.4A
- (2) Prior to the commencement of the development revised details of materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The external walls and roof of the building shall be constructed not in accordance with the details shown on drawing number 1593/07 but in accordance with details approved under this condition. (Reason: RC4A)
- (3) Prior to the commencement of the development there shall be submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- (4) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding

seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

- (5) That in the first available planting season after the occupation of the development hereby approved or on completion of the development whichever is the sooner, a hedge of a species to be agreed with the Local Planning Authority shall be planted along the whole of the western boundary of the car park area for the workshop building and be so tended as to grow and remain at a height of 2 metres, and that any plant which may die within five years of planting shall be replaced and thereafter be properly maintained in accordance with this condition.
- (6) That the premises shall be used only for purposes falling within Class B1 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.
- (7) SC 4.3AA (RC13BB)
- (8) SC 4.14AB insert 'twelve' (RC15AA)
- (9) Prior to the commencement of the development specification details of a turning area to be provided within the cartilage of the site to allow vehicles to enter, turn around and leave in a forward direction shall be submitted to and approved in writing by the Local Planning Authority. The turning area shall be constructed, laid out and surfaced prior to the commencement of the development and in accordance with the approved details. The turning area shall be retained for the maneuvering of motor vehicles at all times thereafter.
- (10) Prior to the commencement of the development hereby permitted a preliminary site investigation, including a desk study and site walk over as a minimum, 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.
- (11) If contamination is found by undertaking the work carried out under condition 11, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR*

11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

- (12) If remedial works have been identified in condition 12, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition y. A verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- (13) SC 6.4AB (Reason: RC34AA)
- (14) SC 6.4BC (Reason: RC65AA)
- (15) SC 7.13 (Reason: RC50)
- (16) That no building shall be erected within 3 metres of the public foul sewers which cross the site.
- (17) No development approved by this permission shall take place until a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved. Reason: The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances DETR Circular 09/99 advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the Circular in order to justify the use of non-mains drainage facilities. In this instance no information has been submitted.

10 **Butchers Meadow, Balscote, OX15 6EX**

The Committee considered a report to rescind S106 agreements dated the 10 August 2001 and 12 June 2007 and to replace them with a new S106 agreement to ensure the dwelling and any future workshop development on the site are not disposed of separately.

The Committee was satisfied with the evidence presented.

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

Resolved

- (1) That the legal agreements dated the 10 August 2001 and 12 June 2007 be rescinded.
- (2) Replace them with a new agreement with the following owners obligations: That in the event of the commencement of The Workshop

Development not to dispose of the freehold of the Workshop
Development separately from the remainder of the freehold of the land.

11 **Land north of Fringford, west of A4421, Shelswell Park, Fringford**

The Committee considered a report for the continued use as agricultural land and new solar farm of up to 5MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including electrical inverter and transformer cabinets, switchgear and meter housing, access track, fencing, security cameras and landscaping on land.

Mr Richard Cooper spoke in objection to the application as a resident of Fringford.

Mr Peter Walker spoke in support of the application as the applicants agent.

The Committee considered the size of the proposed development and the possible impact on wildlife. Members also raised concern regarding the possibility of noise pollution.

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

Resolved

That application 11/00177/F be approved subject to:

- a) the Environment Agency not raising objections or in the event of objections being raised a suitable solution to their objections being found

And the following conditions:

- (1) SC 1.4 Full permission: Duration Limit (3 years) (RC2)
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - a. Planning application boundary 1:10,000 and 1:5,000
 - b. C210 Rev. 02 General layout Plan
 - c. C310 Rev. 02 Site Access Roads
 - d. C410 Rev. 02 Fencing and security systems layout and CCTV mast detail
 - e. C510 Rev. 02 Sections 1 of 2
 - f. C511 Rev. 02 Sections 2 of 2
 - g. C610 Rev. 02 Vegetation removal plan
 - h. C705 Rev. 02 Typical solar panel details
 - i. C705 Rev. 02 Inverter/Transformer unit layouts
 - j. C707 Rev. 02 Typical fencing and security system details
 - k. C731 Rev. 01 Switch gear & meter housing cabins
 - l. C910 Rev. 02 Cabin drainage details

m. 228503/LA/P01 Rev. A Planting plan

- (3) Prior to the commencement of development or the delivery of any parts or materials to the site the existing means of access between the development land and the public highway (A4421) shall be widened, formed, laid out, constructed and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Once approved the access works shall be constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
- (4) Prior to the commencement of development or the delivery of any parts or materials to the site the access road (Restricted Byway) serving the site shall be widened to a minimum of 6.5m in width (to enable two Heavy Goods Vehicles to pass each other) for a minimum distance of 20m in length from the access/junction with the A4421 in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Once approved these works shall be constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
- (5) Prior to the commencement of development or the delivery of any parts or materials to the site a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include a condition survey of the route and written agreement that any damage associated with the construction vehicles along the Restricted Byway shall be made good at the applicant's expense. The Construction Traffic Management Plan shall be implemented as approved throughout the construction of the solar farm. (RC18AA)
- (6) That during the construction phase of the development hereby approved no construction vehicles/deliveries will arrive at or leave the site during the peak times of 0745 to 0900 and 1600 to 1800 – such a restriction will deter queuing on the public highway at busy times. Reason: To limit the potential for queuing along the A4421 as a result of vehicles turning into or out of the site, in the interests of highway safety.
- (7) Wheel washing facilities
- (8) That all vehicular traffic serving the development shall enter and leave the site via the access to the South East of the site onto the A4421 and not via any other access. Reason: In the interest of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction and operation of the solar farm and to comply with Policy ENV1 of the adopted Cherwell Local Plan and guidance within PPG13: Transport.
- (9) That before the development hereby permitted is brought into first use, the security fencing and the exterior surfaces of the electrical inverter and transformer cabinets and switchgear and meter housing shall be

permanently coloured in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. (RC4A)

- (10) SC 3.1A Carry out Landscaping Scheme (RC10A)
- (11) SC 3.4AA Retain Existing Hedgerow/Tree Boundary (with access) (RC11A)
- (12) SC 3.3AA Scheme to be submitted to protect retained trees and hedgerows (RC72A)
- (13) SC 9.4A Carry out mitigation in ecological report (RC85 A)
- (14) SC 9.5A Site Clearance (RC86A)
- (15) That the rated level of noise produced by the electrical conversion and transmission equipment shall not exceed background when measured in accordance with British Standard BS 4142:1997 at the nearest noise sensitive dwelling. (RC53AB)
- (16) Prior to the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority. Reason: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment.
- (17) Prior to the commencement of development and following the approval of the Written Scheme of Investigation referred to in Condition 17, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. 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 which shall be submitted to the Local Planning Authority. Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through the publication and dissemination of the evidence in accordance with PPS5: Planning for the Historic Environment.
- (18) SC 8.18 No external floodlights/lights (RC50)

All cabling on the site to and from the solar farm shall be underground. (RC10A)

12 **35 The Rydes, Bodicote**

The Committee considered a report for an extension and alterations.

Mr John Cox spoke in objection to the application as a resident of the Rydes.

The Committee expressed concern regarding the use of the proposed materials and also the character of the proposed development in relation to surrounding properties.

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

Resolved

That application 11/00230/F be refused as the proposed development, by reason of its size, design and materials, is considered to be detrimental to the character and appearance of this residential area and detrimental to the amenities of adjacent properties and therefore is contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan.

13 **Unit 1 Adj Topps Tiles, Southam Road, Banbury**

The Committee considered a report for alterations to the existing building comprising external alterations at ground floor level including installation of a new shop front and entrance feature (front elevation) and new fire escape door (rear elevation), internal alterations including installation of mezzanine floor, three fire escape staircases, one feature customer staircase and new customer lift and consequential reconfiguration of car parking.

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

Resolved

That application 11/00266/F be deferred to enable consideration of late representations received from the applicant and their agents.

14 **Unit 1 Adj Topps Tiles, Southam Road, Banbury**

The Committee considered a report for the variation of condition six of 01/01358/OUT.

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

Resolved

That application 11/00267/F be deferred to enable consideration of late representations received from the applicant and their agents.

15 **Corner Meadow, Farnborough Road, Mollington, Banbury**

The Committee considered a report for additional mobile home with associated caravans.

Mr Paul Stephenson spoke in objection to the application as a Member of Mollington Parish Council.

The Committee considered access arrangements to the site and parking provision. Members also expressed concern regarding water supply.

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

Resolved

That application 11/00293/F be approved subject to the expiry of the consultation period and the following conditions:

- (1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- (2) The site shall not be occupied by any persons other than gypsies and travellers as defined within paragraph 15 of ODPM Circular 01/2006.
- (3) No more than two gypsy pitches (one of which was granted planning permission under 10/01610/F) shall be positioned on the site which shall each include one mobile home and two associated caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be static caravans or mobile homes) shall be stationed on the site.
- (4) No commercial activities shall take place on the land, including the storage of materials and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.
- (5) That unless otherwise stipulated by conditions attached to this permission, the development hereby permitted shall be carried out in strict accordance with the following list of approved plans and documents: A2 plan containing Site Location Plan at a scale of 1:1250 and Site Plan at a scale of 1:200 and Design and Access Statement all received with the application on 23 February 2011.
- (6) That notwithstanding the approved plans, the access and access gate and associated fencing shall be constructed on site in accordance with Site Location Plan (Scale 1:500) in relation to condition 5 of planning application 09/00622/F.
- (7) That a plan showing a car-parking provision for two spaces to be accommodated within the site, shall be submitted to and approved in

writing by the Local Planning Authority prior to the commencement of the development, and that such parking facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan before the first occupation of the premises. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

- (8) That within two months of this decision full details of an area of play within the site for use by residents of the site shall be submitted to and agreed in writing by the Local Planning Authority. The area of play shall be provided in accordance with the approved details within six months of the date of this decision.

16 **The Old Rectory, Mere Road, Finmere, Buckingham**

The Committee considered a report for the temporary change of use for a one day public charity fund raising event (ticketed) including marquees, toilets, bandstand and associated facilities. Application to include the set up and take down – total three days.

Mr Chris Padbury spoke in objection to the application as a resident of Finmere.

Mr David Babister spoke in favour of the application as the applicants agent.

The Committee considered the impact on traffic volumes and the issue of highway safety. Members also expressed concern regarding the suitability of the location for the proposed application.

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

Resolved

That application 11/00483/F be refused as the proposal would increase the use of a rural part of the local highway network to the detriment of the safety and convenience of highway users, and it would result in a large number of pedestrians and motor vehicles sharing a rural part of the local highway network where there is potential for conflict to the detriment of highway safety. Further, the site and event represents an unsustainable location as its accessibility is highly dependent upon use of the private motor car which is unsustainable. The proposal is, therefore, contrary to central government guidance contained in PPG13 and Policy T8 of the South East Plan 2009.

17 **Tree Preservation Order No 05/2011 Walnut Tree at 4 Gulley Row, Merton**

The Committee considered a report which sought the confirmation of an opposed Tree Preservation Order (No. 05/2011) relating to a Walnut tree at 4 Gulley Row, Merton.

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

Resolved

That Tree Preservation Order (No. 05/2011) be confirmed without modification in the interest of public amenity.

18 **Quarterly Enforcement Report**

The Committee considered a report which updated Members on the progress of outstanding formal enforcement cases and informed Members of caseload statistics.

Resolved

That the report be accepted.

19 **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.

20 **Appeals Progress Report**

The Committee considered a report 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.

21 **Exclusion of Public and Press**

Resolved

That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.

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

The Committee considered legal advice regarding the reasons for refusal of application 09/01592/OUT.

Resolved

That the reason for the refusal of application 09/01592/OUT be amended to the following:

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 meeting ended at 7:45 pm

Chairman:

Date:

PLANNING COMMITTEE

16 June 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.

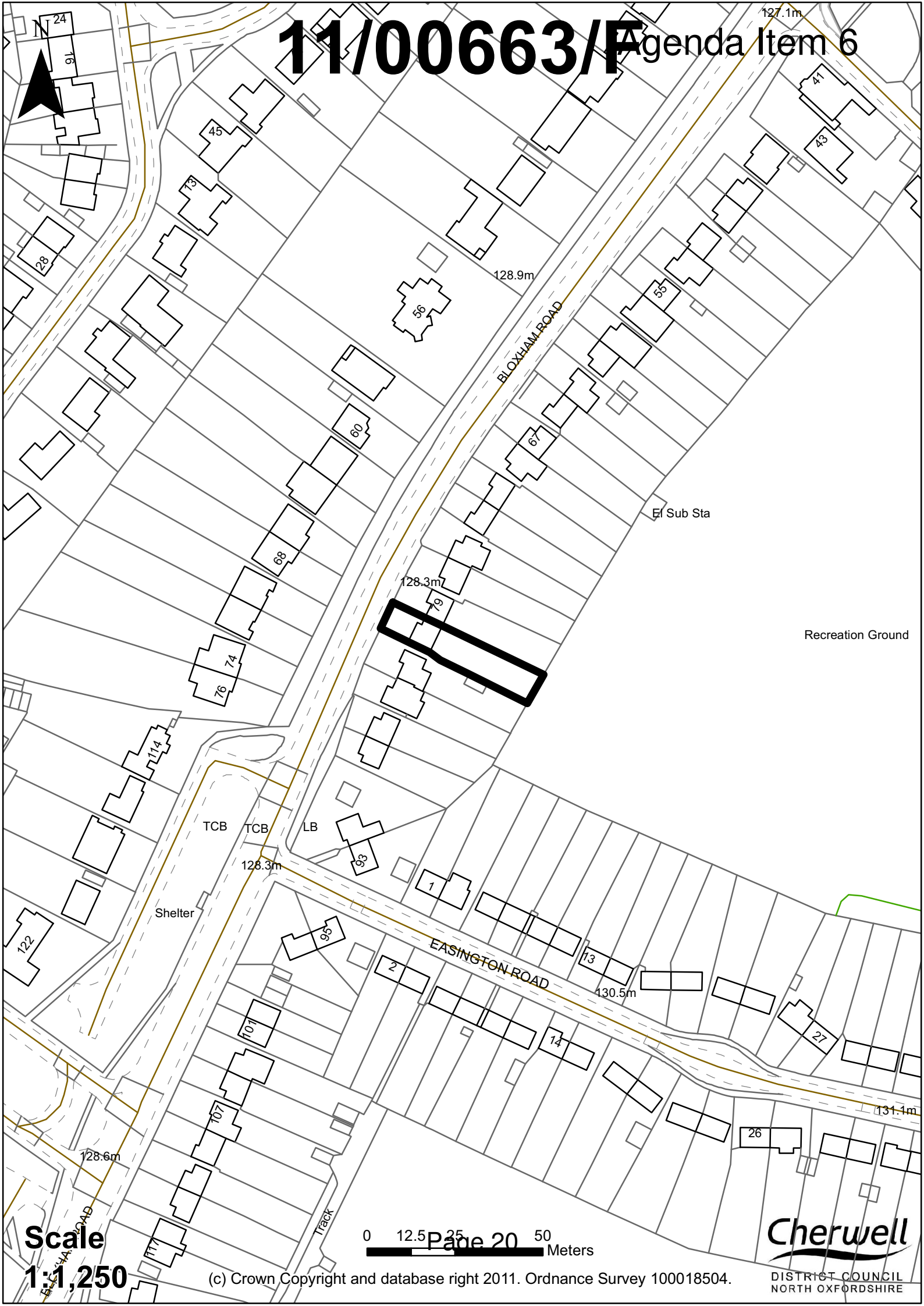
Background Papers

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 |
|---|---|------------------------|-------------------------|-----------------------|------------------------|
| 6 | 81 Bloxham Road, Banbury | 11/00663/F | Banbury Easington | Approval | Caroline Roche |
| 7 | The Mallards, High Street, Souldern, Bicester, OX27 7JJ | 11/00505/LB | The Astons & Heyford | Approval | Rebecca Horley |

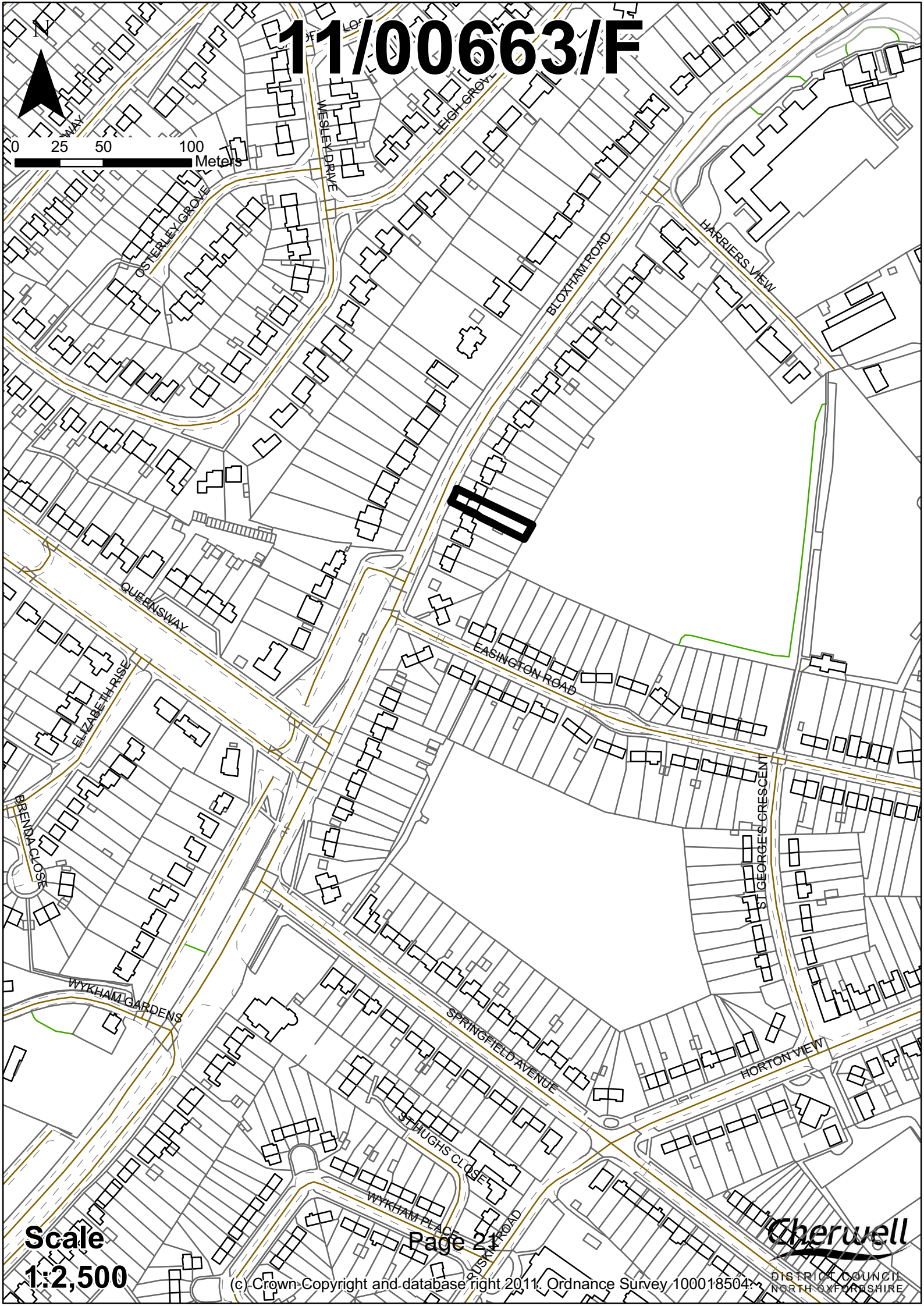
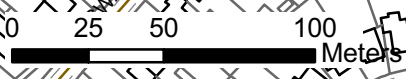
11/00663/F Agenda Item 6



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0 12.5 25 50 Meters

11/00663/F



Scale
1:2,500

Page 24

Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

| | | | | |
|----------------------------------|--------------------------|---------------------------|---------|-----------------------------|
| Application 11/00663/F | No: | Ward: Easington | Banbury | Date Valid: 21/04/11 |
| Applicant: | Mrs Pauline McCreddie | | | |
| Site Address: | 81 Bloxham Road, Banbury | | | |

Proposal: Two storey and single storey rear extension and dropped kerb to front of property

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. The current access/dropped kerb is shared with the neighbouring property to the south.

1.2 The proposal is for a two storey rear extension and a single storey lean-to extension. The ground floor footprint of the extension is proposed to cover almost the entire width of the original dwelling and at the first floor it is set further in from the northern boundary. At ground floor the extension will accommodate a new lounge and utility room. At first floor level the extension will accommodate a bedroom and en-suite. The ground floor extension measures 7.8 in width (1.8 metres wider than the approved scheme) and projects 4.5 metres out from the rear of the property (same as previously approved).

1.3 This application is a revised application to increase the size of the rear extension and widen the access to the front of the property. The earlier application (10/01859/F) was approved by the Planning Committee in February 2011.

2. Application Publicity

2.1 The application has been advertised by way of site notice. The final date for comment is 13 June 2011. At the time of drafting this report 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 subject to conditions relating to the access and provision of parking spaces.

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. It is also relevant to consider if there is any additional impact compared to the previously approved scheme.

- 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. Whereas the single storey element was originally proposed to be on the outside edge of the property and largely screened by the existing access gates into the rear garden the proposal now has the two storey extension on the outside edge. Therefore this will be more visible through the gap in the frontage, but still not prominent. 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. Whilst the ridge of the extension is the same height as the ridge of the main house the extension appears subservient due to the pitch of the roof and the single storey element. Given its positioning on the rear elevation and its design it reads as an extension to the main property and whilst being larger than the previous scheme 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
Unlike the approved scheme the element closest to the property to the south is now two storey but remains at a projection of 5 metres. Two storey extensions are usually acceptable at a projection of 4 metres on a shared boundary and where the informal standard of a 45 degree angle measured from the nearest habitable room window is not compromised. This extension is 4.5 metres in its projection but set off

the boundary and does not compromise the informal standard as the nearest windows on No. 83 serve a bathroom at first floor and kitchen at ground floor. However there will be some overbearing but not at such a level that it is considered sufficient to justify refusal of the application. In relation to no. 79 to the north the two storey element also complies with the informal standard.

The scheme brings the two storey element to within 2 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 the relationship between 83 and 85 where a two storey extension 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 in 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. Whilst the Local Highway Authority has requested a condition relating to the provision of three spaces it is not considered necessary to impose this condition as it was not required on the previous application and there is already space to accommodate three spaces, although not formally laid out. The extension to the dropped kerb will allow easier access onto the parking area and improve the visibility when exiting the property. It is not considered that the extension or the alterations to the access 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 area, 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 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:**
 - Planning application forms**
 - Plan no. BWC2010/GB/81BRB**
 - Alteration to vehicle access**

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)**
- 5. SC 4.0 AB Access specification proposed (3 metres) (RC13BB)**

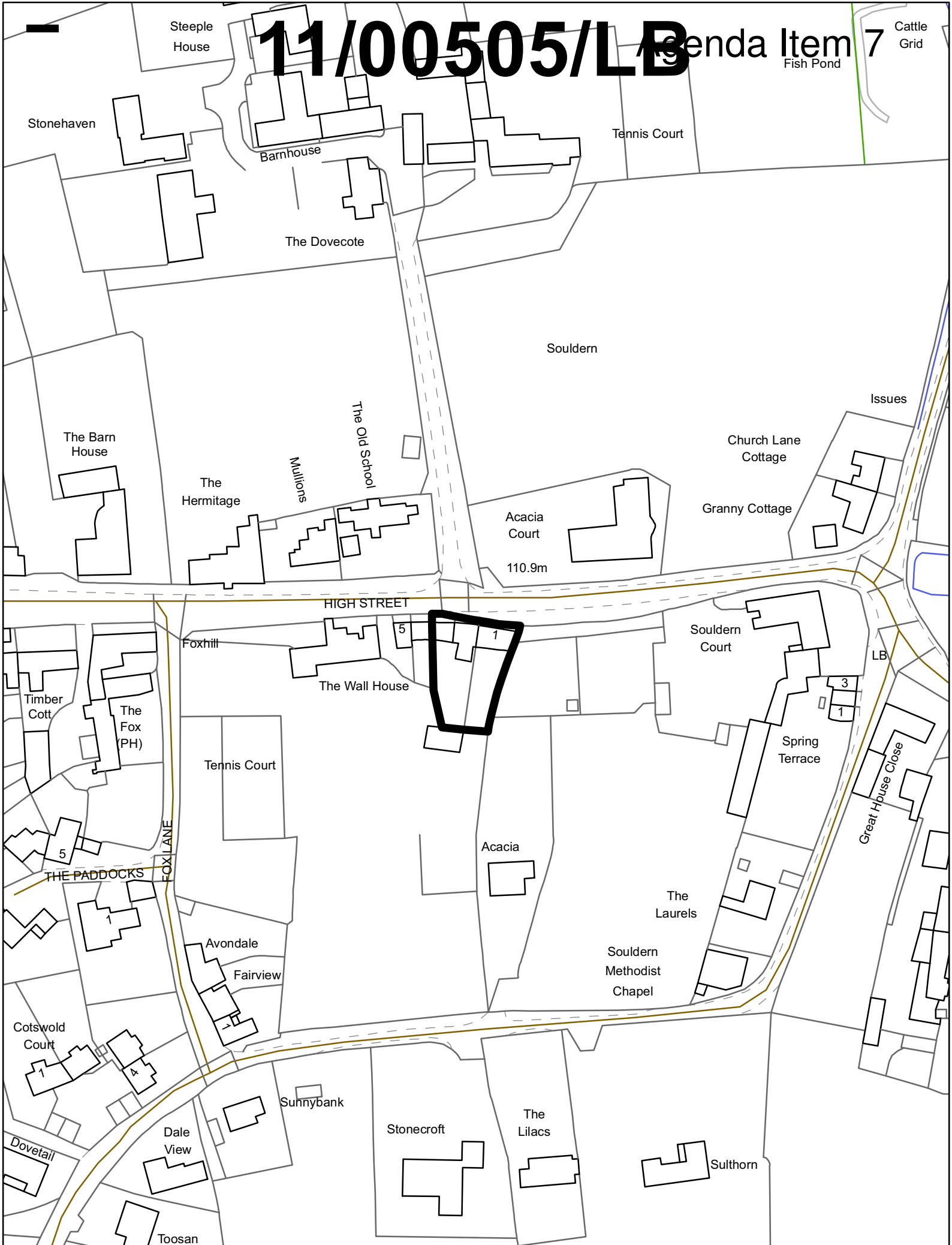
SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

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

11/00505/LB



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1:1,250

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11/00505/LB

Aynho Park

Souldern

Scale
1:10,000

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Application No:
11/00505/LB

**Ward: The Astons &
Heyfords**

Date Valid:
26.04.2011

Applicant: Mr L Williams, The Mallards, High Street, Souldern, Bicester, OX27 7JJ

Site Address: The Mallards, High Street, Souldern, Bicester, OX27 7JJ

Proposal: Installation of 12 Solar PV Panels on back pitched roof

1. Site Description and Proposal

1.1 Site

The Mallards is an end of terrace property facing the High Street within the village of Souldern and within the Conservation Area. It was originally built in 1748 as three terraced properties and now is one semi-detached dwelling.

1.2 Proposal

This application seeks the installation of 12 solar PV (photovoltaic) panels to be positioned on the rear (south) elevation. These solar panels use energy from the sun to create electricity to run appliances and lighting for the dwelling. Though not requiring direct sunlight, they are positioned to allow for the most effective use of the suns light and rays.

1.5 Relevant Planning History

Full details of the cases are available to view electronically via our website and a summary is provided below:

Applications 02/00370/F and 02/00371/LB were refused consent for the installation of solar water heating collectors in rear elevation.

2. Application Publicity

2.1 The application has been advertised by site notice and press notice. The final date for comment was 3 June 2011. No third party correspondence has been received.

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 Somerton Parish Council: **No objection.**

3.3 Conservation Officer: **No objection**, subject to conditions.

4. Policy Considerations

| | |
|-----------------------------------|--|
| National Policy Guidance | PPS5 – Planning for the Historic Environment |
| South East Plan 2009 Policies | BE6 – Management of the Historic Environment |
| Adopted Cherwell Local Plan 1996 | C18 – Historic Buildings |
| Non-statutory Cherwell Local Plan | EN39 – Conservation Areas & Listed Buildings: General Principles |

5. Appraisal

- 5.1 This application was submitted together with a planning application (11/00504/F refers) which has been returned having been determined that it benefits from permitted development rights under Part 40 Class A of the Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2008.
- 5.2 The key issue for this listed building application is whether or not there would be any harm caused to the character, appearance or historic fabric of the listed building.
- 5.3 It is noted that the panels will cover an expanse of 20m² but this is considered to be the minimum required to produce an efficient and effective source of energy. The panels also protrude by a total of 156mm but this is well within the standard 200mm. The panels are black in colour, the same as the tiles on the roof.
- 5.4 This Council is usually of the opinion that modern micro-renewables should not be applied directly to the fabric of a listed building and this formed part of the reasoning behind the refusal of consent 9 years ago. However, in this instance, that part of the roof affected by these panels is covered in 20th century tiles rather than an historic covering so any damage caused by their installation would not be to any notable historic fabric. Further, being on the rear elevation, the affected part of the roof is not visible from the public domain.
- 5.5 The current guidance from central government on this matter has now been recently updated in PPS5, published last year. The advice is that where there is a potential conflict between climate change objectives and the conservation of heritage assets, the public benefit of mitigating the effects of climate change should be weighed against any harm to the significance of the heritage asset.
- 5.6 An assessment has been made as to whether or not other energy saving measures or other locations with less impact on the historic fabric and the special interest have been considered. The property has been surveyed and all suitable locations addressed to accommodate the solar panels and given the site's constraints including trees and other shading elements, the position chosen is considered to be the best possible solution when balancing the visual impact and efficiency needs. Also, there would be no need for any ground disturbance.

- 5.7 The view is held that the setting and fabric of the property would not be put at risk by this development and the panels can be removed at a later date to restore the appearance of the listed building.
- 5.8 This application is presented to Members of this Committee because the applicant is related to a Council employee.

6. Recommendation

Approval, subject to the following conditions:

1. SC1.5
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: site location plan, Drg Nos. ML001.03.11 Drg 1 of 2 and 2 of 2 dated March 2011 and Structural Layout & Mounting details dated April 2011.
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 Government Policy contained in PPS5.
3. That, when no longer needed, the solar PV panels shall be removed as soon as reasonably practicable.
Reason: In the interests of conserving and enhancing the special character of the existing historic building and to comply with Government advice in PPS5: Planning for the Historic Environment, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.
4. That full details of the connections between the panels and the house (showing how and where the cables enter the property) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, the development shall be carried out in accordance with the approved details.
Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in PPS5: Planning for the Historic Environment, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan.

SUMMARY OF REASONS FOR THE GRANT OF LISTED BUILDING CONSENT 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 merits as the proposals do not unduly impact on the special interest, character or appearance of the identified heritage asset of the listed building and its setting. As such the proposal is in accordance with government guidance contained within PPS5: Planning for the Historic Environment, Policy BE6 of the South East Plan 2009 and Policy C18 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 listed building consent granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Rebecca Horley

TELEPHONE NO: 01295 221837

Agenda Item 8

Planning Committee

Tree Preservation Order 03/2011 - Sycamore tree at 31 West Street, Banbury

16 June 2011

Report of Strategic Director Planning, Housing & Economy

PURPOSE OF REPORT

To seek the confirmation Tree Preservation Order no 03-11 with one objection relating to a Sycamore tree at the site of 31 West Street, Banbury, OX16 3HA (copy plan attached as Annex 1)

This report is public

Recommendations

- (1) It is recommended that Tree Preservation Order 03-11 at the site of 31 West Street, Banbury be confirmed without modification in the interest of public amenity.

Summary

Introduction

- 1.1 The District Council made an emergency TPO 21st February 2011 following a site visit to assess a section 211 (Town and Country Planning Act 1990) notification to undertake tree works to the tree which lies within the Banbury conservation area.
- 1.2 The tree is a Sycamore tree in the early stages of maturity (a tree which has reached the typical shape and habit of the species and is within the first/second third of its expected life).
- 1.3 Guidance in determining the suitability of a tree for a TPO is provided by the TEMPO method (Tree Evaluation Method for Preservation Orders). This has been undertaken and the results included in this document as appendix 2.
- 1.4 The tree is in a prominent position situated to the rear of the rear garden of 31 West Street clearly visible from Brunswick Place providing a significant contribution to the local amenity. Large trees have recently been removed from the verge to the rear of 11 – 43 West Street as part of the Brunswick Place development leaving the trees in the rear gardens softening the rear aspect West Street as well as wildlife and environmental benefits to the local area. One letter objecting to the

TPO has been received from:

- i. Mr Ansar Aslam, 31 West Street, Banbury, OX16 3HA.

The objections and due consideration are as follows:

- a. Concerns that the tree is displacing the garden wall with the potential for further damage and the risk of wall collapsing.

CDC It is noted that due to the proximity of the tree to the adjacent wall that a risk of damage to the wall is present as the tree increases in size. This is generally considered minor damage and engineering solutions can generally be found e.g. bridging roots to allow for an increase in girth without displacing the stones or bricks in the wall.

- b. Concerns about overhanging branches falling and hitting the appellants' children.

CDC It is normal for trees to contain an amount of dead wood. This is exempt from the application process and can be removed in a controlled manner without affecting the overall visual amenity of the tree.

- c. The tree has low hanging branches causing direct damage to the garden shed and children's play equipment in addition to roosting birds causing further mess.

The appellant also wishes to construct a garage with rear access which is hindered by low hanging branches.

CDC The presence of a TPO does not prevent management, including works carried out to prevent damage. Necessary works can still be carried out and simply requires an application to the local planning authority. If the works are reasonable and necessary consent will be granted. If there are concerns about the safety of the tree then the TPO makes allowance for this under exemptions to the TPO (section 5)

When building close to trees engineering solutions are available to allow for construction whilst keeping any damage to the tree to a minimum. These are normally addressed following a planning application.

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

Conclusion

- 1.5 All the issues raised by the objector can be addressed through the normal application process. Therefore it is recommended that the Committee confirm Tree Preservation Order 03-11 without modification.

Background Information

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

Key Issues for Consideration/Reasons for Decision and Options

None

Implications

- Financial:** The cost of processing the Order can be contained within existing estimates.
Comments checked by Joanne Kaye, Service Accountant PH & E 01295 221552
- Legal:** The Committee should confirm the Order if it is expedient in the interests of amenity to preserve the tree. The property owner has not produced an expert's report to support his objections.
Comments checked by Ross Chambers, Solicitor, 01295 221690
- 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 Claire Taylor, Community & Corporate Planning Manager 01295 221566

Wards Affected

Banbury Grimsbury & Castle

Document Information

| Appendix No | Title |
|----------------------------|--|
| Appendix 1 | Plan |
| Appendix 2 | Photographs |
| Appendix 3 | TEMPO assessment guidance notes |
| Appendix 4 | Objection Letter |
| Background Papers | |
| TPO file reference 03-11 | |
| Report Author | Mark Harrison |
| Contact Information | 01295 221693 mark.harrison@Cherwell-dc.gov.uk |

Appendix 1 - Plan



Appendix 2 - Photographs taken from Brunswick Place



Appendix 3 - TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE (Refer to guidance note for definitions)

1. Surveyor:

M Harrison

Date: 10/02/11

Species: 1 no. Sycamore

Location: 31 West Street, Banbury

TPO Ref (if applicable): 03/2011

Tree/Group No:

Owner (if known):

Part 1: Amenity assessment

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

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

Notes
Viewed from outside boundary fence from Brunswick Place the tree appears to be in reasonable condition.

Sub Total **5**

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

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

Notes
The tree has sufficient room at the present time. Size may become an issue in time but this can be addressed by minor pruning.

Sub Total **2**

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

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

Notes
The tree is clearly visible from Brunswick Place and from the rear of the neighbouring properties.

Sub Total **4**

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

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

Notes

Sub Total **1**

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

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Notes
Conservation notification area notification of removal.

Sub Total **5**

1.1 Part 3: Decision guide

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

Total Score **17**

Decision: TPO WARRANTED

Comments

Appendix 4 – Objection

To Whom It May Concern:

Re: Letter of Objection against tree preservation order no. 03

I am writing in regards to an objection against a sycamore tree preservation order no. 03 at 31 West Street, Banbury.

I would like to raise the following concerns:

1. Damage of garden wall and potential risk of collapsing

The garden wall has already been pushed back by the tree as it leans against it and is causing continuous damage which will lead it to eventually collapsing. As the garden area is used by young children and other family members this poses a hazard to their safety and well being. The children and family should be able to play and use their garden with no such risk being present.

2. Overhanging branches falling off and hitting my children in their garden play area

Much of the tree hangs over my property and many of the branches hang low and are large enough to cause significant damage to people and property.

3. Damage to garden shed and play equipment property by branches

The branches has caused physical damage to play equipment such as swings and slides, moreover, birds that rest on the branches cause further mess which defaces my shed and the equipment.

4. Preventing additional back access entrance to property.

Due to the excess number of cars on west street this causes further safety concerns for me and my family; in particular as I have young children. To overcome this I would like to build a back access passage and garage to the property. I am unable to do this again due to how low the branches come down and the potential of the tree falling on my garage.

In summary despite the fact the tree does not belong to me but causes me and my family considerable difficulty and in particular those relating to the safety of my children. After speaking to my neighbours they agreed to cut the tree down however the council have placed a tree preservation order. I believe that further attention needs to be made how this impacts my property and family and would therefore like to place this objection.

Best wishes

Ansar Aslam

Agenda Item 9

Planning Committee

Tree Preservation Order (no. 01/2011) Various trees at Allotments, Oxford Road, Bletchington

16 June 2011

Report of Head of Strategic Director Planning, Housing & Economy

PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order (no.01/2011) relating to a various trees (copy plan attached as Appendix 1) at Allotments, Oxford Road, Bletchington.

| |
|-----------------------|
| 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 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 21 January 2011. 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 Joanne Kaye, Service Accountant PH & E 01295 221552

Legal: The Committee should confirm the Order if it is expedient in the interests of amenity to preserve the tree.

Comments checked by Nigel Bell, Team Leader – Planning & Litigation 01295 221687

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.

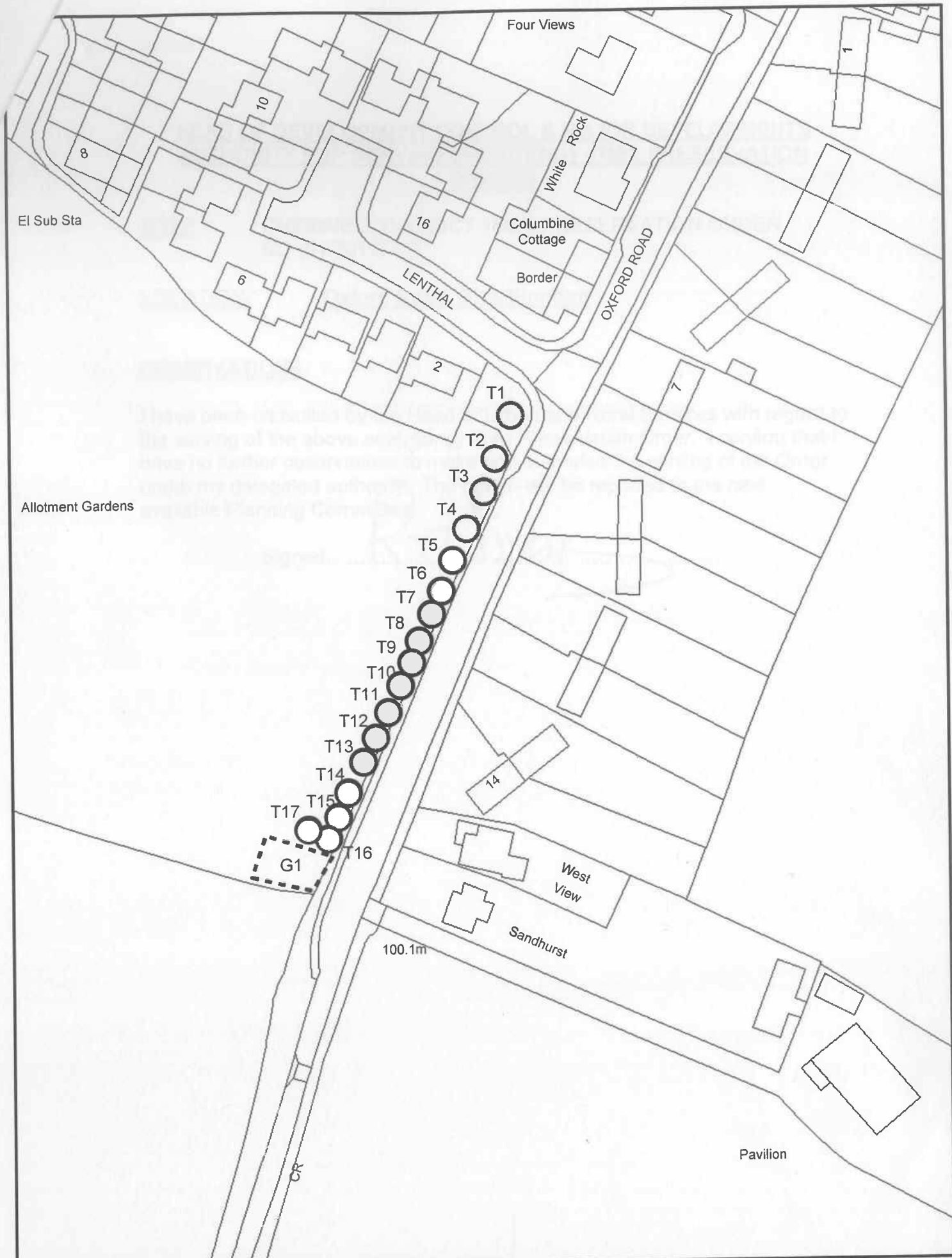
Comments checked by Claire Taylor, Corporate Strategy and Performance Manager 01295 221563

Wards Affected

Kirtlington

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 |



Planning Committee

Tree Preservation Order (no. 24/2010) Walnut tree at Ashen End, 4 Stud Farm, Wardington

16 June 2011

Report of Head of Strategic Director Planning, Housing & Economy

PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order (no.24/2010) relating to a sycamore tree (copy plan attached as Appendix 1) at Ashen End, 4 Stud Farm, Wardington.

| |
|-----------------------|
| 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 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 9 March 2011. 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

Legal: The Committee should confirm the Order if it is expedient in the interests of amenity to preserve the tree.

Comments checked by Nigel Bell, Team Leader – Planning & Litigation 01295 221687

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.

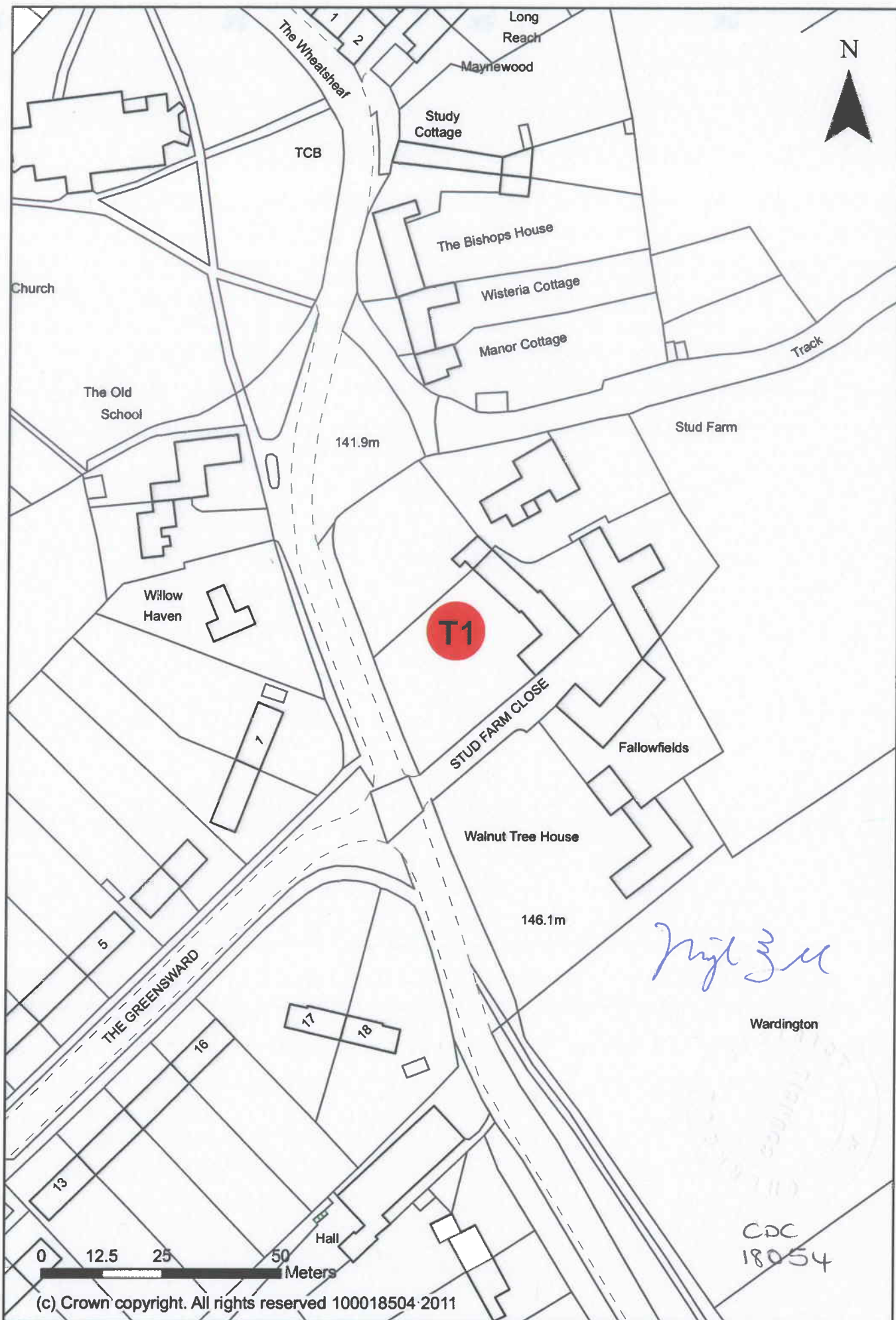
Comments checked by Claire Taylor, Corporate Strategy and Performance Manager 01295 221563

Wards Affected

Cropreddy

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 |



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Agenda Item 11

Planning Committee

Tree Preservation Order (no. 07/2011) Walnut tree at South Newington Village Hall

16 June 2011

Report of Head of Strategic Director Planning, Housing & Economy

PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order (no.07/2011) relating to a walnut tree (copy plan attached as Appendix 1) at South Newington Village Hall.

| |
|-----------------------|
| 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 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 6 May 2011. 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

Legal: The Committee should confirm the Order if it is expedient in the interests of amenity to preserve the tree.

Comments checked by Nigel Bell, Team Leader – Planning & Litigation 01295 221687

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.

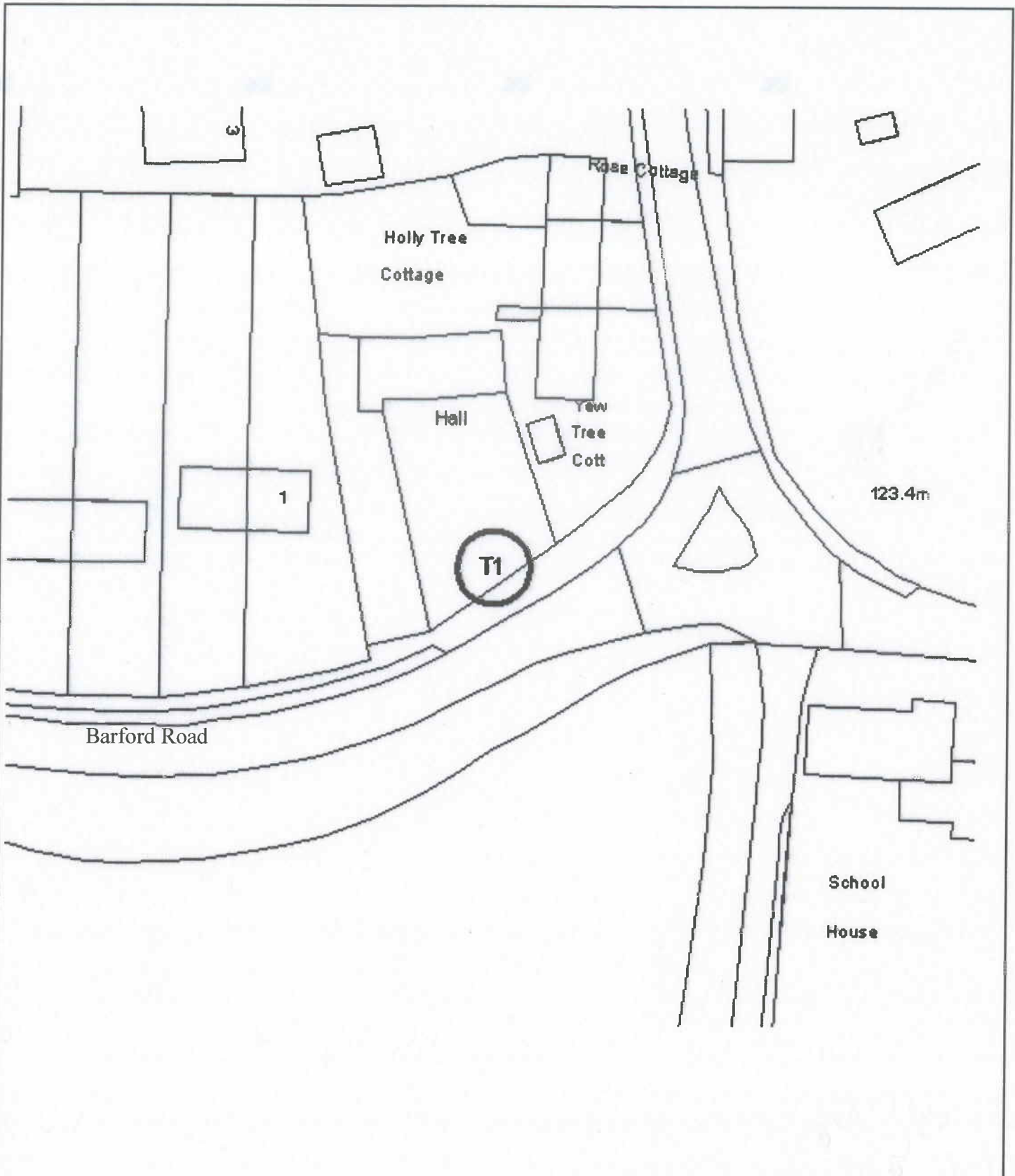
Comments checked by Claire Taylor, Corporate Strategy and Performance Manager 01295 221563

Wards Affected

Hook Norton

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 |



CDC 18082



Tree Preservation Order No 07/2011
S. Newington Village Hall Barford
Road OX15 6JW

| | |
|-------|------------|
| Scale | 1:2500 |
| Date | 28/04/2011 |



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Planning Committee

Decisions Subject to Various Requirements – Progress Report

16 June 2011

Report of Strategic Director Planning, Housing & 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

| | |
|--------------|---|
| 01/00662/OUT | Begbroke Business and Science Park, Sandy Lane, Yarnton |
| (24.3.11) | 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. Decision to grant planning permission re-affirmed April 2011. New access road approved April 2011 |

| | |
|---------------------------|--|
| 09/00171/OUT (17.7.08) | Pow Wow Water Site, Langford Lane, Kidlington Subject to agreement re transport infrastructure payments. |
| 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 |
| 10/00765/F (9.9.10) | Land SW Wickes, Launton Rd. Bicester Subject to legal agreement re public art and off-site highway infrastructure. Agreement completed and planning permission issued on 26 May 2011 |
| 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 prepared and currently being signed by parties. |
| 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 prepared and currently being signed by parties. |
| 10/01021/F | Otmoor Lodge, Horton-cum-Studley Subject to legal agreement concerning building phases and interim appearance. Agreement prepared and currently being signed by parties. |
| 110/01302/F (4.11.10) | Land south of Bernard Close, Yarnton Subject to legal agreement concerning on and off site infrastructure and affordable housing |
| 10/01575/OUT (24.3.11) | Former SAPA site, Southam Rd. Banbury Subject to planning obligation concerning highway infrastructure contributions, green travel plan and bus stop provision |
| 10/00642/OUT (24.3.11) | Heyford Park, Upper Heyford Subject to planning obligations |

| | |
|---------------------------|---|
| 10/01823/OUT (24.3.11) | Land south of Overthorpe Rd, Banbury Subject to legal obligation re transportation contributions and departure procedures |
| 10/01877/F (24.3.11) | Penrose House, 67 Hightown Rd, Banbury Subject to legal obligation to secure financial contributions to outdoor sports facilities, education and library facilities. Agreement prepared and currently being signed by parties. |
| 10/01921/F (19.5.11) | Butchers Meadow, Balscote Subject to obligation linking house to proposed industrial development |
| 11/00177/F | Land N of Fringford , Shelswell Park Subject to Environment Agency comment |

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 221687 |
| 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 Nigel Bell, Team Leader – Planning & Litigation 01295 221687 |

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

16 June 2011

Report of Strategic Director, Planning Housing and Economy

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 Planning Committee is recommended:

- (1) To accept this position statement.

Details

New Appeals

- 1.1 **11/00068/F – Land to the rear of 8 Chestnut Close, Launton**- appeal by David Thompson against the refusal of planning permission for the demolition of existing detached garage and erection of detached two storey dwelling and garage workshop- written reps
- 1.2 **10/00860/F – 42 Orchard Road, Hook Norton** – appeal by Gill Begnor against the refusal of planning permission for a first floor side facing obscure glazed window – written reps
- 1.3 **11/00053/F – 59 Blenheim Drive, Bicester** – appeal by Mark Slaymaker against the refusal of planning permission for a two storey side extension and single storey rear extensions with new vehicular access to the front- written reps

Forthcoming Public Inquiries and Hearings between 16 June 2011 and 14 July 2011

- 2.1 **Inquiry starting at 10.00am on Tuesday 5 July 2011 at the Council Chamber, Bodicote House, Bodicote** – to consider the appeals by Leda Properties Ltd against the refusal of planning application 09/01592/OUT for OUTLINE: Residential development for 140 dwellings with associated parking, access and public open space at Land south of Talisman Road Business Park, London Road, Bicester and 10/01316/F for Engineering works comprising lowering of land to allow for 1:100 year flooding at Langford Park Farm, London Road, Bicester

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Allowed the appeal by Mr Robin Phipps against the refusal of application 10/01851/F to demolish existing wall and rebuild with brick pillar and close board fencing at footpath edge at 13 Willow Road, Banbury (Delegated)** – In the Inspector's view, the length of wall/fence would be modest in terms of the overall quantum of frontage along Willow Road and the proposed arrangement would leave a significant parcel of open garden to the front of No.13. In these circumstances the effect of the development on the character and appearance of the area would not, despite the prominence of its corner position, be so great as to cause material harm to the area's spacious and airy feel. With regard to highway safety the Inspector did not consider that any harm to highway safety would be sufficiently material to warrant dismissal of the appeal.

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 Nigel Bell, Team Leader-
Planning & Litigation 01295 221687

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 |