

**Committee:** Planning Committee  
**Date:** Thursday 5 January 2012  
**Time:** 4.00 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

### **Membership**

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

### **Substitutes**

<b>Councillor Maurice Billington</b>	<b>Councillor Norman Bolster</b>
<b>Councillor Mrs Diana Edwards</b>	<b>Councillor Andrew Fulljames</b>
<b>Councillor Timothy Hallchurch MBE</b>	<b>Councillor Melanie Magee</b>
<b>Councillor Kieron Mallon</b>	<b>Councillor P A O'Sullivan</b>
<b>Councillor Leslie F Sibley</b>	<b>Councillor Nicholas Turner</b>
<b>Councillor Douglas Williamson</b>	<b>Councillor Barry Wood</b>

## **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 - 7)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 1 December 2011.

## **Planning Applications**

- |     |  |                   |
|-----|--|-------------------|
| 6.  | <b>Land off School Lane, Cropredy (Pages 10 - 31)</b>  | <b>11/01069/F</b> |
| 7.  | <b>Land North of Cropredy &amp; South East of Poplars Farm, Claydon Road, Cropredy (Pages 32 - 53)</b> | <b>11/01255/F</b> |
| 8.  | <b>Oxford and Cherwell Valley College (south site), Broughton Road, Banbury (Pages 54 - 64)</b>        | <b>11/01369/F</b> |
| 9.  | <b>Phase 3, Oxford Spires Business Park (Pages 65 - 74)</b>  | <b>11/01484/F</b> |
| 10. | <b>Seven Springs, South Side, Steeple Aston, Bicester, Oxon, OX25 4RU (Pages 75 - 83)</b>              | <b>11/01497/F</b> |
| 11. | <b>Redlands Farm, Sibford Road, Hook Norton, Banbury (Pages 84 - 90)</b>                               | <b>11/01599/F</b> |

## **Enforcement Action**

12. **Quarterly Enforcement Report (Pages 91 - 101)**

Report of Head of Public Protection and Development Management

### **Summary**

To inform and update Members of the progress of outstanding formal enforcement cases.

### **Recommendations**

The Planning Committee is recommended to:

- (1) Accept this report.

## **Review and Monitoring Reports**

### **13. Decisions Subject to Various Requirements (Pages 102 - 105)**

Report of Head of Public Protection and Development Management

#### **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.

#### **Recommendations**

The Planning Committee is recommended to:

- (1) Accept the position statement.

### **14. Appeals Progress Report (Pages 106 - 109)**

Report of Head of Public Protection and Development Management

#### **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.

#### **Recommendations**

The Planning Committee is recommended to:

- (1) Accept the position statement.

### **15. Exclusion of Public and Press**

The following report contains exempt information as defined in the following paragraph of Part 1, Schedule 12A of Local Government Act 1972.

3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Members are reminded that whilst the following item has been marked as exempt, it is for the meeting to decide whether or not to consider it in private or in public. In making the decision, Members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation: "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 it could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act."

**16. Cotefield Farm, Bodicote (Pages 110 - 137)**

Report of Head of Public Protection and Development Control

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

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk) or 01295 221589 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 Natasha Clark, Law and Governance [natasha.clark@cherwell-dc.gov.uk](mailto:natasha.clark@cherwell-dc.gov.uk),  
01295 221589

**Sue Smith**  
**Chief Executive**

Published on Friday 23 December 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 1 December 2011 at 4.00 pm

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

Councillor Ken Atack  
Councillor Fred Blackwell  
Councillor Colin Clarke  
Councillor Mrs Catherine Fulljames  
Councillor Michael Gibbard  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Mike Kerford-Byrnes  
Councillor George Parish  
Councillor D M Pickford  
Councillor G A Reynolds  
Councillor Trevor Stevens

Apologies for absence: Councillor Tim Emptage  
Councillor Chris Heath  
Councillor James Macnamara  
Councillor Lawrie Stratford

Officers: Bob Duxbury, Development Control Team Leader  
Caroline Roche, Planning Officer (Major Developments)  
Ross Chambers, Solicitor  
Natasha Clark, Senior Democratic and Scrutiny Officer

#### 119 **Declarations of Interest**

Members declared interests in the following agenda items:

**6. Land off School Lane, Cropredy.**

Councillor Ken Atack, Personal, as the applicants were near neighbours and acquaintances.

**8. Land at Bury Court Farm, North of Hanwell, Warwick Road, Banbury.**

Councillor Fred Blackwell, Prejudicial, as his son was a pilot and had an aircraft stationed at the airfield adjacent to the site.

**9. Land East of Uplands Farm and North West of Hyde Smith Farm, Quarry Road, Hornton.**

Councillor G A Reynolds, Prejudicial, due to land ownership adjacent to one of the sites.

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

**10. 42 South Bar Street, Banbury.**

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Personal, as a member of Banbury Town Council which had been consulted on the application.

Councillor George Parish, Personal, as a member of Banbury Town Council which had been consulted on the application.

**11. 42 South Bar Street, Banbury.**

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Personal, as a member of Banbury Town Council which had been consulted on the application.

Councillor George Parish, Personal, as a member of Banbury Town Council which had been consulted on the application.

**15. Appeals Progress Report.**

Councillor Mike Kerford-Byrnes, Personal, as the neighbour of the applicants referred to in paragraph 3.1 of the report.

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

There were no petitions. The Chairman advised that requests to address the meeting would be dealt with at each item.

121 **Urgent Business**

There was no urgent business.

122 **Minutes**

The Minutes of the meeting held on 3 November 2011 were agreed as a correct record and signed by the Chairman.

123 **Communications**

Councillor Atack made a statement regarding Minute 118 of the Minutes of the Planning Committee of 3 November 2011 which concerned the Appeals Progress report. Paragraphs 3.3 and 3.4 of that report had referred to the

appeal outcome of nine plots on the Oxford Canal in Claydon. Sixteen plots had been investigated by CDC Enforcement Officers following a referral by Councillor Atack on behalf of Claydon-with-Clattercote Parish Council. Once the initial site reviews and legal process had started, Councillor Atack confirmed he had occasional officer contact to determine progress but had no involvement with the case once the enforcement notices were issued and had not attended the appeal hearings. He reported that he had been contacted by two residents of his ward saying he had made erroneous comments at the 3 November Planning Committee meeting regarding the remaining seven plots which were owned by the residents. At that meeting Councillor Atack had stated that enforcement notices issued against the seven plots had not been appealed whereas they had not in fact been included in the enforcement programme. Councillor Atack reported that he had apologised by email to the residents for his oversight and any concern he caused and wished to acknowledge matters to the Planning Committee.

124 **Land off School Lane, Cropredy**

The Committee considered a report for a proposed marina with new access from Oxford Canal complete with associated car parking and facilities buildings (as amended by plans received 16/09/11)

Councillor Atack reported that there was a second application relating to a proposed marina that was likely to be presented to the Committee for consideration in January 2012 and that it may be useful for Members to visit the site prior to making a decision on each application.

Councillor Atack proposed that the application be deferred for a site visit. Councillor Blackwell seconded the proposal.

**Resolved**

That consideration of application 11/01069/F be deferred for a site visit.

125 **Land at Bury Court Farm, North of Hanwell, Warwick Road, Banbury**

The Committee considered a report for the installation and operation of a wind monitoring mast for a period of up to 24 months.

The Planning Officer (Major Developments) advised Members that she had received an email from Mollington Parish Council whose consultation response had not been included in the report to the Committee. She confirmed that their concerns echoed those of Cropredy Parish Council and Claydon-with-Clattercote Parish Council, which had been referenced in the report.

Councillor Webb spoke in opposition to the application as Ward Member.

Simon Jackson, Councillor at Stratford District Council who had been consulted on the application, spoke in objection to the application. Councillor Jackson addressed the Committee as the spokesperson for Giles Dessian,



representative for Hanwell Parish Council, Charles Wilford, representative of the residents' Windfarm Action Group and Jane Winter, representative of Hanwell residents and Shanwag Action Group, who had also objected to the application.

Robin Basten, representative of the company submitting the application, spoke in favour of the application.

The Committee considered the residential impact, visual and heritage impact and the ecological and conservation impact of the proposal. Members of the Committee raised concerns that the proposed wind mast could have an adverse effect on aviation safety in the vicinity.

Members noted that the proposal was linked to a future renewable energy source but that, in Members' view, it was contrary to a number of the Council's planning policies.

Councillor Attack proposed that the application be refused. Councillor Catherine Fulljames seconded the proposal.

In reaching their decision, the Committee considered the Officers' report, presentation and written update, the address of the Ward Member and the addresses of the public speakers.

### **Resolved**

That application that application 11/01391/F be refused for the following reasons:

- (1) It was contrary to the following policies of the Adopted Cherwell Plan: C1, C2, C13
- (2) It was contrary to the following policies of the Non-Statutory Local Plan: EN21, EN34
- (3) Concerns over aviation safety

(Councillor Blackwell left the meeting for the duration of this item.)

126

### **Stable Block Corner, Farnborough Road, Mollington**

The Committee considered a report for the replacement of a flat roof on an outbuilding with a pitched roof.

The Committee was satisfied with the evidence presented.

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

### **Resolved**

That application 11/01383/F be approved subject to the following conditions:

- (1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- (2) Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered 1073-OB-01 and 1073-OB-02a and A4 Site location Plan.

(Councillor Milne-Home left the meeting at the conclusion of this item.)

127

**Land East of Uplands Farm and North West of Hyde Smith Farm, Quarry Road, Hornton**

The Committee considered a report which sought the comments of Cherwell District Council on a consultation from Oxfordshire County Council relating to an undetermined 1997 application to the County Council as Minerals Planning Authority for approval of up-to-date conditions relating to a mineral-extraction consent granted by the then Minister of Housing and Local Government in 1957. The application was for new conditions (review of old mineral permission) of permission reference: 1899/9/6 for Ironstone Workings – Shenington and Shutford at Shenington Quarry (OCC Ref. MW.0121/11).

The Committee was satisfied with the evidence presented.

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

**Resolved**

That Oxfordshire County Council be advised that Cherwell District Council objects to this proposal as it has *significant* concerns over the ability of the suggested conditions to properly and appropriately protect the character, appearance, landscape quality and amenity of the affected areas, due to the level of detail and extent of extraction proposed. *It is suggested that conditions are required that specify the minimum distance between residential properties and areas to be worked for minerals and to adequately control the routing of HGVs.* If conditions are agreed which would allow the extraction of minerals on these sites, Cherwell District Council would request that serious consideration be given to the monitoring and enforcement of any conditions imposed in order to ensure adequate protection of the character and amenity of the area.

Cherwell District Council request that they be informed of the outcome of the application once a decision has been made.

(Councillor Reynolds and Councillor Catherine Fulljames left the meeting for the duration of this item.)

(Councillor Rose Stratford left the meeting at the conclusion of this item.)

128 **Appointment of Chairman**

**Resolved**

That Councillor Colin Clarke be appointed Chairman for the remainder of the meeting.

129 **42 South Bar Street, Banbury**

The Committee considered a report for a variation of Condition 2 of planning application 11/00974/F in order to allow the removal of the former stairwell from the rear of the building.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 11/01530/F be approved subject to the satisfactory expiry of the consultation period and:

- (i) The applicants entering into a legal agreement to the satisfaction of the District Council to ensure compliance with the terms of the agreement entered into on the original application.
- (ii) The imposition of the following conditions:
  - (1) SC 1\_4A (Time limit for implementation)
  - (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application.

130 **42 South Bar Street, Banbury**

The Committee considered a report for the conversion of existing offices to 13 no. apartments to include rear service area and bicycle store.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 11/01531/LB be approved, subject to the satisfactory expiry of the consultation period and the following conditions:

- (1) SC 1\_5A (Time for implementation specific to Listed Buildings)
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application.
- (3) SC 5\_7 (Making good in materials to match)
- (4) SC 5\_5AA (Design details) "internal staircase"

131 **Ferris Hill Farm, Hook Norton Road, Sibford Ferris**

The Chairman reported that application 11/01559/CM had been withdrawn by the applicant with Oxfordshire County Council.

132 **Ferris Hill Farm, Hook Norton Road, Sibford Ferris**

The Chairman reported that application 11/01560/CM had been withdrawn by the applicant with Oxfordshire County Council.

133 **Decisions Subject to Various Requirements**

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

**Resolved**

- (1) That the position statement be accepted.

134 **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**

- (1) That the position statement be accepted.

The meeting ended at 5.50 pm

Chairman:

Date:

## CHERWELL DISTRICT COUNCIL

### PLANNING COMMITTEE

DATE 5 January 2012

### 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**

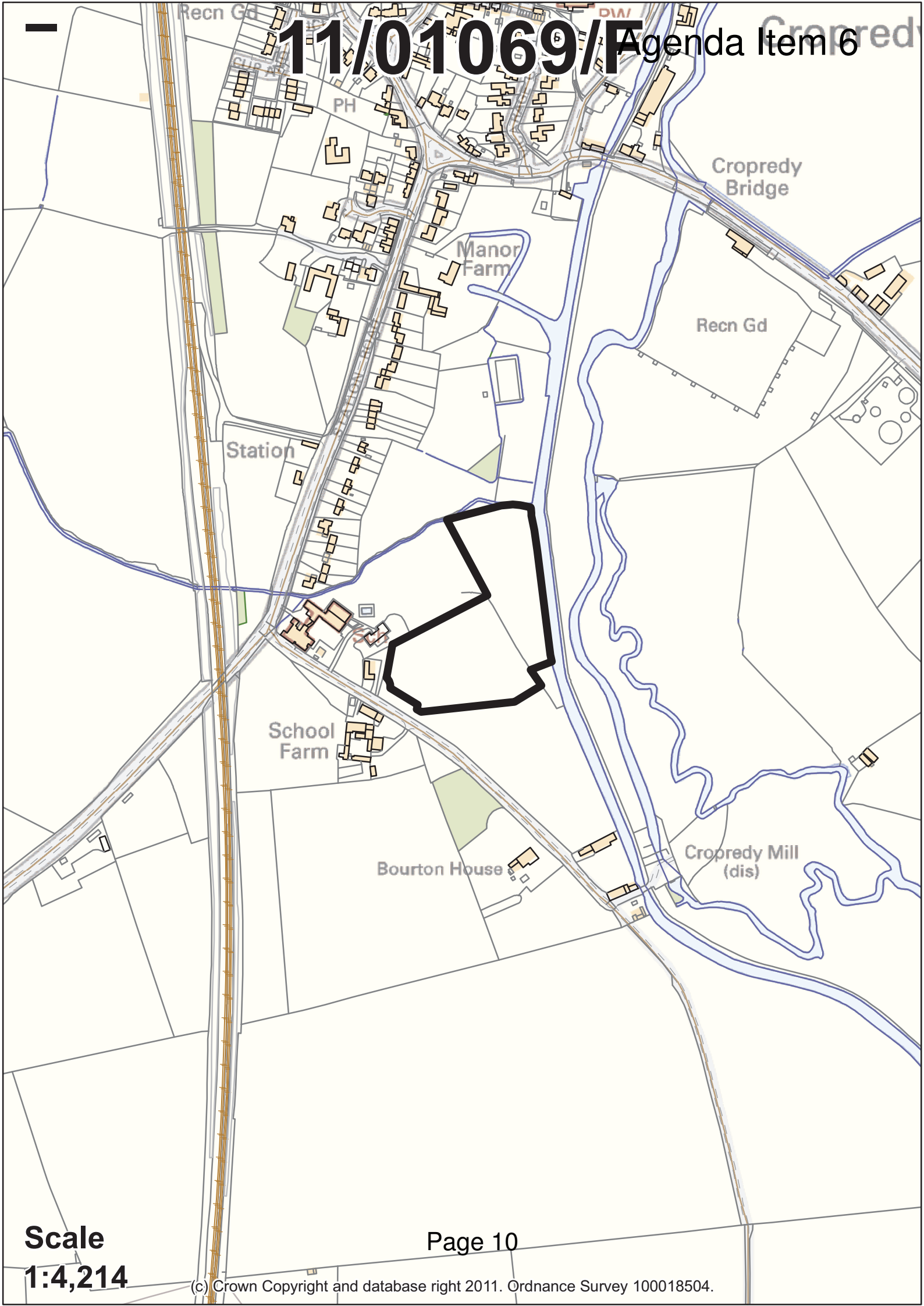
The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations 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

	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
6	Land off School Lane, Cropredy	11/01069/F	Cropredy	Approval	Caroline Roche
7	Land North of Cropredy & South East of Poplars Farm, Claydon Road, Cropredy	11/01255/F	Cropredy	Approval	Caroline Roche
8	Oxford and Cherwell Valley College (south site), Broughton Road, Banbury	11/01369/F	Banbury Easington	Approval	Jane Dunkin
9	Phase 3, Oxford Spires Business Park	11/01484/F	Kidlington North	Approval	Paul Ihringer
10	Seven Springs South Side Steeple Aston Bicester Oxon OX25 4RU	11/01497/F	The Astons and Heyfords	Approval	Michelle Jarvis
11	Redlands Farm, Sibford Road, Hook Norton, Banbury	11/01599/F	Hook Norton	Approval	Jane Dunkin



PH

Manor Farm

Croppedy Bridge

Recn Gd

Station

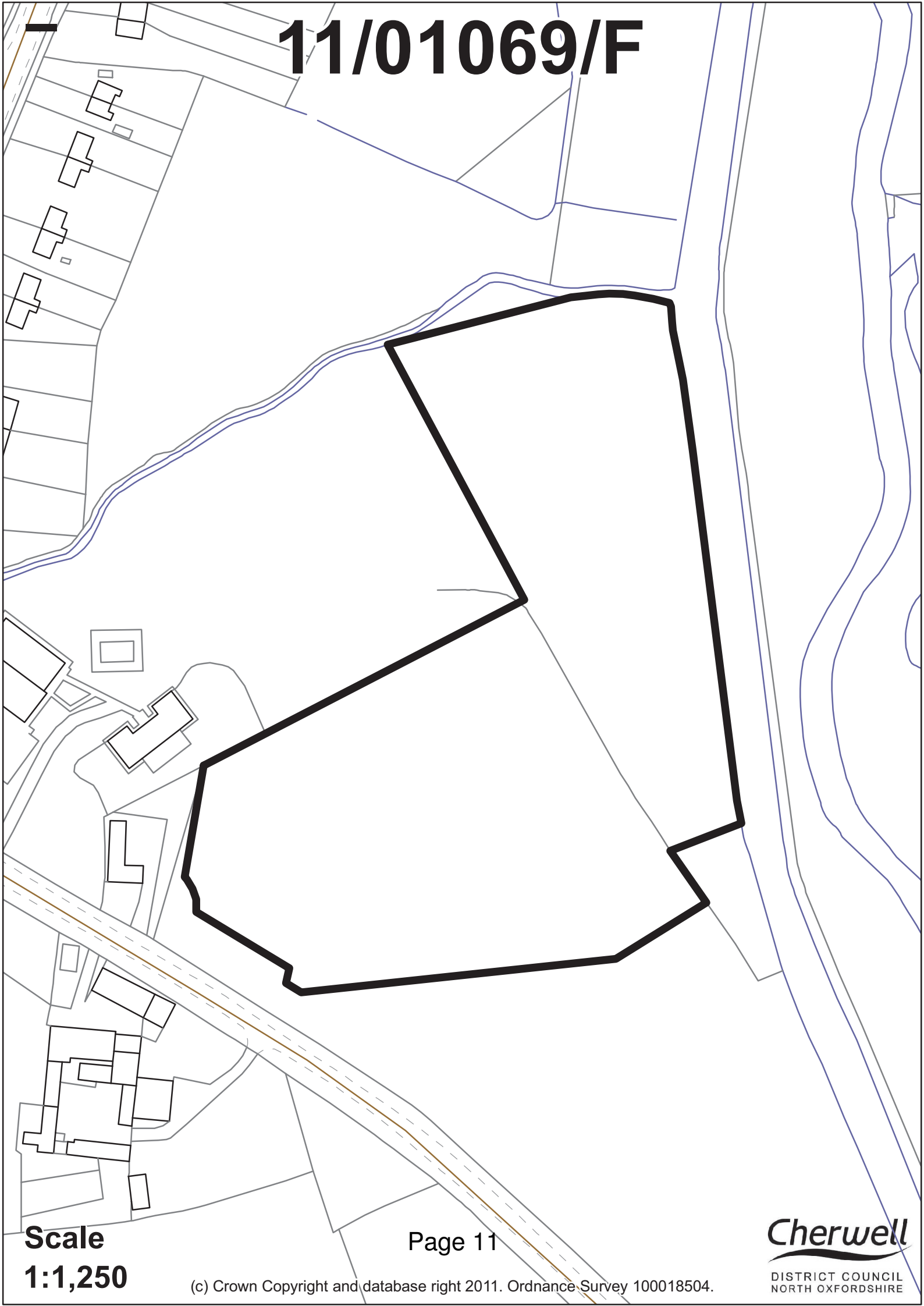
School Farm

Bourton House

Croppedy Mill (dis)

Scale  
1:4,214

# 11/01069/F



**Scale**  
**1:1,250**

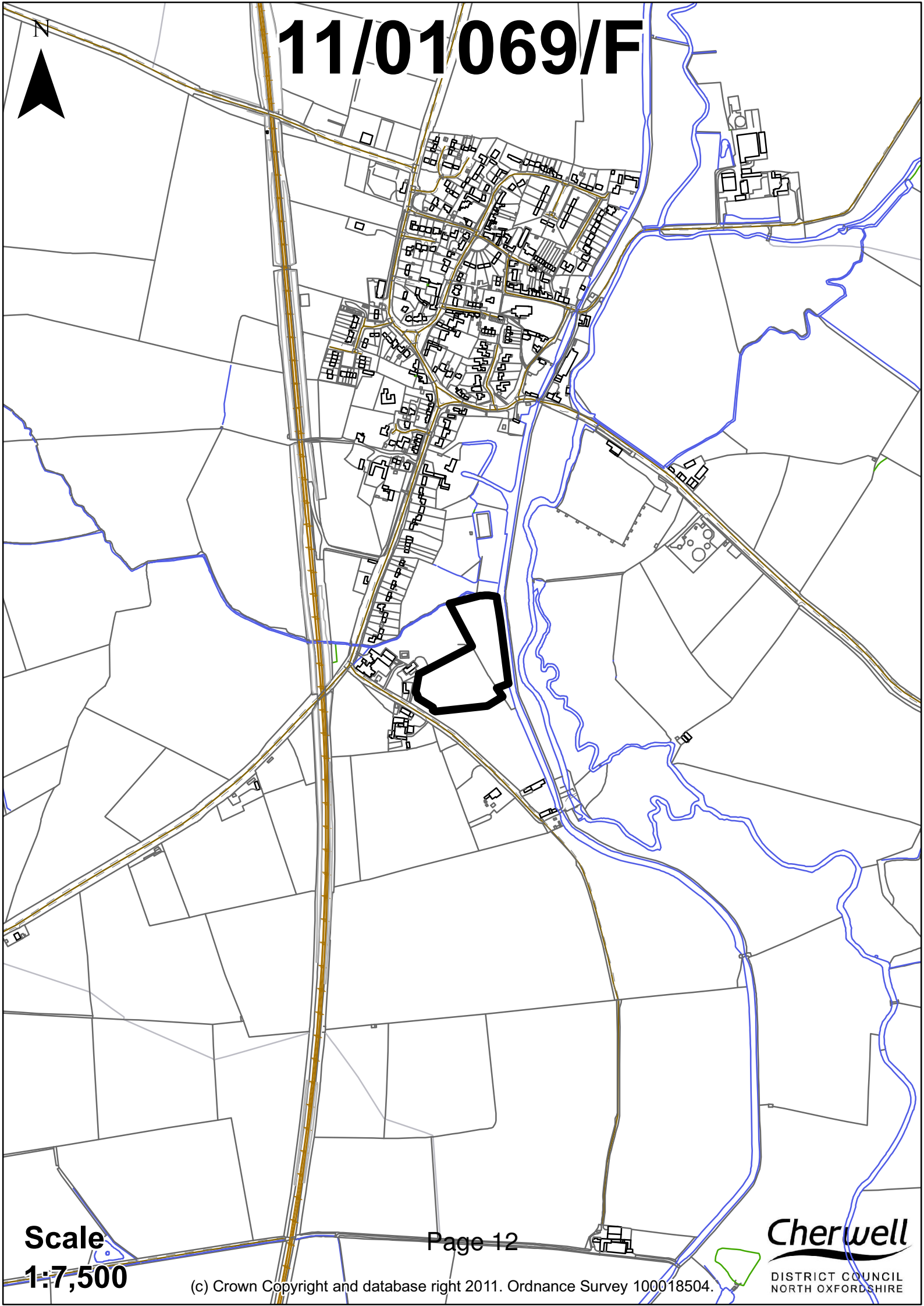
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***Cherwell***  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE



# 11/01069/F



**Scale**  
**1:7,500**

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application</b> 11/01069/F	<b>No:</b>	<b>Ward: Cropredy</b>	<b>Date</b> 12/7/2011	<b>Valid:</b>
<b>Applicant:</b>	Mr Stuart King and Ms Gwen Stewardson			
<b>Site Address:</b>	Land off School Lane, Cropredy			

**Proposal:** Proposed marina with new access from Oxford Canal complete with associated car parking and facilities buildings (as amended by plans received 16/09/11)

## 1. Site Description and Proposal

- 1.1 The site for the marina is a low lying parcel of land adjacent and to the west of the Oxford Canal to the southern end of Cropredy. The location for the marina is demarcated by existing hedgerows and trees. An adjoining field which slopes up towards School Lane is proposed to be used at its eastern end, adjacent to the existing hedgerow, for car parking and the facilities buildings whilst the rest of the field will be re-graded to accommodate the excavated earth from the basin. The site is currently used for agricultural purposes. Outside of the red line area but within the applicants control is a brick built building now permitted to be used for holiday lets and a site for a barn and shed. Vehicular access is obtained from School Lane which is an un-adopted road. An access track has already been laid from School Lane along the southern boundary to the marina field. The creation of the access requires an Agricultural Notification application therefore in the event of the this application being refused the Council will ask that the applicant seek to regularise the access track.
- 1.2 The site wraps round the school playing field on the southern and eastern boundary of the school. On the northern boundary of the site is a watercourse which forms a tributary of the Oxford Canal. To the south of the site is Green Interiors, an area consented for a horticultural nursery which includes a barn, poly tunnel, green house and parking area. The nearest residential properties are The School House and those located on Station Road. The rear gardens of the properties are approximately 80 metres from the closest corner of the application site (the marina field). On the opposite side of School Lane but close to the western end of the site is School Farm.
- 1.3 The site is 1.8 hectares in area but the actual marina is approximately half of this area. The marina could hold up to 31, 20m, narrow boats along a series of pontoons which vary in length. The parking is laid out in a linear fashion and could accommodate up to 21 cars. The facilities building is adjacent to the parking area and would accommodate toilet and shower facilities, an office, bin store and general store. The footprint of the building measures 11.5m long by 7.5m wide with an overall height of 4 metres. The majority of the building will be brick built with the store areas being clad in timber. The material for the roof tiles has not been specified but can be conditioned if the proposal is approved.

- 1.4 The application has been submitted on the basis that none of the moorings will be residential. The proposal is for private recreational moorings and there is no intention to run a hire fleet from the site.
- 1.5 There is no relevant planning history relating to this site but it is worth members noting that there is another application for a marina to the north of Cropredy pending consideration (application no.11/01255/F). This will be referred to later in the report.

## **2. Application Publicity**

- 2.1 The application was advertised by way of 3 site notices and a press notice.
- 2.2 44 letters/emails of objection have been received from third parties including the Chair of Governors of the school. The reasons for objecting are set out below;
- Increased traffic along track serving school and playgroup – congestion, safety of children
  - Further deterioration of the un-adopted road
  - Noise impact on residential properties from generators
  - Smell from generators and fires on boats
  - Disturbance to teaching at the school
  - Increase security risk to school and its children as public access to more of its boundaries will be increased and mitigation measures may be difficult due to visual impact
  - Body of water would be a danger to children –risk of drowning
  - Impact on natural wild environment
  - Screening will only be effective during summer causing visual impact on residential properties
  - Marina visible in winter months from properties along Station Road
  - Question over need for this marina in light of the other proposal to the north of Cropredy which may be more favourable
  - Development will result in further urbanisation of the village and undermine rural character of School Lane and the setting of the school
  - Impact on the Forest School which is currently adjacent to green space
  - Concern over regulation and management of site
  - Potential for it to be a floating caravan park
  - Flood Risk Assessment (FRA) inaccurate in respect of surface water flooding incidents – there have been severe flooding events in the vicinity
  - Inaccuracies of Environment Agency (EA) flood maps
  - Access/egress to the highway is not always safe and dry as required by the EA.
  - Proposed hedges and bunding will impede the flow of water in flood events due to the retention of debris
  - Flood alleviation measures put in place by the school may be rendered ineffective as a result of proposal
  - Applicant not demonstrated that proposal has to be located on this site in flood zone 3.
  - Potential for future residential moorings which would result in host of other issues

- Use, including the building is out of character with landscape and would involve the loss of agricultural land
- Raising the land levels will lessen the effect of the landscaping
- Shop/café will take trade from the village
- The applicant lacks the experience required to run such a site
- Both marina applications should be considered together
- Increased noise and dust from additional vehicles using School Lane
- It appears that elsewhere more moorings are being created than can't be filled
- Extra demands for water on the lock system at a time where use of locks is already restricted
- Impact on ecology and wildlife
- Green Interiors already detrimental to visual appearance
- Light pollution
- Brown field sites should be developed first
- Permanent moorings opposite entrance will be damaged
- Increase in litter
- No security on site if no one is living there
- On line moorings will be removed when off line moorings are created meaning there will be less opportunity for people to live on their boats

2.3 5 letters/email of support have been received. The reasons for supporting the scheme include;

- Small marina would be asset to area and village facilities
- Continuous problem with lack of moorings in area – often not enough short term moorings available meaning visitors pass straight through village
- Existing parking not sufficient for all types of moorings
- Better relationship with village than larger scheme to north
- This scale of marina will improve moorings without causing congestion on canal
- Small marinas have more appeal than large ones
- Visual impact limited due to scale
- Average leisure user will not be accessing their boats during school time

2.4 The applicant has pointed out that there are examples of letters that have been submitted in relation to the proposal north of Cropredy which also refer to this application which may not have been taken into account. Some of these letters are supporting the proposal, others are objecting. However the applicant has specifically referred to a letter of support which states the only problem with this application is the parking along School Lane, an issue which should have been dealt with years ago and that the application should not be refused on these grounds.

### **3. Consultations**

3.1 A summary of the consultation responses is set out below (see electronic file for full details)

3.2 **Cropredy Parish Council** has objected for the following reasons:

- Visual impact, additional impact to that already caused by Green Interiors
- Increased traffic and potential risk of accidents
- Ecology, flooding and hydrology – area floods, amendments to flood maps already blighted some properties, landscaping will affect the school and properties which overlook the site and wildlife habitats will be affected
- Light, noise and security are a concern, the parking area will erode tranquillity and rural setting – affecting residents overlooking the site
- Too small to bring benefits to village and questions over its commercial viability – potential for hire boat operation

**The Parish Council** has sent an additional letter making the following points and enclosing pictures of the lane during school drop-off/pick-up times;

- It is of paramount importance in the interests of the village that both marina applications be considered at the same time.
- Request that the application be deferred until site visits are made by the committee to view both locations – to focus the committee’s attention to the significant differences between them, in particular the issue of the un-adopted track.
- Photos show congestion and parking problems which occur on a daily basis, made worse by Green Interiors and the break up of the track after the dry autumn. Not appropriate to consider further development without this track being made into a proper roadway.

3.3 **Claydon with Clattercote Parish Council** does not formally object to the application but as many of its residents have children who attend the school they would make comment on the proposal;

- Visual impact will be minimal due to low lying position
- Must be suitable and adequate screening to school and playing field
- Concern over potential for residential moorings
- Concerns over security as raised by school
- Significant change of use and no further development should be permitted
- British Waterways should address congestion and water supply issues if the development is approved
- Highways conditions must be improved as well as resurfacing of School Lane should development be approved

3.4 The **Local Highway Authority** has assessed the impact of the development on the junction of School Lane and Station Road. British Waterway surveys indicate that such uses generate 3-5 traffic movements an hour with the majority occurring at the weekends. TRICS database supports this. The junction has appropriate geometry and levels of visibility but becomes chaotic at the times of the ‘school run’ with regular traffic movements throughout the school day. Given the low levels of additional traffic it is not considered that there would be any material harm to highway safety. The Highway Authority is aware that the number of boats being moored could increase if smaller boats are moored. There is no objection to up to 50 boats being moored in the marina. Not objecting to this application but would not wish to see any further development of the site which would result in an increase in traffic movements. Conditions are suggested.

- 3.5 **British Waterways as a Statutory Consultee** considers proposals in respect to:
- Structural integrity of the waterway
  - Safety of users or neighbours
  - Water resourcing and management, land drainage and flood alleviation
  - Heritage, natural environment, landscape, character, amenity, public access to and recreation use of inland canal, river navigations, docks and reservoirs.

No objections are raised but minor comments made with regard to the use of a particular marine plant.

- 3.6 **British Waterways New Marinas Unit** encourages the use of waterways for tourism and leisure, recreation and sporting activity. The increase in popularity of inland waterway boating has led to shortage in supply of available moorings. BW's policy is to limit growth in linear moorings and assist in establishing new marinas. Marinas generate significant social and economic benefits to the local area. The issue of congestion on waterways is subjective and not considered when assessing impact of new marinas on the waterways.

Expansion in mooring capacity is generally constrained by factors such as water supply and navigational safety. The location of the proposed development is unlikely to generate any navigational safety issues. Furthermore, from information provided by the applicant and detailed assessment of water resources and boat traffic modelling in this locality, BW can confirm that the local waterway infrastructure will be able to accommodate the proposed new development. Therefore in light of these detailed assessments BW supports the proposed development as a navigation authority.

- 3.7 **The Inland Waterways Association** supports the provision of new marinas where it is considered that the proposal is in an appropriate place, meets the needs of canal users and is likely to be well managed.
- Location is such that it would benefit users but has limited capacity and is unlikely to make useful contribution to growth of online moorings or benefit sufficient boat owners
  - Not proposing to provide facilities which are inadequately provided for on this section of canal therefore not making useful contribution
  - Applicants have no experience of providing or managing marinas
  - Concern about practical and commercial viability

- 3.8 The Council's **Conservation Officer** has made the following comments and has suggested the inclusion of conditions;

The proposal will have limited impact on the setting of the conservation area, on the battlefield on the other side of the canal but somewhat more impact on the canal which is an undesignated heritage asset (PPS5). Landscape and planting will dictate the extent of this impact on the canal system.

- 3.9 **English Heritage** did not want to make any specific comments on this occasion but states that the application should be considered against national and local policies and with advice from own conservation officers.

- 3.10 The Council's **Landscape Architect** supports the principle of the development but required a number of issues to be addressed

- 3.11 The Council's **Ecologist** required the submission of additional information. Following the receipt of the requested information it was considered that the proposal will have limited ecological impact subject to some conditions.
- 3.12 The Council's **Arboricultural Officer** having sought additional information from the applicant has no objections or further observations to make in relation to the scheme.
- 3.13 **Oxfordshire County Council's Drainage Team** has made the following observations;
1. The roof water run-off from the proposed development will need to go to soakaway within the site boundary and not into the highway drainage system.
  2. New hardstandings should be Suds compliant, ie Permeable or positively drain into a soak-away within the site boundary. Surface water from the site should be dealt with within the site boundary and not enter onto the highway and into the highway drainage system.
  3. There will be a large amount of excavated material on this project. Where is this material being transported to and by what method. If by the road network, are the local roads capable of with-standing the loadings, especially the unmade road to the Marina and the junction of Station Road.
- 3.14 The Council's **Economic Development Officer** in relation to the potential benefits to the local economy welcomes the proposal. It is hoped to contribute towards Cherwell Economic Development Strategy (2011-2015). Whilst it is unclear precisely how many jobs will be created directly and indirectly multiplier benefits are likely to arise.
- 3.15 The **County Council's Developer Funding Officer** has stated that if the proposal was to involve permanent residential mooring it would have an impact on service infrastructure.
- 3.16 The County **Archaeologist** has stated that the area lies within an area of some archaeological interest located immediately to the south of the medieval settlement of Cropredy. The site is located close to the registered battlefield of Cropredy Bridge and as such the advice of English Heritage should be sought. The site is located 400m east of the site of an undated enclosure recorded as a cropmark. The cropmark is partly masked by later ridge and furrow which can also be seen in the surrounding fields and could therefore mask further cropmarks in the area. It is therefore possible that archaeological deposits related to these periods could survive within the application area. Conditions are suggested.
- 3.17 **The County Council's Rights of Way Officer** states that no public footpaths will be affected by the proposal but School Lane is used to access public rights of way and may be affected by an increase in traffic.
- 3.18 **Thames Water** has not commented directly in relation to this application but in relation to a larger scheme north of Cropredy has stated that Petrol/oil interceptors be fitted in all car parking/washing/repair facilities and failure to enforce this could result in oil-polluted discharges entering local watercourses. In relation to sewerage and water infrastructure no objections are raised.
- 3.19 **The Environment Agency** prior to the Sequential test being submitted

acknowledged that a fair assessment has been made of the likely flood hazard that would be encountered by people trying to gain access and egress to and from the site during the design flood event and stated that providing the sequential test objection can be resolved it would be requested that conditions be imposed to require the recommendations of the FRA to be secured and to agree the detailed design of the surface water drainage system.

- 3.20 **The Council's Tourism Officer** suggests that CDC is supportive of new initiatives that develop the tourism infrastructure, create employment within the visitor economy locally and add to the experience of residents and visitors; improving access to our tourism assets of canals and countryside along with historic homes and gardens is important to the sustained growth of this sector. Whilst the tourism officer suggests that this scheme does not seem to offer a development that would benefit significant numbers of canal users in providing for the need for overnight and longer term moorings and the business may not be sustainable in the longer term or offer employment beyond initial plans it is acknowledged that this comment has been made without the benefit of any business plan and it is not possible to state whether the canal could support both schemes.

#### **4. Relevant Planning Policies and documents**

- 4.1 Central Government Guidance  
Planning Policy Statement (PPS) 1 – Delivering Sustainable Development  
Planning Policy Statement (PPS) 5 – Planning for the Historic Environment  
Planning Policy Statement (PPS) 7 – Sustainable Development in Rural Areas  
Planning Policy Statement (PPS) 9 – Biodiversity and Geological Conservation  
Planning Policy Guidance (PPG) 13 – Transport  
Planning Policy Guidance (PPG) 17 – Planning for open space sport and recreation  
Planning Policy Statement (PPS) 25 – Development and Flood Risk
- 4.2 South East Plan Policies  
CC1 - Sustainable Development  
CC8 – Green Infrastructure  
TSR2 – Rural Tourism  
NRM4 – Sustainable flood risk management  
NRM5 - Conservation and Improvement of Biodiversity  
BE5 – Village management  
BE6 - Management of the Historic Environment
- 4.3 Adopted Cherwell Local Plan  
H26 – Residential canal moorings  
R7 – The Oxford Canal  
R9 – New facilities for canal users  
C2 – Protected species  
C5 – Protection of ecological value and rural character of the Oxford Canal  
C7 – Topography and character of landscape  
C10 – Effect on character and appearance of...battlefields and their setting  
C13 – Areas of high landscape value  
C28 - Standards of layout, design and external appearance



C29 – New buildings adjacent to the Oxford Canal  
ENV1 – Materially detrimental levels of noise, vibration, smell, smoke  
ENV7 – Quality of water bodies including canals

4.4 Non Statutory Cherwell Local Plan

H28 – Residential canal moorings  
R14 – Protection and enhancement of Oxford Canal  
R16 – New facilities for canal users  
EN6 – Light Pollution  
EN11 – Water resources  
EN12 – Water Quality  
EN14 – Flood defence  
EN22 - Nature Conservation  
EN23 - Ecological surveys  
EN24 – Protection of sites and species  
EN28 – Ecological Value of Oxford Canal  
EN34 – Landscape Character  
EN48 – Setting of...battlefields.  
D11 – Canalside development

4.5 Draft Core Strategy 2010

SD8 – Protection and enhancement of biodiversity and the natural environment

## 5. Appraisal

5.1 Main Planning Considerations

- 5.1.1 The main issues to consider in the determination of this application are as follows –
- Principle of development and compliance with location based policy
  - Visual Amenity/Landscape Impact
  - Residential Amenity
  - Highway Impact
  - Flooding
  - Ecology/Trees
  - Heritage impact
  - Other issues

Each of the above points will be considered in turn.

5.2 Principle of development and compliance with policy

- 5.2.1 Policy H26 of the adopted Cherwell Local Plan and Policy H28 of the Non-Statutory Plan require that sites for permanent residential canal moorings will be considered favourably providing the site is within the built up limits of a settlement, adequate parking is provided, that the neighbouring land use is compatible and that the density of boats is not so great so as to prevent access to the water. The application site is outside the built up limits of Cropredy therefore would fail to comply with this policy if it were to accommodate residential moorings. However, the applicant has confirmed that none of the moorings will be residential and that they will be for visitor moorings for individual boat owners. It is also not the intention to have a permanent residential mooring for a manager.

- 5.2.2 Policy R7 of the adopted Plan (Policy R14 of the Non-Stat. Plan) requires that through the control of development the Council will seek to protect and enhance the recreation roles of the Oxford Canal. This application seeks to add to the recreational facilities of the canal by providing off line visitor/recreational moorings, thus potentially enhancing the recreational roles therefore providing the form of development supported by this policy. It is considered that Policy R7 of the adopted Cherwell Local Plan is complied with.
- 5.2.3 Policy R9 of the adopted Plan (Policy R16 of the Non-Stat. Plan) states that with the exception of appropriately sited small car parks and picnic areas, new facilities for canal users will normally only be permitted when they are located within or immediately adjacent to settlements. This site, accessed off School Lane, is to the southern limits of the village but is adjacent to the School playing field and extends north close to but not adjacent to residential gardens. It is also north of the Green Interiors site. It is considered to be outside of the built up limits of the village but is adjacent to it. The canal is obviously a fixed feature and sites both adjacent to the canal and adjacent to the village will not be very common. It is considered that, notwithstanding all other issues to be assessed, that the site is appropriately located in relation to the village and therefore complies with Policy R9.
- 5.2.4 PPS7 – Sustainable Development in Rural Area sets out its key objectives as being;
- i) To raise the quality of life and the environment in rural areas;
  - ii) To promote more sustainable patterns of development
  - iii) Promoting the development of the English regions by improving their economic performance so that all are able to reach their full potential
  - iv) To promote sustainable, diverse and adaptable agricultural sectors.
- 5.2.5 The proposal contributes to these objectives by encouraging economic growth and enhancing the quality of the countryside associated with the use of the canal and contributing to the leisure opportunities in this part of the district. The proposal will also result in the creation of a small number of jobs and potentially contribute to the economy of the village.
- 5.3 Visual amenity/landscape impact
- 5.3.1 The site is approximately 6-7 metres below the height of School Lane and sits in a natural dip. The marina will be visible from School Lane but because of the land levels difference it is unlikely to be a prominent feature. Long distance views of the marina are also going to be limited due to the levels difference to the south and west, the high proportion of natural screening along the length of the canal and to the east adjacent to the tow path and also due to the route the canal takes with angles that restrict lines of sight. The marina will result in a body of water capable of accommodating boats of varying sizes and thus varying numbers, a new building and an area for parking cars. Even with increased landscaping the appearance of the immediate area will change and the development will clearly be visible for the short period of time it takes to pass it either on the canal or the tow path. However the character of the area is unlikely to change significantly as the development reflects the use of the canal and is a form of development that is not uncommon adjacent to canals. The proposal includes the excavation of the basin and the re-grading of the land to the west to accommodate the excavated earth. Parts of the site will see no changes to the levels whereas other parts of the site will be increased up to 1.73m. This scale of increase does not occur across the entire

area of the site and taken in perspective the overall re-grading is not considered to materially alter the topography of the landscape thus complying with Policy C7 of the adopted Local Plan which seeks to restrict development that harms the character and topography of the landscape.

- 5.3.2 The site is part of a larger area recognised as having High Landscape Value therefore policy C13 applies. The wider area is recognised as being of particular environmental quality but the actual site has no more specific landscape designations. The policy seeks to conserve and enhance such areas and it is considered that as the proposal has only localised visual impacts the overall area designation is conserved.
- 5.3.3 Policy EN34 of the Non-Statutory Local Plan seeks to conserve and enhance the character and appearance of the landscape through the control of development and addressing issues relating to visual intrusion into the open countryside, topography, setting of settlements and historic features and landscapes. The assessment against this policy is similar to that which has been discussed above. The site is well contained and as such does not have a significant impact on the wider open countryside and the topography of the landscape is not changed in any materially harmful way. The impact of the development on the surrounding historic features will be discussed in the following section.
- 5.3.4 Policies C28 and C29 of the adopted Local Plan both seek to ensure that new development is designed to an appropriate standard which is sympathetic to the surroundings. C29 specifically relates to the development being complementary to the characteristics of the Oxford Canal. The plans for the marina basin shows that in itself it as you'd expect a basin to look, a body of water surrounded by some bunding and divided into smaller areas by pontoons. The proposed building will be partially screened from the canal by an existing hedgerow and from School Lane by a newly planted hedgerow. It has a fairly low ridge line and is proposed to be built from materials found locally and commonly seen from the canal and its towpath. It has the appearance of a utilities building and is unlikely to cause demonstrable harm to the character and appearance of the wider landscape and the visual amenities of the area. The building and parking area is significantly smaller than those buildings which have been accepted on the neighbouring site and reflects the scale and nature of the development.
- 5.3.5 Policy D11 of the non-Statutory Local Plan is similar to policy C29 of the adopted plan and seeks to ensure that development adjacent to the canal is of a scale and appearance appropriate to the rural canal environment. This has been discussed in the previous paragraph and it is considered that Policy D11 of the non-Statutory Local Plan and Policy C29 of the adopted Plan are complied with.
- 5.3.6 The site already benefits from fairly substantial landscaping along the northern boundary but further landscaping improvements are proposed. Whilst an indication of the proposed landscaping is shown on the submitted plans the applicants will be required to submit a detailed landscaping plan through a planning condition if approval is granted.
- 5.4 Historic Impact
- 5.4.1 National Policy (PPS5) seeks to protect the historic environment from harmful development. The Conservation Area is located approximately 180m to the north

of the site and the nearest listed buildings are approximately 125 metres to the south and 200m to the north. The canal itself has historic significance. The north eastern corner of the site is within 75 metres of the nearest part of the historic battlefield site. The applicants have made an assessment on the impact of each of these features. The Council has consulted with English Heritage, the County Council's own Archaeologist and its own Conservation Officer and the general view is that the proposal will not harm features of historic significance. This is due to the distances between them and the nature of the intervening land and the nature of the proposal. Whilst an initial archaeological survey has been carried out the applicant will be required to comply with other archaeological conditions to ensure that in the event of any archaeological finds occurring they are appropriately dealt with. It is considered that national guidance contained in PPS5 and Policy C10 of the adopted Local Plan (Policy EN48 of the Non-Statutory Local Plan) are complied with as they seek to protect the character, appearance and setting of historic features such as battlefields.

## 5.5 Residential Amenity

5.5.1 Key considerations when assessing neighbouring amenities is the potential for a development to be visually intrusive and overbearing. The site does not share any boundaries with residential properties however some residents have raised concerns about the potential to see the site from their properties, especially in the winter months. The site is separated from the residential gardens by approximately 75 to 80 metres with some mature landscaping already present. It is therefore unlikely that even when the trees are not in leaf that the development of a marina of this scale will be demonstrably visually dominant. Residents may feel the development is intrusive but given the site circumstances it is not considered harmful enough to justify a reason for refusal. Whilst residential amenity is a relevant planning consideration the planning process cannot protect private views.

5.5.2 A number of objections raise concerns about noise as a result of generators being used on the boats whilst moored in the marina. However it is intended that mains power points will be provided for use by boats whilst they are moored meaning that generators will not be required. It is understood that some noise is already experienced from boats which currently moor on the canal but it is fair to say that this is to be expected when living in proximity to a canal.

5.5.3 Inappropriate lighting has the potential to adversely affect both residential and visual amenity. The site is proposed to be lit by low level bollard type lights, the exact specification for which can be dealt with by condition. It is unusual for this type of lighting to shed light over longer distances as such it is unlikely to cause demonstrable harm to the residential amenities of nearby properties. It is considered that policy EN6 of the Non-Statutory Local Plan is complied with as it seeks to avoid unnecessary levels light pollution and that the lighting scheme is the minimum required, that light pollution is minimised and that there is no detrimental impact on residential amenity, the character and appearance of the landscape or highway safety.

## 5.6 Highway Safety

5.6.1 The submission is slightly inconsistent in specifying the number of moorings the basin will provide. The written documentation suggests 28 moorings and the proposed plan shows 31 moorings. However it is acknowledged that it would be possible to accommodate a larger number of boats if smaller boats were being

moored. It is also understood that the British Waterways assessment of the proposal (separate to the planning process) was based on up to 50 boats being moored. The applicant has advised that whilst British Waterways may permit 50 boats it is the intention to accommodate no more than 31 moorings and hook-ups which limit the number of boats in the marina. For the purposes of highway safety and assessing the level of impact from traffic movements the application was assessed against a maximum number of 50 boats. The highway authority's comments are summarised in section 3 of this report. However despite the objections raised by the public and local residents the highway authority considers that the local highway network is able to accommodate the increase in traffic. However it would not want to see any extension to the facilities provided. For clarity it is worth noting that the applicant has confirmed that the proposal is not to include a shop/café as shown on one of the submitted plans therefore there will be no additional traffic movements as a result of people visiting such a facility. It will be necessary to specify the use of the facilities building and limit the number of berths to a maximum of fifty in order to satisfy the Local Highway Authority.

5.6.2 Another issue which has been raised by local residents and those associated with the school in relation to highway safety is the standard of the road surface of School Lane. The applicant has advised that the lane is maintained as necessary by the land owners that are served by the lane. It is also pointed out that the only legal right of access rests with the landowners but it seems that most of the use of the lane is by members of the public during school hours. The Highway Authority did not make specific comments on this issue.

## 5.7 Flooding

5.7.1 Policy EN14 of the Non-Statutory Local Plan states that new development and land raising would not be permitted if it results in the net loss of flood plain storage, impede the flow of flood water or increase the risk of flooding elsewhere. The proposal has been carefully assessed by the Environment Agency, the Council's consultee in relation to flooding and it is satisfied that the potential flood risk has been assessed and that the proposed development poses no extra threat to flooding. Conditions will have to be imposed and the applicant will be required to comply with such conditions.

5.7.2 The applicants flood risk consultants have had sight of some of the concerns raised by the public and responded accordingly. For clarification purposes they have pointed out that the site of the car park and facilities building are located within flood zone 1 and did not in fact flood during the 2007 flood event. The 2007 event was also an extreme event and other mitigation measures have been installed since this event. The land levels will not be increased within the flood zone and the proposal actually increases flood capacity by 1,399 cubic metres. The Consultants have provided an addendum to the FRA which addresses the issues raised by the public.

5.7.3 It is considered that the issue of flooding has been appropriately addressed and the lack of objection from the EA means that the Council could not easily object to the proposal on the grounds of flooding.

## 5.8 Ecology

5.8.1 The Council's Ecologist has considered the potential for the proposal to impact on ecology including great crested newts, reptiles, water voles, birds and bats. The

applicant has had to provide a significant amount of additional information to satisfy officers that no harm will be caused during development or as a result of the proposal. Through the assessment of the submitted information and the inclusion of a number of planning conditions it is considered that ecology has been appropriately considered and as such policies relating to the protection and enhancement of ecology and protected species are complied with.

## 5.9 Other issues

### 5.9.1 **Sustainability**

As this site is on the non-towpath side of the canal there is no obvious direct route along the canal into the centre of the village. However the tow path can be accessed across a bridge further to the south east down School Lane or the centre of the village can be reached along Station Road. It is considered that these are suitable distances in order to access the village centre. It would be difficult and unreasonable to expect a development such as this be located within the village centre and this appears to be a relatively sustainable site. Furthermore there has been concern expressed that the proposed facilities building will accommodate a café or shop and that such facilities may attract visitors out of the village. However the applicant has confirmed that this was an error on the plan and that no such facility will be provided thus helping to protect the village centre and encouraging those that use the marina to visit the village centre. The facilities building will be used for WC and shower facilities, waste store, general store and an office for the manager/groundsman.

### 5.9.2 **Water supply**

There has been a high level of concern about whether or not there is sufficient water to cope with creation of not only this marina but potentially another marina to the north of Cropredy. Whilst on site in August it was noted that there had been restrictions to the hours during which some of the locks could be used due the low levels of water. In addition to the British Waterways comments summarised above specific advice from British Waterways has been sought in relation to this matter and in response the Technical Manager of the New Marinas Unit has stated;

*I can confirm that both the Cropredy schemes have fully complied with BW's new marinas process. This includes detailed assessments of water resource requirements and impacts on local infrastructure. As stated in the supporting letters from the New Marinas Unit, British Waterways supports both the proposed developments as a navigation authority.*

*There has been a dry sequence of weather in central England (West Midlands, East Midlands and parts of the South and East) since August 2010. Every month has seen either average, below average or well below average rainfall. Please see below an extract from the Environment Agency Drought Communications last month:*

*'In the Midlands it has been the driest 12 month period from October to September since records began in 1910. Leicestershire, Warwickshire and Shropshire have been particularly dry'*  
*Environment Agency Drought Briefing, 13<sup>th</sup> October 2011*

*Due to this exceptional weather, restrictions were in place on sections of the Oxford*

*Canal over the busier boating periods this year. These restrictions have now been lifted. Signage may have remained on the locks to encourage sensible use of water and lock sharing.*

- 5.9.3 Officers are therefore satisfied that water resource has been appropriately addressed in relation to the two proposed schemes in Cropredy. This means that, purely in relation to water supply, one application does not prejudice the other and it is therefore appropriate to consider the two proposals independently from one another despite the likelihood that the applications will now be considered at the same planning committee.
- 5.9.4 Members may be aware that the consented outline scheme for Bankside included a canal basin. As such further advice has been sought from BW to ensure the development of one or both of the schemes at Cropredy won't adversely affect the potential to implement development on what is a strategic site. From a general demand point of view BW are of the opinion that the approval of the two current planning applications in Cropredy would not have any detrimental effect on the proposed mooring basin at Bankside. However they cannot confirm that the scheme will not be prejudiced as the Bankside proposal has not been the subject of an application through the New Marinas Unit. Whilst this is inconclusive there appears to be no evidence either way to suggest that the scheme at Bankside couldn't go ahead as a result of the proposals in Cropredy going ahead.
- 5.9.5 Policy EN11 of the non-statutory Local Plan requires that development will only be permitted where adequate water resources exist or can be provided without detriment to existing use. This aims to ensure that flows, quality, navigation, amenity and nature conservation are not adversely affected. Whilst Policy EN12 of the same Plan protects the water quality. Given the response from British Waterways it is considered that these policies are complied with.
- 5.9.6 **Management of the site**  
In terms of management it is intended that the site will be retained by the applicant who lives locally. The site will be managed on a day to day basis by a groundsman who will be responsible for running the marina using the facilities building as an office. There is no intention to have a manager on site permanently but when there is no management or groundsman on site a contact phone number will be provided for those on the site at such times.
- 5.9.7 **Compatibility of land uses**  
The school and some residents have raised concerns about the compatibility of the marina use adjacent to the school. Whilst the applicant didn't necessarily agree with the concern the position of the actual basin has been amended to move it away from the boundary with the school playing field, hopefully decreasing the risk of children getting close to the water. It is acknowledged that not all children will obey rules but it would be reasonable to expect that school children were not permitted to leave the school boundaries into privately owned land whether or not the boundary was in close proximity to a body of water. Landscaping is proposed along the shared boundary which should help to mitigate the concern but this issue is not one that the planning process can be expected to control.
- 5.9.8 Safety in terms of the school and its pupils being more vulnerable as a result of greater public access around the boundaries of the school is also an issue that is

difficult to control through the planning process where adjoining land is in private ownership.

5.9.9 Reference is also made to the presence of the Forest School within the grounds of the school. It would be unfortunate if this had to be relocated as a result of the proposal but development outside of the school boundary is unlikely to physically affect the Forest School and it is not expected that the presence of canal boats approximately 45metres closer to the school than presently would have a demonstrable level of harm on such a feature.

5.10 **Other proposals for marina development**

There has been a lot of correspondence which makes reference to another proposal for a much larger marina north of Cropredy. Many have requested that the two proposals be considered together. There has been some question as to whether Cropredy needed or indeed could cope with two such proposals. However each application has to be considered on its own merits and the applications have been progressed independently. Despite an initial difference in the timing of the assessment of the applications it is now likely that the applications will be considered at the same planning committee. Officers are satisfied through the responses from British Waterways that there is sufficient demand for both of the marinas and that there is sufficient water to serve both proposals. It is also relevant to point out that the Council cannot judge whether one proposal is more likely than the other to be a successful and viable business. The planning process cannot consider market competition.

6.1 Conclusion

It is considered that the location of the proposal complies with relevant locational policies and that it will have a limited landscape impact and is unlikely to cause harm to areas of historic interest or the residential amenities of neighbouring properties or neighbouring land uses. It is therefore recommended that the application be approved subject to the conditions set out below.

<b>6. Recommendation</b>	
<b>Approval subject to;</b>	
<b>a) The following conditions</b>	
1	SC 1.4A Full permission: Duration Limit (3years)(RC2)
2	Plan numbers condition
3	That samples of the bricks, timber cladding and roof tiles to be used in the construction of the of the walls and the roof of the facilities building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved. (RC4A)
4	That prior to the commencement of development a plan of the proposed access to the highway shall be submitted to and approved in writing by the Local Planning Authority and prior to first use of the proposed development the access shall be constructed in accordance with the approved plan. (RC13BB)



5	That prior to the commencement of development a construction phase traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Throughout the period of construction the approved plan shall be adhered to. (RC13BB)
6	That prior to first use, the parking and associated manoeuvring areas shall be provided and thereafter maintained without obstruction except for the parking of vehicles. (RC13B)
7	<p>The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessments (FRA) dated 28 June 2011 ref: WB02048/FRA and the addendum dated 01 September 2011 WB02048/FRA/01 and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> <li>1. The access track, car park and site facilities shall be located in Flood Zone 1, as set out in Section 5.1 of the FRA dated 28 June 2011.</li> <li>2. There will be no raising of ground levels within Flood Zones 2 and 3, as set out in Section 5.2 of the FRA dated 28 June 2011 and section A4.1 of the FRA dated 01 September.</li> <li>3. The wooden walkways shall not be raised above ground level, as set out in Section A3.0 of the FRA dated 01 September.</li> <li>4. The site access track, footpaths and car park will be made of permeable material, in accordance with Section 6.0 of the FRA dated 28 June.</li> </ol> <p>Reason</p> <ol style="list-style-type: none"> <li>1. To prevent flooding elsewhere by ensuring that there is no obstruction to flood flows or loss of flood storage.</li> <li>2. To prevent flooding elsewhere by ensuring that there is no obstruction to flood flows or loss of flood storage.</li> <li>3. To prevent flooding elsewhere by ensuring that there is no obstruction to flood flows or loss of flood storage.</li> <li>4. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</li> </ol>
8	<p>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, 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.</p> <p>The scheme shall also include details of the proposed surface water bund and infiltration tests shall be carried out to inform the design.</p> <p>Reason</p> <p>To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the scheme.</p>
9	SC 9.4A Carry out mitigation in ecological report (RC85A)
10	SC 9.5A Site clearance to avoid bird nesting/breeding season (RC86A)

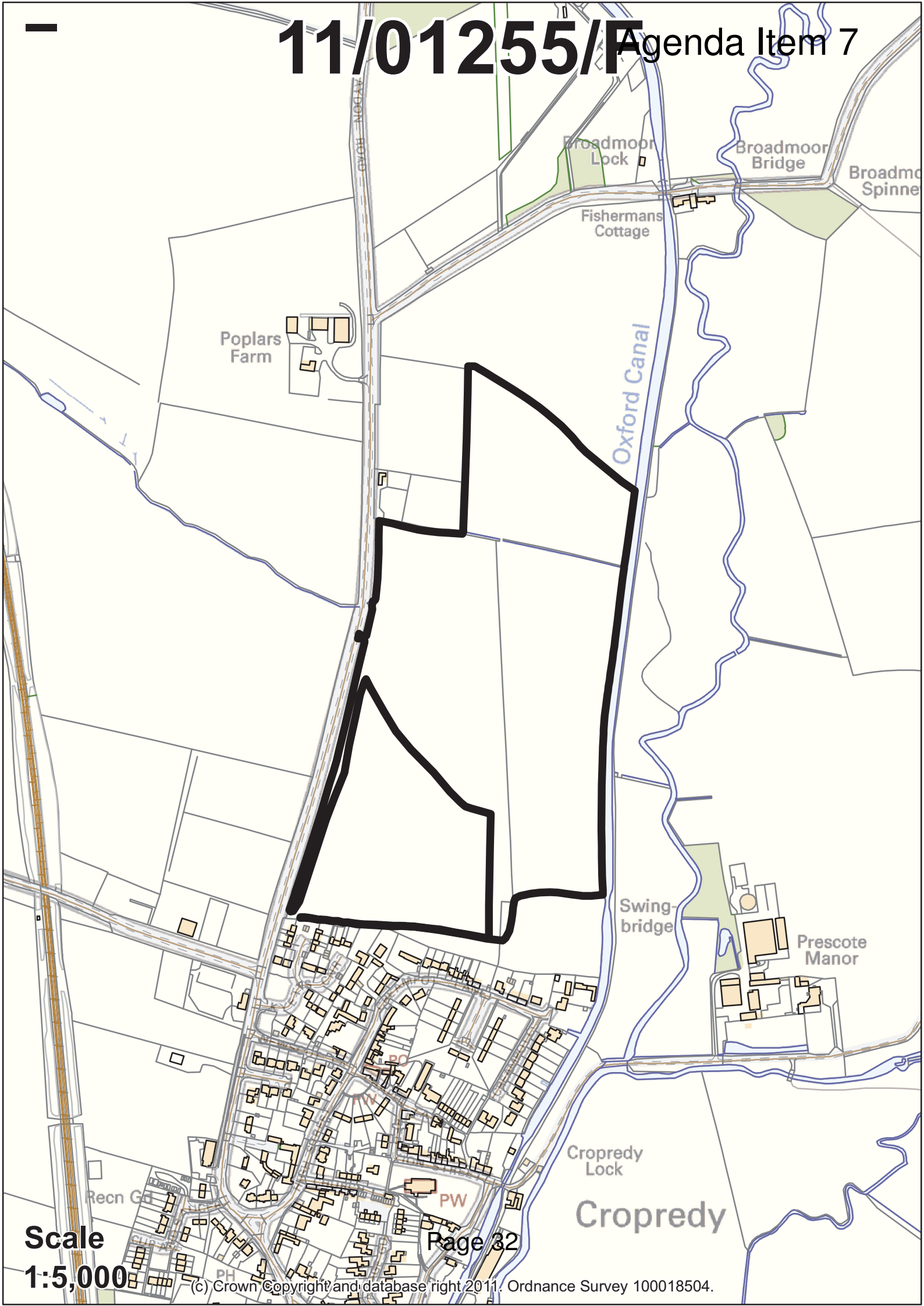
11	That prior to the commencement of development a pre-works check will be carried out by a qualified ecologist to check for the presence of bats and badgers. In the event that these species are found the Local Planning Authority shall be notified and appropriate mitigation measures agreed in writing. The work shall be carried out in accordance with the agreed mitigation measures. (RC85A)
12	SC 3.0A Submit Landscaping Scheme (RC10A)
13	SC 3.1A Carry out landscaping scheme (RC10A)
14	SC 3.2AA Retained trees (RC10A)
15	SC 3.3AA Scheme to be submitted to protect retained trees (RC72A)
16	SC 3.4BB Retain existing hedgerows/tree boundary (RC11A)
17	<p>Prior to the commencement of the development a professional archaeological organisation acceptable to the local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment</p>
18	<p>Prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 17, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.</p> <p>Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment.</p>
19	<p>Prior to the commencement of the development and following the completion of the archaeological evaluation, investigation and recording referred to in condition 18, a report of the archaeological evidence found on the application site and full details of a second stage Written Scheme of Investigation based on the findings, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment</p>
20	<p>Prior to the commencement of the development (other than in accordance with the second stage Written Scheme of Investigation), the further programme of archaeological investigation shall be carried out and fully completed in accordance with the second stage Written Scheme of Investigation approved under condition 19.</p> <p>Reason - To safeguard the recording and inspection of matters of archaeological</p>

	importance on the site in accordance with PPS5: Planning for the Historic Environment
21	<p>Prior to the commencement of the development all post excavation work including all processing, research and analysis necessary to produce an accessible and useable archive and its deposition, and a full report for publication, shall be submitted to the Local Planning Authority in accordance with the revised Written Scheme of Investigation approved under condition 3.</p> <p>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 publication and dissemination of the evidence in accordance with PPS5: Planning for the Historic Environment.</p>
22	<p>That prior to the commencement of development full details of the lighting including a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles) and an isolux contour map to show light spill levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.</p> <p>Reason: To safeguard the amenities of nearby residential properties and the visual amenities of the area and to comply with Policy ENV1 and C7 of the adopted Cherwell Local Plan.</p>
23	<p>That the marina hereby approved shall be occupied only for the purposes of recreational moorings and not for any residential or hire fleet purposes.</p> <p>Reason: In the interests of highway safety and to comply with Government advice contained in PPG13 and in order to comply with Policy H26 of the adopted Cherwell Local Plan.</p>
24	<p>That no more than 50 boats shall be moored at any one time in the marina basin and no boats, other than those on the water shall be stored on the site.</p> <p>Reason: In the interest of highway safety and the visual amenities of the area and to comply with Government Advice in PPG13 and C28 of the adopted Cherwell Local Plan.</p>
25	That the facilities building shall be used only for the purposes of offices, toilets, showers and storage associated with the use of the marina and for no other commercial function. (RC40AA)
26	Use of Petrol/Oil interceptors on car parking and hard standing
	<p><b>Informatives</b></p> <p>Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Great Bourton Brook, designated a 'main river'.</p>
<b>SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND</b>	

**RELEVANT DEVELOPMENT PLAN POLICIES**

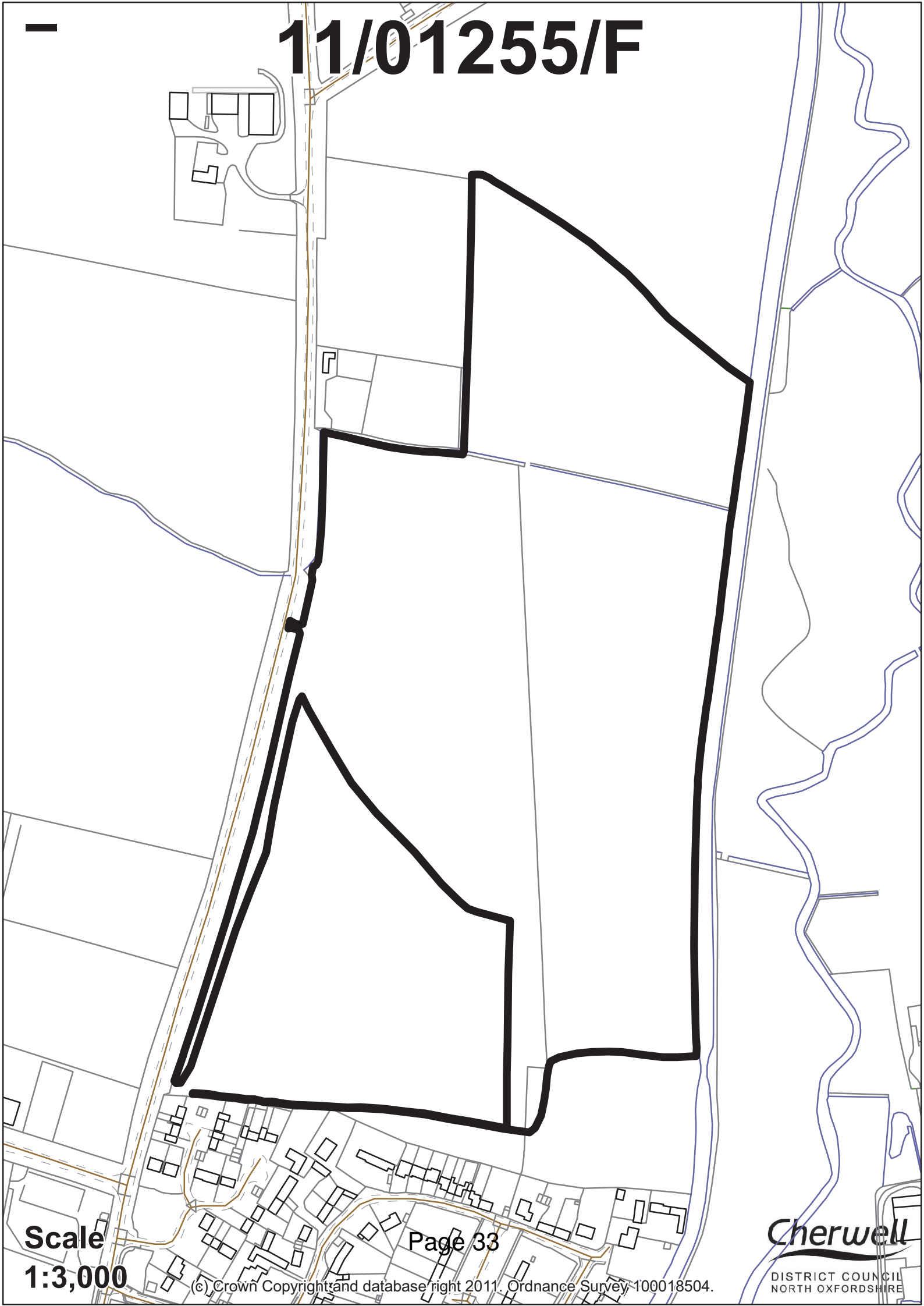
The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and has no undue adverse impact upon the amenities of neighbouring properties, highway safety, the historic environment, ecology or hydrology. As such the proposal is in accordance with National Policy Guidance, Policies CC1, CC8, NRM4, NRM5, BE5 and BE6 of the South East Plan and Policies R7, R9, C5, C7, C10, C13, C29 and ENV1 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

**CONTACT OFFICER: Caroline Roche****TELEPHONE NO: 01295 221816**



Scale  
1:5,000

# 11/01255/F



**Scale**  
**1:3,000**

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application</b> 11/01255/F	<b>No:</b>	<b>Ward: Cropredy</b>	<b>Date</b> 16/08/2011	<b>Valid:</b>
<b>Applicant:</b>	Mr T Langer C/O Southern Planning Practice, Winchester			
<b>Site Address:</b>	Land North of Cropredy & South East of Poplars Farm, Claydon Road, Cropredy			

**Proposal:** Proposed marina with ancillary office, store, car parking, access and associated landscaping

### 1. Site Description and Proposal

- 1.1 The site for the marina is a low lying parcel of land adjacent and to the west of the Oxford Canal, to the east of Claydon Road and the south of Appletree Road on the northern edge of Cropredy. The marina consists of two basins located adjacent to the canal. To the west of the northern basin an area for parking and an office building and store is shown. An area to the south and west of the basins is proposed to be re-graded to accommodate the spoil removed from the basins. Across and around this area a new informal footpath is proposed. The site is currently used for agricultural purposes. There are currently no buildings on the site but there is an equine centre, the east and southern boundaries of which adjoin the application site, which is outside of the applicant's control. Vehicular access is obtained directly from Claydon Road through an existing access gate. The access will require some alteration. A new track will lead down to the newly created basins.
- 1.2 The nearest residential properties are those located on Creampot Lane and Kyetts Corner (approx. 230m from the southern basin), Prescott Manor (approx. 360m from the southern basin), Poplars Farm (approx. 216m from the car park) and Fisherman's Cottage (approx. 340m from the northern basin).
- 1.3 The site is within an Area of High Landscape Value. A small proportion of the proposed footpath abuts the Cropredy Conservation Area which is to the south of the site and other land within the applicants control also abuts the Conservation Area. There are no public footpaths that cross the site but the tow-path runs along the opposite side of the canal to the east. Prescott Manor to the east and the Canal bridge to the north of the site are both listed and other listed buildings exist in the Conservation Area. To the south and east of Prescott Manor is the Battlefield site. The site is not registered as supporting any species or habitats of particular importance but is adjacent to sites recognised for their archaeological interest.
- 1.4 The site is 11.2 hectares in area but the actual basins have an area of 2.7 hectares with a depth of 1.6 metres. The basins could hold up to 249 narrow boats each within its own berth separated by jetties. The larger basin can accommodate 166 boats of varying sizes and the smaller basin 83 boats. The parking is laid out to the west of the northern basin and could accommodate up to 129 cars. 10 cycle spaces are also provided. The office building and store are adjacent to the parking area. The larger building would accommodate four offices, a kitchen and toilets.

The smaller building would be a general store. The footprint of the larger building measures 13.1m long by 8m wide with an overall height of 4.5 metres. The smaller building has a footprint of 7m by 7.5 m with a height of just over 4 metres. The buildings are proposed to be clad in timber with felt roofs.

- 1.5 The application has been submitted on the basis that none of the moorings will be residential. It is understood that there will be no permanent residential moorings for management staff.
- 1.6 There is no relevant planning history relating to this site but it is worth noting that there is another application for a marina off School Lane to the south of the village which formed part of the planning committee agenda on 1 December 2011 but was deferred for a formal site visit (application no.11/01069/F). This will be referred to later in the report. It is proposed that when visiting the School Lane site on 5 January 2012 Members will also visit this application site.

## **2. Application Publicity**

- 2.1 The application was advertised by way of 5 site notices and a press notice.
- 2.2 40 letters/emails of objection have been received from third parties. The reasons for objecting are set out below;(in summary, see electronic file for full reasons)
  - Compliance with local, regional and national planning policies
  - Permanent/irreversible change of use from agriculture
  - Loss of green field – development should utilise brown field site
  - Altered environment and adverse impact on it
  - Visual impact in AHLV, out of character
  - Marina at Crick has semi-industrial feel but has much less impact due to site circumstances
  - Sheds and caravans adjacent to moorings at Crick
  - Adequacy of vehicular access and traffic impact
  - Vehicle movements will include heavy vehicles making deliveries etc
  - Reliance on cars to get to site
  - Large number of vehicles associated with use and its visual impact
  - Currently no footpath along Claydon Road
  - Noise from boat engines
  - Population of Cropredy would swell particularly at weekend
  - Potential to add more berths or other facilities at a later date further encroaching on the village and landscape
  - Will provide limited use of local facilities
  - Floating caravan site
  - Not sufficient facilities to support increase in population
  - Disruption and safety risks during construction phase
  - Risk of development becoming residential or hire fleet
  - Increased crime risks with boats being targeted
  - Light pollution
  - Pollution from the fumes
  - Concern about 2 proposals and the ability for the village to sustain them
  - Existing online are not a problem and are in keeping with the nature of the



canal

- Impact on trees
- Sufficient spaces in other marinas – provision greater than demand
- Boat related companies and facilities failing due to recession
- Need survey has not been carried out
- LDF will require that provision of moorings across LPA boundaries is taken into account – PPG17's Good Practice Guide already requires this in relation to recreational facilities
- Guidance provided by BW's have been overtaken by issues such as current economic situation and the number of new consents
- Development should not be permitted until evidence of actual growth has been produced – not predicted.
- Will provide limited employment
- Privacy of residents affected from those using footpath
- overshadowing and overlooking
- Impact on private views
- Congestion on the locks due to increase in boat numbers and water shortages – no easy solution to water shortage
- Use of locks already restricted
- Wrong time to take decisions of this nature when British Waterways is in state of change and restructure
- Footpath links could result in noise and disturbance to local residents
- Has a need been demonstrated and is future demand certain?
- Ability for infrastructure to cope with additional demand – sewage, electricity, school and roads
- Proposal would invalidate the work that has already been put into the village plan and future plans for development
- Existing canal moorings are poorly policed
- Loss of land serving as flood plain
- BW has a financial interest in the development
- On line moorings should not be reduced
- Benefits don't outweigh the negatives and will only occur if berths are filled, if not filled could result in neglected eyesores
- Potential for marina to hold more boats depending on their size
- No direct link to tow-path and village – increase in traffic movements
- Would not support reopening of swing bridge as it would increase movements past residential properties
- Boaters prefer not to be in marinas
- Where will the water come from to fill the marina – a new reservoir would be better
- Existing permanent moorings are already harming the character and appearance of the area
- Parish Council have misrepresented the residents and almost no one spoke in favour of the development

2.3 8 letters/email of support have been received. The reasons for supporting the scheme include;

- Complies with local, regional and national policies
- Careful design
- Asset to village

- Improved leisure facilities for canal users
- Marinas are generally quiet and peaceful with minimal disturbance to the local community
- Can support variety of wildlife and the local environment
- Employment opportunities
- Commercial benefit
- Roads are suitable for vehicles
- Appears to have taken into account environment and appearance
- Will not have visual impact or affect natural wildlife
- Applicant has proven record of running a successful marina
- Will not interfere or overshadow any of the properties
- Will not cause noise or disturbance
- Those that have moored at Crick have had positive experiences
- Proposal harmful to integrity of the canal network
- Whilst Cropredy may see some benefits to the local economy it is likely that this will result in other areas declining

2.4 Unlimited Communications is a marketing and communications company acting on behalf of the applicant. They have written to express concern that two anonymous leaflets presenting misleading and factually incorrect information have been circulated around the village encouraging individuals to object to the application. Several objections have been posted on the application website and there is concern that these individuals have been misled and based their response on factually incorrect information

### 3. Consultations

3.1 A summary of the consultation responses is set out below (see electronic file for full details)

3.2 **Cropredy Parish Council** does not object to this application but as a result of the Parish meeting has made following observations:

- Location is more suitable for a marina of this scale
- Contours help to ensure visibility is minimised
- Concern over loss of agricultural land
- Landscaping key to ensuring development is acceptable to residents whose homes overlook the site
- Increased traffic through village is a concern – good signage is essential
- Traffic congestion is not an issue but parking and access into the village is an issue
- Reports relating to ecology, flooding and hydrology were detailed and thorough
- Reassured that flooding/water levels will not be a problem although some concerns were raised – in particular the restrictions on the use of the locks
- Congestion on the canal as a result of the large marina was raised but the PC will seek to ensure that this is managed by the operator
- There will be disruption to the environment during construction but light and noise pollution seem to have been considered
- Reassured that there will be a manager permanently on site

- Potential of creating a traveller community was raised therefore would want to see a non-residential condition imposed
- Conscious of income that flows from the visitors who come to this village.
- Abundantly clear that there is considerable variation in the size, quality and experience between the two applications.
- Want to see lift bridge reinstated to improve pedestrian access and should be done as community project.

3.3 **Claydon with Clattercote Parish Council** does not formally object to the application but would make comment on the proposal;

- Initial impressions at Crick are that it is a quiet marina with permanent moorings, non-residential and quality privately owned boats
- However concern that Crick has grown over 11 years from 110 berths to 270.
- Future development at the proposed marina could have a visual impact on the area and a detrimental effect on the residential amenities and environment of the nearby properties.
- Noted that Crick has annual boat show – if similar was held at Cropredy it would no doubt spread over adjacent land to accommodate the numerous stands, having adverse impact on nearby properties.
- Significant change of use to agricultural land
- Proposal far better than any possible future housing development on this site and is in keeping with the environs of the oxford canal
- Future development of the site should be strictly controlled and should be a condition of any planning permission.
- Concern about congestion on canal caused by water shortages – should be addressed by British waterways if consent granted
- Request that all traffic during and after construction be directed to avoid additional traffic in Cropredy, Great Bourton and Claydon

3.4 The **Local Highway Authority** has made the following comments;

- The proposed access, parking levels and layout are acceptable in principle. They consider the pertinent issues are concerned with traffic generation and impact upon a rural part of the highway network, and sustainability/accessibility given the remote location of the site.
- The submitted transport assessment has investigated the likely trip generation of the proposal by considering similar sites and I consider a fair estimate has been made. Whilst the local highway network is of a rural nature I do not consider the traffic associated with the proposal would have any significant adverse impact upon the safety of highway users and the highway would continue to operate well within its capacity.
- The site is in a remote location with few practical alternatives to the car for access, the canal excepted. As such the sustainability of the site, in transport terms, is questionable. PPG13 Transport guides development to locations which are accessible by modes other than private motor, walking cycle and public transport. However, other planning policy allow for farm diversification and recreational uses in the countryside where appropriate. With regard to sustainability, I have some concern with the remote location and suggest more accessible locations would be more appropriate but I wish to leave this matter for decision by the Local Planning Authority in accordance with other relevant planning policy.

- Conditions are suggested if the Council is minded to approve the scheme.

3.5 **British Waterways as a Statutory Consultee** considers proposals in respect to:

- Structural integrity of the waterway
- Safety of users or neighbours
- Water resourcing and management, land drainage and flood alleviation
- Heritage, natural environment, landscape, character, amenity, public access to and recreation use of inland canal, river navigations, docks and reservoirs.

In this capacity British Waterways is content with this application.

3.6 **British Waterways New Marinas Unit** encourages the use of waterways for tourism and leisure, recreation and sporting activity. The increase in popularity of inland waterway boating has led to shortage in supply of available moorings. BW's policy is to limit growth in linear moorings and assist in establishing new marinas. Marinas generate significant social and economic benefits to the local area. The issue of congestion on waterways is subjective and not considered when assessing impact of new marinas on the waterways.

Expansion in mooring capacity is generally constrained by factors such as water supply and navigational safety. The location of the proposed development is unlikely to generate any navigational safety issues. Furthermore, from information provided by the applicant and detailed assessment of water resources and boat traffic modelling in this locality, BW can confirm that the local waterway infrastructure will be able to accommodate the proposed new development. Therefore in light of these detailed assessments BW supports the proposed development as a navigation authority.

3.7 **The Inland Waterways Association** supports the provision of new marinas where it is considered that the proposal is in an appropriate place, meets the needs of canal users and is likely to be well managed.

- A marina in this location would benefit many users
- Location and capacity is likely to contain the growth of online moorings and might result in a reduction of them on the northern part of the canal which Inland Waterways would welcome
- The services provided by applicant are not adequately provided for on northern part of the south Oxford Canal as such boat owners would welcome such facilities in Cropredy
- The marina at Crick demonstrates applicants capability of managing a marina of this size and scope.

3.8 The Council's **Conservation Officer** has made the following comments and has suggested the inclusion of conditions;

The impact of the proposed marina on the character and setting of the conservation area is anticipated to be minimal. The impact on the battlefield site is anticipated to be minimal. The impact on the canal and canal life is anticipated to be more significant. The canal and its environs (as an undesignated heritage asset) are covered by the advice contained in PPS5.

The design of the 'log cabin' is considered to be uninspiring and bland in the extreme and an improvement in the design would certainly add more interest to the site.

Conditions are suggested including landscaping and surface treatment. .

- 3.9 **English Heritage** has been consulted specifically in relation to the impact the proposal may have of the registered Battlefield. They do not consider that the proposal will have any significant impact on the site.
- 3.10 The Council's **Ecologist** raised no concerns regarding bats, water voles, birds and hedgerows subject to pre-works checks and planning conditions. There has been some discussion as to how to appropriately deal with the slight potential that the site may support great crested newts and reptiles. The applicant is due to submit a method statement to deal with this potential which will need to be assessed by the Council's ecologist.
- 3.11 **Oxfordshire County Council's Drainage Team** has made the following observations;
1. The roof water run-off from the proposed development will need to go to soakaway within the site boundary and not into the highway drainage system.
  2. New hardstandings should be Suds compliant, ie Permeable or positively drain into a soak-away within the site boundary. Surface water from the site should be dealt with within the site boundary and not enter onto the highway and into the highway drainage system.
  3. There will be a large amount of excavated material on this project. Where is this material being transported to and by what method?. If by the road network, are the local roads capable of with-standing the loadings, especially the unmade road to the Marina and the junction of Station Road.
- 3.12 The Council's **Economic Development Officer** welcomes the proposal in relation to the potential benefits to the local economy. It is hoped it will contribute towards Cherwell Economic Development Strategy (2011-2015). The suggested creation of 3 full time jobs and 6 part time jobs is welcomed but it is unclear what employment this would involve. The 'multiplier' benefits to local suppliers of products and services is acknowledged. Given experience of applicant it may have been appropriate to expand on the likely economic impact in balancing the argument to develop virgin land. The proposal could result in loss of farming employment if it is currently tenanted.
- 3.13 The **County Council's Developer Funding Officer** has stated that if the proposal was to involve permanent residential mooring it would have an impact on service infrastructure.
- 3.14 The County **Archaeologist** has stated that the area lies within an area of some archaeological interest located immediately to the north of the medieval and Saxon settlement of Cropredy. The site is located 500m SW of a series of rectangular enclosures identified through crop marks. Although these are undated their form suggests they are of pre-historic date. Cropmarks from surrounding fields suggest that the area was covered with ridge and furrow which would mask earlier archaeological features from showing as cropmarks and therefore these enclosures may be part of a larger system. The site is also located approximately 300m north west of the site of Prescote deserted medieval village and a medieval moated site It is therefore likely that archaeological deposits related to these periods could survive within the application area. Conditions are suggested.
- 3.15 **The County Council's Rights of Way Officer** states that no public footpaths will be directly affected by the proposal therefore no comments are made.

- 3.16 **Thames Water** stated that Petrol/oil interceptors be fitted in all car parking/washing/repair facilities and failure to enforce this could result in oil-polluted discharges entering local watercourses. In relation to sewerage and water infrastructure no objections are raised.
- 3.17 **The Environment Agency** has raised objections to the application as the flood risk assessment is currently inadequate. However the applicant is working on addressing the areas of concern to overcome the objection, it is hoped that there will be further updates by the time the application is considered at Committee.
- 3.18 The **Council's Tourism Officer** has stated that the Council is broadly supportive of new initiatives that develop the tourism infrastructure, create employment within the visitor economy locally and add to the experience of residents and visitors, improving access to the tourism assets of the canals and countryside. The application does seem to offer a development that would benefit significant numbers of canal users and provide a solution for moorings and improved/increased use of the Oxford Canal.

#### **4. Relevant Planning Policies and documents**

- 4.1 Central Government Guidance  
 Planning Policy Statement (PPS) 1 – Delivering Sustainable Development  
 Planning Policy Statement (PPS) 5 – Planning for the Historic Environment  
 Planning Policy Statement (PPS) 7 – Sustainable Development in Rural Areas  
 Planning Policy Statement (PPS) 9 – Biodiversity and Geological Conservation  
 Planning Policy Guidance (PPG) 13 – Transport  
 Planning Policy Guidance (PPG) 17 – Planning for open space sport and recreation  
 Planning Policy Statement (PPS) 25 – Development and Flood Risk
- 4.2 South East Plan Policies  
 CC1 - Sustainable Development  
 CC8 – Green Infrastructure  
 TSR2 – Rural Tourism  
 NRM4 – Sustainable flood risk management  
 NRM5 - Conservation and Improvement of Biodiversity  
 BE5 – Village management  
 BE6 - Management of the Historic Environment
- 4.3 Adopted Cherwell Local Plan  
 H26 – Residential canal moorings  
 R7 – The Oxford Canal  
 R9 – New facilities for canal users  
 C2 – Protected species  
 C5 – Protection of ecological value and rural character of the Oxford Canal  
 C7 – Topography and character of landscape  
 C10 – Effect on character and appearance of...battlefields and their setting  
 C13 – Areas of high landscape value  
 C28 - Standards of layout, design and external appearance  
 C29 – New buildings adjacent to the Oxford Canal  
 ENV1 – Materially detrimental levels of noise, vibration, smell, smoke

ENV7 – Quality of water bodies including canals

4.4 Non Statutory Cherwell Local Plan

H28 – Residential canal moorings  
R14 – Protection and enhancement of Oxford Canal  
R16 – New facilities for canal users  
EN6 – Light Pollution  
EN11 – Water resources  
EN12 – Water Quality  
EN14 – Flood defence  
EN22 - Nature Conservation  
EN23 - Ecological surveys  
EN24 – Protection of sites and species  
EN28 – Ecological Value of Oxford Canal  
EN34 – Landscape Character  
EN48 – Setting of...battlefields.  
D11 – Canalside development

4.5 Draft Core Strategy 2010

SD8 – Protection and enhancement of biodiversity and the natural environment

## 5. Appraisal

5.1 Main Planning Considerations

5.1.1 The main issues to consider in the determination of this application are the same as those used to assess the application for a Marina at School Lane and are as follows –

- Principle of development and compliance with location based policy
- Visual Amenity/Landscape Impact
- Residential Amenity
- Highway Impact
- Flooding
- Ecology/Trees
- Heritage impact
- Other issues

For consistency in dealing with the two applications for marinas the same report format has been used, however the applications have been assessed on their individual merits. Each of the above points will be considered in turn.

5.2 Principle of development and compliance with policy

5.2.1 Policy H26 of the adopted Cherwell Local Plan and Policy H28 of the Non-Statutory Plan require that sites for permanent residential canal moorings will be considered favourably providing the site is within the built up limits of a settlement, adequate parking is provided, that the neighbouring land use is compatible and that the density of boats is not so great so as to prevent access to the water. The application site is outside the built up limits of Cropredy therefore would fail to comply with this policy if it were to accommodate residential moorings. However, the applicant has confirmed that none of the moorings will be residential and that they will be for visitor moorings for individual boat owners. It is also not the

intention to have a permanent residential mooring for a manager.

- 5.2.2 Policy R7 of the adopted Plan (Policy R14 of the Non-Stat. Plan) requires that through the control of development the Council will seek to protect and enhance the recreation roles of the Oxford Canal. This application seeks to add to the recreational facilities of the canal by providing a large number of off line visitor/recreational moorings, thus potentially enhancing the recreational roles therefore providing the form of development supported by this policy. It is considered that Policy R7 of the adopted Cherwell Local Plan is complied with.
- 5.2.3 Policy R9 of the adopted Plan (Policy R16 of the Non-Stat. Plan) states that with the exception of appropriately sited small car parks and picnic areas, new facilities for canal users will normally only be permitted when they are located within or immediately adjacent to settlements. This site is on the northern limits of the village but the basin itself is separated from the built up limits of the village by approximately 230m. It is considered to be outside of the built up limits of the village and whilst not immediately adjacent to it is as close as is appropriate taking into account the topography of the site and potential neighbour and visual impacts.. Furthermore the canal is obviously a fixed feature and sites both adjacent to the canal and adjacent to the village will not be very common. It is considered that, notwithstanding all other issues to be assessed, that the site is appropriately located in relation to the village and therefore complies with Policy R9.
- 5.2.4 PPS7 – Sustainable Development in Rural Area sets out its key objectives as being;
- i) To raise the quality of life and the environment in rural areas;
  - ii) To promote more sustainable patterns of development
  - iii) Promoting the development of the English regions by improving their economic performance so that all are able to reach their full potential
  - iv) To promote sustainable, diverse and adaptable agricultural sectors.
- 5.2.5 The proposal contributes to these objectives by encouraging economic growth and enhancing the quality of the countryside associated with the use of the canal and contributing to the leisure opportunities in this part of the district. The proposal will also result in the creation of up to 3 full time and 6 part time jobs and potentially contribute to the economy of the village.
- 5.3 Visual amenity/landscape impact
- 5.3.1 The Claydon Road, along the western boundary of the site sits at between 101 and 110 metres above sea level whilst the canal sits at approximately 100 metres above sea level. The biggest difference in land levels occurs at the southern end of the site where there is approximately a 10 metre drop from the height of the road down to the canal. At the point where the access crosses the site the levels only differ by up to 2 metres. The difference in levels means that the proposed basins sit in a natural dip adjacent to the canal. The proposed development will result in a significant change to the appearance of the immediate area and it will be clearly seen from the rear of some of the properties along the southern boundary, the Claydon Road, Appletree Road and the tow path. However, as a result of the topography of the site and the surrounding area, longer distance views of the marina site are not possible. The proposal will result in a large body of water capable of accommodating boats of varying sizes, two new buildings, a diesel storage tank and an area for parking cars. Even with increased landscaping the



appearance of the immediate area will change significantly and the development will clearly be visible for the short period of time it takes to pass it either on the canal or the tow path. Given the scale of the proposal the character of the area will change significantly from one of large agricultural fields to one of water based canal activities. However the development reflects the use of the canal and is a form of development that is not uncommon adjacent to canals and as such is one that is considered to be acceptable. The proposal includes the excavation of the basins and the re-grading of the land to the south and west to accommodate the excavated earth. The height of the raised land will be an average of 1m higher than the existing ground level but will not occur across the entire area of the fields. Taken in perspective the re-grading is not considered to materially alter the topography of the landscape thus complying with Policy C7 of the adopted Local Plan which seeks to restrict development that harms the character and topography of the landscape.

- 5.3.2 The site is part of a larger area recognised as having High Landscape Value and therefore policy C13 of the adopted Local Plan applies. The wider area is recognised as being of particular environmental quality but the actual site has no more specific landscape designations. The policy seeks to conserve and enhance such areas and it is considered that as the proposal has only localised visual impacts the overall area designation is not compromised.
- 5.3.3 Policy EN34 of the Non-Statutory Local Plan seeks to conserve and enhance the character and appearance of the landscape through the control of development and addressing issues relating to visual intrusion into the open countryside, topography, setting of settlements and historic features and landscapes. The assessment against this policy is similar to that which has been discussed above. The site is well contained and as such does not have a localised affect but is considered to have a significant impact on the wider open countryside and the topography of the landscape is not changed in any materially harmful way. The impact of the development on the surrounding historic features will be discussed in the following section.
- 5.3.4 Policies C28 and C29 of the adopted Local Plan both seek to ensure that new development is designed to an appropriate standard which is sympathetic to the surroundings. C29 specifically relates to the development being complementary to the characteristics of the Oxford Canal. The plans for the marina basins show what appears to be a typical design for such a use and it utilises a linear section of lower ground adjacent to the canal. The proposed buildings are to the western edge of the basins and are small in comparison with the size of the body of water and are screened from some viewpoints. The larger building has a ridge height of just over 4 metres but will sit on a lower land level than the southern part of the site where it comes close to the edge of Cropredy. The buildings are proposed to be clad in timber with felt roofs. They have the appearance of utility buildings rather than agricultural buildings but given their connection to the proposed marina are unlikely to cause demonstrable harm to the character and appearance of the wider landscape and the visual amenities of the area. Whilst this area adjacent to the canal currently has an agricultural character and this will be changed significantly it is considered that the proposed change is not inappropriate given the association and links to the canal.
- 5.3.5 Policy D11 of the non-Statutory Local Plan is similar to policy C29 of the adopted

plan and seeks to ensure that development adjacent to the canal is of a scale and appearance appropriate to the rural canal environment. This has been discussed in the previous paragraph and it is considered that Policy D11 of the non-Statutory Local Plan and Policy C29 of the adopted Plan are complied with.

- 5.3.6 The site currently benefits from hedgerows along the northern and western boundaries of the proposed basins which provide a partial visual screen from the west and the north and also a physical boundary for development. The submitted plans show these hedgerows being reinforced and new planting being provided along the southern boundary of the basin, along the new access track and new copses to the south of the proposed buildings. Whilst this is a good indication of the landscaping proposals the applicants will be required to submit a detailed landscaping plan through a planning condition if the application is approved.

#### 5.4 Historic Impact

- 5.4.1 National Policy (PPS5) seeks to protect the historic environment from harmful development. The Conservation Area is located approximately 230m to the south of the site and the nearest listed buildings are approximately 220 metres away. The canal itself has historic significance. The site is approximately 400 metres away from the historic battlefield site and the River Cherwell, Oxford Canal both separate the site from the battlefield. The applicants have made an assessment on the impact on historic features and the Council has consulted with English Heritage, the County Council's own Archaeologist and its own Conservation Officer and the general view is that the proposal will not harm features of historic significance. This is due to the distances between them and the nature of the intervening land and the nature of the proposal. Whilst an initial archaeological survey has been carried out the applicant will be required to comply with other archaeological conditions to ensure that in the event of any archaeological finds occurring they are appropriately dealt with. It is considered that national guidance contained in PPS5 and Policy C10 of the adopted Local Plan (Policy EN48 of the Non-Statutory Local Plan) are complied with as they seek to protect the character, appearance and setting of historic features such as battlefields.

#### 5.5 Residential Amenities

- 5.5.1 Key considerations when assessing neighbouring amenities is the potential for a development to be visually intrusive and overbearing. The only part of the red line site which shares boundaries with residential gardens is in the south western corner where there is a proposed footpath across the site leading onto Claydon Road, improving access into the village. The site is separated from the residential gardens by approximately 230 metres and up to a 10 metre drop in land levels. Additional planting by way of hedge reinforcement and linear copse planting is proposed along the southern and western boundary of the development and whilst this may not entirely screen the proposal from the rear of residential properties it will help soften the views across the basins. The proposed copse to the south of the car park area and proposed buildings is likely to obscure the view of this part of the site which is nearly 500 metres away from the rear boundary of the residential properties. Many of the properties whose gardens share a boundary with the agricultural field have some form of screening although it does vary and will differ between summer and winter months. As with the landscape impact there will be a significant change to the appearance of the immediate area but it is difficult to see what actual harm the proposal may have on the living amenities of the residents in the vicinity in terms of visual intrusion and overbearing given the distances between

them and the site and the proposed landscaping. Residents may feel the development is intrusive but given the site circumstances it is not considered harmful enough to justify a reason for refusal. Whilst residential amenity is a relevant planning consideration the planning process cannot protect private views.

.5.2 A number of objections raise concerns about noise as a result of generators being used on the boats whilst moored in the marina. However it is intended that mains power points will be provided for use by boats whilst they are moored meaning that generators will not be required. Furthermore mooring regulations would forbid the use of generators and the running of engines whilst the boats are moored.

5.5.3 Inappropriate lighting has the potential to adversely affect both residential and visual amenity. The applicant has stated that for safety purposes some low level, discreet, non-intrusive illumination, would be needed. Details have not been submitted but it is considered that the exact specification of the lights can be dealt with by condition. Conditions can help to ensure that the lighting doesn't shed light over longer distances as such helping to protect the residential amenities of nearby properties. It is considered that policy EN6 of the Non-Statutory Local Plan can be complied with as it seeks to avoid unnecessary levels light pollution and that the lighting scheme is the minimum required, that light pollution is minimised and that there is no detrimental impact on residential amenity, the character and appearance of the landscape or highway safety.

## 5.6 Highway Safety

5.6.1 The submission states that the marina will have capacity for up to 249 boats. Given the way in which this proposal is laid out, with individual, single width, berths it is unlikely that any further boats can be accommodated. This is because if two smaller boats were to moor along one jetty it would have to be in tandem, in effect blocking one boat in. It is understood that the Local Highway Authority has assessed the proposal on a maximum capacity of 249 boats. The highway authority's comments are summarised in section 3 of this report. Many of the objections, including from the Parish Council raise concerns about the increase in traffic through the village(s) and along narrow rural lanes. The response from the Local Highway Authority acknowledges that the roads are typically rural in nature, narrowing in places, winding and generally unlit without any separate provision for cyclists and pedestrians. However the submitted transport assessment has investigated the likely trip generation of the proposal by considering similar sites and the Local Highway Authority considers that a fair estimate has been made and based on such figures it is not considered that the traffic associated with the proposal would have any significant adverse impact upon the safety of highway users and the highway would continue to operate well within this capacity. The Highway Authority does not raise concerns in relation to matters of highway safety issues but does raise some questions in relation to the sustainability of the site.

## 5.7 Flooding

5.7.1 Policy EN14 of the Non-Statutory Local Plan states that new development and land raising would not be permitted if it results in the net loss of flood plain storage, impede the flow of flood water or increase the risk of flooding elsewhere. Equally development in the flood plain needs to be considered sequentially and assessed against PPS25 and other policies relating to flooding.

5.7.2 The proposal is being considered by the Environment Agency (EA) and the Council

would rely on its advice and recommendations. After initial objections from the EA the applicants have been seeking to resolve the concerns and it is hoped that a satisfactory conclusion is reached by the time this proposal is considered on 5 January 2012.

- 5.7.3 The submission suggests that the marina basins will be within flood zone 3 (at greatest risk of flooding) whilst the buildings and the car park are located within flood zone one (least at risk of flooding). As such the applicant was required to submit a sequential test which seeks to identify alternative sites for development outside of the flood zone. Officers have agreed the adequacy of the sequential test in relation to the lack of alternative suitable and available sites. The marina itself is also considered to be a water compatible use in terms of the definitions set out in PPS25.
- 5.7.4 The applicant's Flood Risk Assessment (FRA) states that whilst the buildings are in flood zone 1 they will be constructed on floor slabs above the ground level and will provide additional protection against the 100 year flood level. There will be a safe and dry escape route in the event of extreme flooding from the site onto Claydon Road. It goes on to explain that the pontoons will be constructed to allow for the estimated range in extreme water levels. There will be minimal disruption to flow routes, a net gain in flood plain storage and an escape route in the event of an extreme flood.
- 5.7.5 The Environment Agency's principle concern was that the FRA fails to:
1. Demonstrate that the proposed development will not lead to a loss of flood storage with a consequent increase in flood risk to others.
  2. Consider the effect of a range of flooding events including extreme events on people and property.
- It is these issues which the applicant is seeking to resolve.
- 5.8 Ecology
- 5.8.1 The Council's Ecologist has considered the potential for the proposal to impact on ecology including trees, hedgerows, great crested newts, reptiles, water voles, birds and bats. Subject to the imposition of and compliance with conditions the applicant has satisfied officers that no harm will be caused to birds, bats, water voles and hedgerows during development or as a result of the proposal. However the submitted ecological surveys suggest that the site is unlikely to support great crested newts and reptiles without having carried out full surveys at the appropriate time of year. Therefore it cannot be confirmed that the site doesn't support such species. There are two ways of dealing with this potential, the first is to delay the application to allow time to conduct full surveys, the other is to assume the presence of such species and produce a method statement for dealing with them and avoiding a criminal offence should they be found before or during the construction process. The applicants have asked their own ecologist to produce a full method statement in an attempt to overcome the issue. If this is found to be adequate it would be possible to say that even if newts and reptiles are found a favourable conservation status could be maintained.
- 5.9 Other issues
- 5.9.1 **Sustainability**  
The Local Highway Authority has raised some concerns about the sustainability of

the site given its relative remoteness from the centre of the village and the lack of alternatives to the car to access the site. The site is on the non-towpath side of the canal therefore there is no obvious direct route along the canal into the centre of the village. To the southern end of the site there is a dismantled swing bridge. If this was to be reinstated this would provide access across the canal and into the village. However the applicants have stated that the cost of reinstating the bridge would be prohibitive and therefore have not proposed to provide such a link. In order to improve the pedestrian access to the village the proposal includes the provision of a permissive footpath across the southern section of the site to allow access to Claydon Road and as such into the village. It would be difficult and unreasonable to expect a development such as this be located within a village centre or town centre unless schemes for redevelopment came forward and whilst not entirely sustainable this site is relatively sustainable being on the edge of the village. Whilst the location of the site does not provide easy access to modes of public transport the proposal does include provision for 10 cycle spaces which may encourage those who have moored in the marina to cycle into the village.

#### 5.9.2 **Water supply**

There has been a high level of concern about whether or not there is sufficient water to cope with creation of not only this marina but potentially another marina to the south of Cropredy. Whilst on site in August it was noted that there had been restrictions to the hours during which some of the locks could be used due the low levels of water. In addition to the British Waterways comments summarised above specific advice from British Waterways has been sought in relation to this matter and in response the Technical Manager of the New Marinas Unit has stated;

*I can confirm that both the Cropredy schemes have fully complied with BW's new marinas process. This includes detailed assessments of water resource requirements and impacts on local infrastructure. As stated in the supporting letters from the New Marinas Unit, British Waterways supports both the proposed developments as a navigation authority.*

*There has been a dry sequence of weather in central England (West Midlands, East Midlands and parts of the South and East) since August 2010. Every month has seen either average, below average or well below average rainfall. Please see below an extract from the Environment Agency Drought Communications last month:*

*'In the Midlands it has been the driest 12 month period from October to September since records began in 1910. Leicestershire, Warwickshire and Shropshire have been particularly dry'*  
*Environment Agency Drought Briefing, 13<sup>th</sup> October 2011*

*Due to this exceptional weather, restrictions were in place on sections of the Oxford Canal over the busier boating periods this year. These restrictions have now been lifted. Signage may have remained on the locks to encourage sensible use of water and lock sharing.*

5.9.3 Officers are therefore satisfied that water resource has been appropriately addressed in relation to the two proposed schemes in Cropredy. This means that, purely in relation to water supply, one application does not prejudice the other and despite the likelihood of both application now being considered at the same

committee meeting it is appropriate and possible to consider the two proposals independently from one another.

- 5.9.4 Members may be aware that the consented outline scheme for Bankside included a canal basin. As such further advice has been sought from BW to ensure the development of one or both of the schemes at Cropredy won't adversely affect the potential to implement development on what is a strategic site. From a general demand point of view BW are of the opinion that the approval of the two current planning applications in Cropredy would not have any detrimental effect on the proposed mooring basin at Bankside. However they cannot confirm that the scheme will not be prejudiced as the Bankside proposal has not been the subject of an application through the New Marinas Unit. Whilst this is inconclusive there appears to be no evidence either way to suggest that the scheme at Bankside couldn't go ahead as a result of the proposals in Cropredy going ahead.
- 5.9.5 Policy EN11 of the non-statutory Local Plan requires that development will only be permitted where adequate water resources exist or can be provided without detriment to existing use. This aims to ensure that flows, quality, navigation, amenity and nature conservation are not adversely affected. Policy EN12 of the same Plan protects the water quality. Given the response from British Waterways it is considered that these policies are complied with.
- 5.9.6 **Management of the site**  
The applicant has been asked to clarify how the site will be managed. The applicant has stated that there will be no permanent residential moorings, as such it would not be possible for a manager to permanently reside on site. In terms of managing the site there would be three full time staff employed, comprising Harbour Master, Manager and Groundsman. In addition, six part time staff would be employed to provide cover for when the full time staff are on leave or are ill, and during busy periods such as holidays. Outside business hours the site would be covered by CCTV which staff will monitor by the internet. For any overnight visitors a hotline Freephone number would be handed out so that the staff can be contacted in case of any concerns or emergencies.
- 5.9.7 **Compatibility of land uses**  
The relationship between the proposed use and the residential properties on the northern edge of Cropredy has been assessed in preceding sections of the report. The site on most of its boundaries will be adjacent to agricultural land therefore reducing any conflict with neighbouring uses. However a small section of the western boundary adjoins a site used for equestrian purposes. The equestrian site seems quite well contained and it is proposed that the car parking area will be close to but not directly adjacent to the boundary. It is not considered to be any particular conflict between these two land uses.
- 5.10 **Other proposals for marina development**  
There has been a lot of correspondence which makes reference to the other proposal for a smaller marina south of Cropredy. Many have requested that the two proposals be considered together. There has been some question as to whether Cropredy needed or indeed could cope with two such proposals. Despite it now seeming likely that the two proposals will appear on the same agenda each application has to be considered on its own merits. Officers are satisfied through the responses from British Waterways that there is sufficient demand for both of the

marinas and that there is sufficient water to serve both proposals. It is also relevant to point out that the Council cannot judge whether one proposal is more likely than the other to be a successful and viable business. The planning process cannot consider market competition.

6.1 Conclusion

It is considered that the location of the proposal complies with relevant locational policies and that whilst it is a large scheme which will result in some localised visual impact it will have a limited wider landscape impact and is unlikely to cause harm to areas of historic interest or the residential amenities of neighbouring properties or neighbouring land uses. It is therefore recommended that the application be approved subject to the conditions set out below.

<b>6. Recommendation</b>	
<b>Approval subject to;</b>	
<ul style="list-style-type: none"> <li>a) <b>The Environment Agency being satisfied that the FRA is adequate and that the proposal will not result in increased risk of flooding;</b></li> <li>b) <b>The Council being satisfied that appropriate Method Statement has been produced to ensure that if great crested newts and or reptiles are found on the site they can be appropriately dealt with;</b></li> <li>c) <b>The following conditions;</b></li> </ul>	
1	SC 1.4A Full permission: Duration Limit (3years)(RC2)
2	Plan numbers condition
3	That samples of the timber cladding and roofing material to be used in the construction of the of the walls and the roof of the office and storage buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved. (RC4A)
4	That prior to the commencement of development a plan of the proposed access to the highway shall be submitted to and approved in writing by the Local Planning Authority and prior to first use of the proposed development the access shall be constructed in accordance with the approved plan. (RC13BB)
5	That prior to the commencement of development a construction phase traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Throughout the period of construction the approved plan shall be adhered to. (RC13BB)
6	That prior to first use, the parking and associated manoeuvring areas shall be provided and thereafter maintained without obstruction except for the parking of vehicles. (RC13B)

7	Appropriate conditions relating to the Flood Risk Assessment (yet to be recommended)
8	Appropriate conditions relating to mitigation in ecological reports (yet to be recommended) (RC85A)
9	SC 9.5A Site clearance to avoid bird nesting/breeding season (RC86A)
10	That prior to the commencement of development a pre-works check will be carried out by a qualified ecologist to check for the presence of watervoles, bats and badgers. In the event that these species are found the Local Planning Authority shall be notified and appropriate mitigation measures agreed in writing. The work shall be carried out in accordance with the agreed mitigation measures. (RC85A)
11	SC 3.0A Submit Landscaping Scheme (RC10A)
12	SC 3.1A Carry out landscaping scheme (RC10A)
13	SC 3.2AA Retained trees (RC10A)
14	SC 3.3AA Scheme to be submitted to protect retained trees (RC72A)
15	SC 3.4BB Retain existing hedgerows/tree boundary (RC11A)
16	<p>Prior to the commencement of the development a professional archaeological organisation acceptable to the local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment</p>
17	<p>Prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 16, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.</p> <p>Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment.</p>
18	<p>Prior to the commencement of the development and following the completion of the archaeological evaluation, investigation and recording referred to in condition 17, a report of the archaeological evidence found on the application site and full details of a second stage Written Scheme of Investigation based on the findings, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason - To safeguard the recording and inspection of matters of archaeological</p>



	importance on the site in accordance with PPS5: Planning for the Historic Environment
19	<p>Prior to the commencement of the development (other than in accordance with the second stage Written Scheme of Investigation), the further programme of archaeological investigation shall be carried out and fully completed in accordance with the second stage Written Scheme of Investigation approved under condition 18.</p> <p>Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment</p>
20	<p>Prior to the commencement of the development all post excavation work including all processing, research and analysis necessary to produce an accessible and useable archive and its deposition, and a full report for publication, shall be submitted to the Local Planning Authority in accordance with the revised Written Scheme of Investigation approved under condition 18.</p> <p>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 publication and dissemination of the evidence in accordance with PPS5: Planning for the Historic Environment.</p>
21	<p>That prior to the commencement of development full details of the lighting including a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles) and an isolux contour map to show light spill levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.</p> <p>Reason: To safeguard the amenities of nearby residential properties and the visual amenities of the area and to comply with Policy ENV1 and C7 of the adopted Cherwell Local Plan.</p>
22	<p>That the marina hereby approved shall be occupied only for the purposes of recreational moorings and not for any residential or hire fleet purposes.</p> <p>Reason: In the interests of highway safety and to comply with Government advice contained in PPG13 and in order to comply with Policy H26 of the adopted Cherwell Local Plan.</p>
23	<p>That no more than 249 boats shall be moored at any one time in the marina basin and no boats, other than those on the water shall be stored on the site.</p> <p>Reason: In the interest of highway safety and the visual amenities of the area and to comply with Government Advice in PPG13 and C28 of the adopted Cherwell Local Plan.</p>
24	<p>That the office building and store shall be used solely for the purposes as described in the submitted application, in association with the use of the marina and for no other purposes.</p>
25	Use of Oil interceptors on car parking and hard standing
	<p><b>Informatives</b> Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws</p>

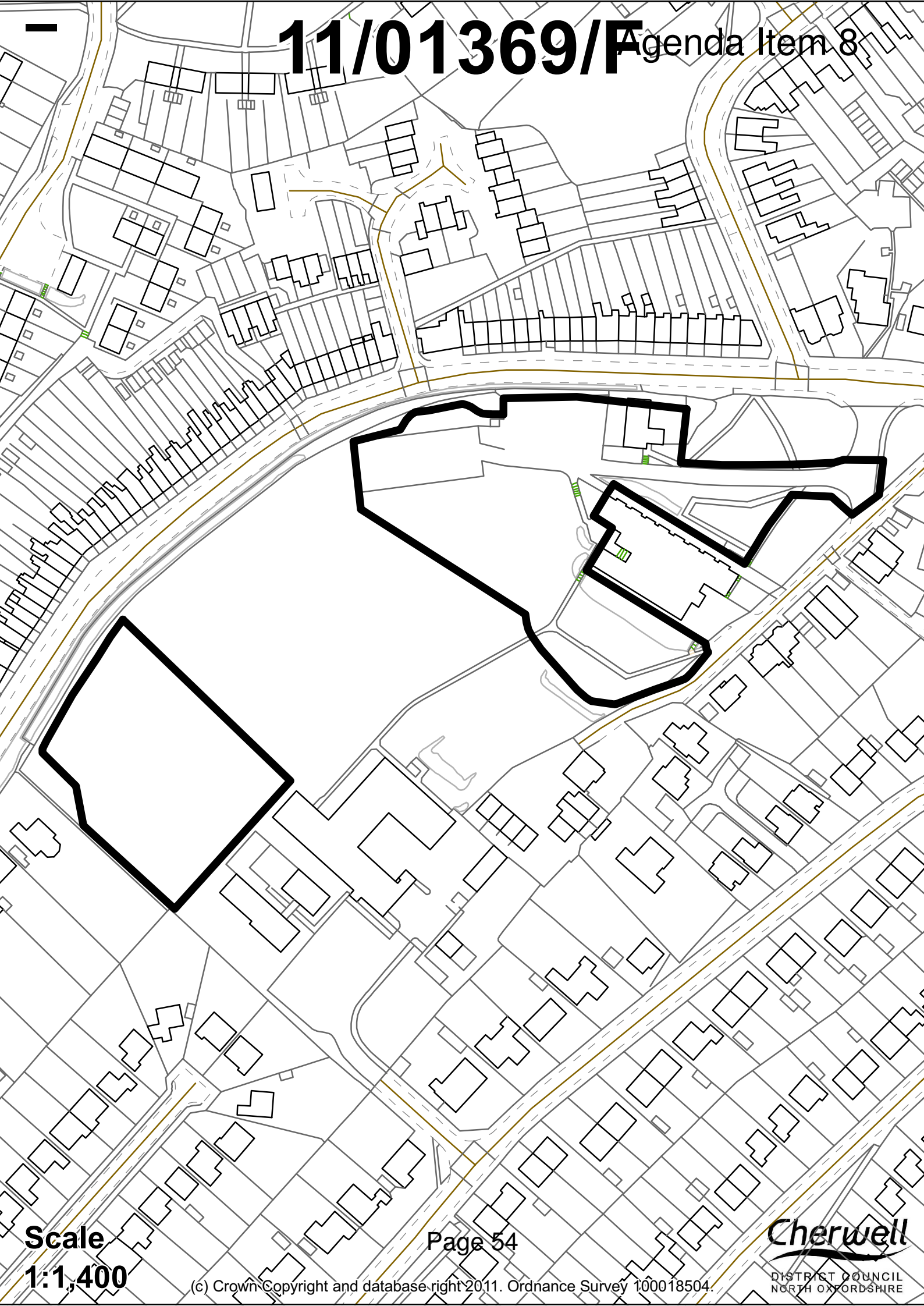
	1981, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Great Bourton Brook, designated a 'main river'.
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**SUMMARY OF REASONS FOR THE 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 amenities of neighbouring properties, highway safety, the historic environment, ecology or hydrology. As such the proposal is in accordance with National Policy Guidance, Policies CC1, CC8, NRM4, NRM5, BE5 and BE6 of the South East Plan and Policies R7, R9, C5, C7, C10, C13, C29 and ENV1 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

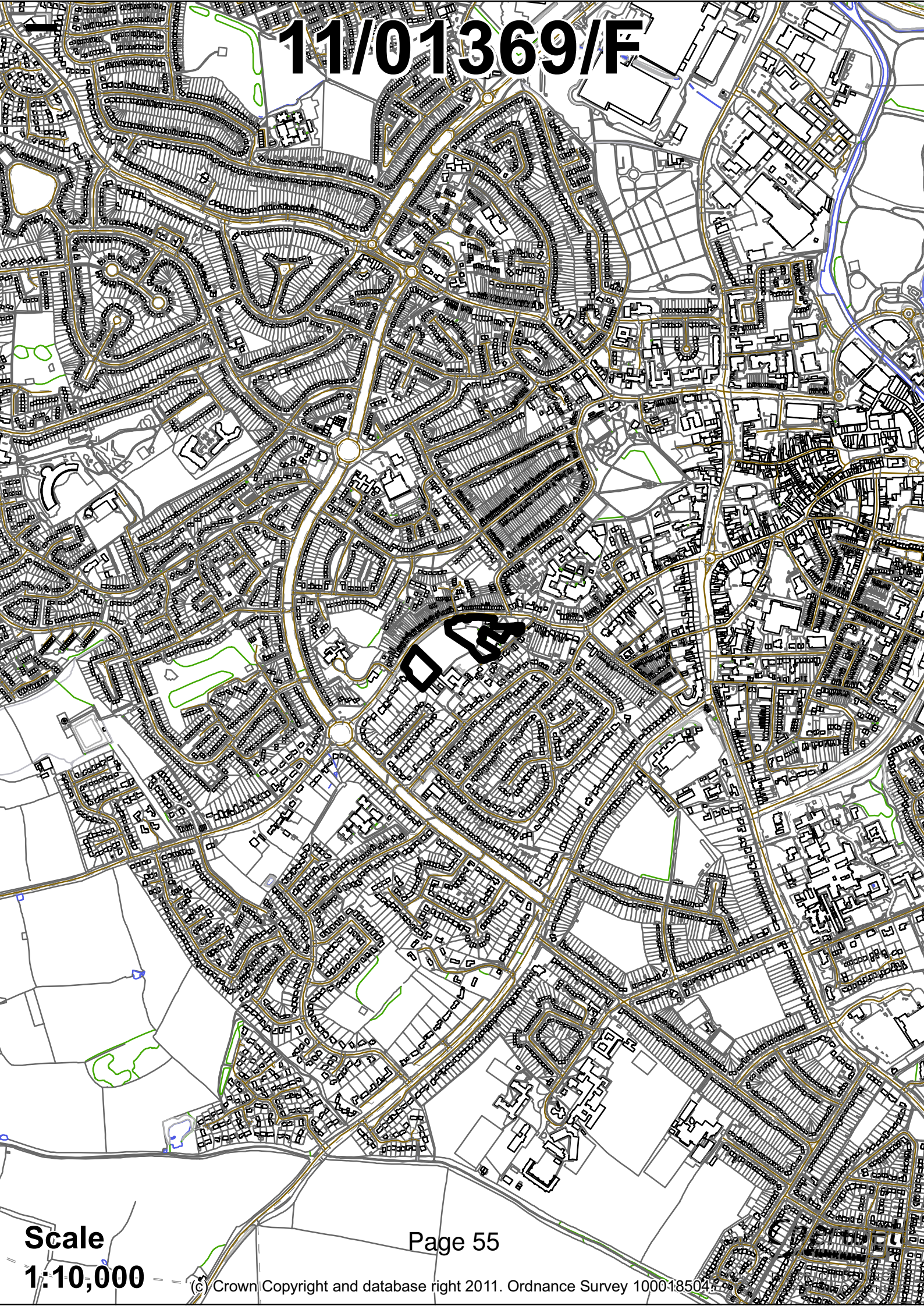
**CONTACT OFFICER: Caroline Roche**

**TELEPHONE NO: 01295 221816**



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1:1,400

11/01369/F



Scale  
1:10,000

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<b>Application No:</b> 11/01369/F	<b>Ward:</b> Banbury, Easington	<b>Date Valid:</b> 07.09.11
<b>Applicant:</b>	Mr Phil Waddup, Oxford and Cherwell Valley College	
<b>Site Address:</b>	Oxford and Cherwell Valley College (south site), Broughton Road, Banbury	

**Proposal:** Construction of a three storey building, single storey building, link to existing building, demolition of existing bungalow and alterations to car park and landscape works

## 1. Site Description and Proposal

- 1.1 This 3.2ha site is situated to the southern side of Broughton Road. Burlington Gardens is to south west, Mewburn Road to the south east and Berrymoor Road to the east. The surrounding roads all serve residential areas. The site is bounded to the north and north west by a mature boundary hedge and trees which screen much of the site from the Broughton Road. This boundary is also situated within the Banbury Conservation Area, however the rest of the site is just outside. A tree preservation order (TPO) covers the site consisting of various individual species and a number of groups. There is a significant gradient to the site which rises from the north east to the south west.
- 1.2 Whilst outline planning permission was granted in 2007 for the redevelopment of the whole of the southern site to provide a new college (comprising all of the accommodation which currently exists on the northern site) and to redevelop the northern site for 110 dwellings (application refs 07/02045/F and 07/02043/OUT), these permissions have not moved forward due to a lack of funding that the college was relying on. As an alternative to building the full extent of the college as envisaged under the 2007 applications, a phased approach is now being taken which began with the refurbishment of 'F' Block (10/01535/F refers) which has recently been completed.
- 1.3 This application now seeks to build the first stage of the college development which includes a) a three storey extension to the rear of the 'F' Block which would accommodate media studies, b) a small single storey extension to link the media studies building with 'F' block, c) an independent single storey building to accommodate the automotive centre and d) alterations to the car park. The introduction of these buildings and their uses on the site relates directly to the order in which the buildings on the northern site can be disposed of without interrupting the continuing college use on the northern site.
- 1.4 It is proposed to specifically locate the single storey automotive building as an independent unit at this stage as it is not a use that the college wishes to have close to its main entrance. In line with the master plan for the site, phase two of the college development would see a building constructed between the media studies and automotive buildings to tie them together and phase three would involve a theater building at the front of the site which would mask the automotive use from the front of the site.

- 1.5 During the process of the application, amended plans have been submitted which omit any use of Berrymoor Road to access the site and some changes have been made to reduce the bulk of the three storey building and visually link the automotive building to the rest of the development. The extent and height of the proposed lighting has also been reduced.

## 2. Application Publicity

- 2.1 The application has been publicised in the local press and via site notices posted around the site. The final date for comment was 05 January 2012. Seven representations have been received from local residents raising concerns about the following matters (see PublicAccess for full content):
- 2.2
- Lighting (impact on residential amenity and character of area)
  - Highway safety
  - Access for refuse vehicles?
  - Scale, height and bulk
  - Loss of trees/landscape
  - Additional Traffic
  - Loss of light
  - Berrymoor Road is a private road access from it is unacceptable
  - Construction working hours
  - Damage to Berrymoor Road
- 2.3 A petition has also been received containing seven signatures objecting to the proposal

## 3. Consultations

- 3.1 **Banbury Town Council** raises no objections.
- 3.2 **Local Highway Authority** raises no objections to the scheme subject to the concerns about the use of Berrymoor Road being addressed and conditions relating to a construction phase travel plan and a green travel plan.
- 3.3 **Local Drainage Authority** required more information in relation to drainage for the site which has been received, however further comments are awaited.
- 3.4 **Cherwell District Council's Anti Social Behaviour Manager** raises no objections
- 3.4 **Cherwell District Council's Landscape Officer** states that detailed landscaping proposals together with a maintenance method statement are to be secured via condition.
- 3.5 **Cherwell District Council's Ecologist** required further investigations to be carried out in relation to the potential for newts on the site. Additional information is awaited.

- 3.6 **Thames Water** raises no objections in relation to water and sewerage infrastructure, some planning informatives are recommended in relation to surface water drainage and any potential connection to a public sewer.

## 4. Relevant Planning Policies

### 4.1 National Planning Guidance

PPS1:	Delivering Sustainable Development
PPS5:	Planning for the Historic Environment
PPS9:	Biodiversity and Geological Conservation
PPG13:	Transport

### 4.2 South East Plan 2009

CC1:	Sustainable Development
CC6:	Sustainable Communities and Character of the Environment
NRM5:	Conservation and Improvement of Biodiversity
BE1:	Management for and Urban Renaissance
BE6:	Management of the Historic Environment
T4:	Parking
S3:	Education and Skills
S4:	Higher and Further Education

### 4.3 Adopted Cherwell Local Plan

C28:	Layout, Design and External Appearance
C30:	Design and Amenity
C1:	Protection of Sites of Nature Conservation Value
C2:	Development Affecting Protected Species

## 5. Appraisal

- 5.1 The key issues for consideration, which are discussed below, are:

Principle  
Design/Appearance/Scale  
Visual Impact/Setting of Conservation Area  
Transport Impact/Highway Safety  
Drainage  
Residential Amenity  
Ecology  
Trees and Landscaping

### 5.2 Principle

- 5.2.1 National and Local Planning Policy clearly supports the provision and enhancement of local education centers for both skill development and higher and further education. The proposals to add to the refurbished 'F' Block represent the second element of the phased approach towards the full redevelopment programme for the college and is reflective of what the college believes it can deliver for the next stage of development. The project therefore is fully supported in accordance with PPS1 and Policies S3 and S4 of the South East Plan.

### 5.3 Design/Appearance/Scale

- 5.3.1 Under the 2007 application, the new college buildings were designed as four three-storey individual (but physically linked) buildings arranged in a fan shape which stepped up in accordance with the topography of the site. The phases of development now proposed, seek to follow this former approach as closely as possible whilst incorporating the original 'F' Block. The principle of the layout of this phase has therefore been established and represents an acceptable approach to developing the site in terms of the siting of the buildings.
- 5.3.2 The proposed extensions and new building would reflect the established character, design and appearance of the 'F' Block which is considered to be the most suitable approach for an educational building in this location within Banbury.
- 5.3.3 With regard to the separation of the automotive building from the rest of the development, this has been cause for some concern due to its remote location from the existing 'F' Block and the proposed three storey extension to it. Whilst the concept behind the siting of this building is understood, there is no guarantee over the timing of the delivery of the future phases of the scheme or whether they will ever be built at all. In design and layout terms the separation between the two main buildings of this particular phase is unfortunate and discussions have taken place with the agent in an attempt to address this matter with the view to amending the design and layout. However the siting appears to be the most sustainable as the automotive function would be sited away from the main entrance and thus not conflicting with the reception functions and furthermore the building would be constructed in a way that would be able to withstand a first floor above it and an infill extension between it and the main block.
- 5.3.4 In order to link the buildings visually and to indicate the next phase of the development, the agent has amended the proposals to include evenly spaced poles along the line of the front and rear elevations of the future building to be constructed between the automotive and media buildings. It is considered that this approach goes far enough to achieve a visual link between the buildings and therefore is appropriate in design terms.
- 5.3.5 Turning to the scale of the three storey media block, this has also caused some concern given its proposed height in relation to 'F' Block and being 1m higher than the height of the previously approved building in this location (07/02045/OUT). The reasoning behind the increased height is due to the fact that there is a requirement for the finished floor levels of the media studies building to relate directly to the floor levels in 'F' Block. Under the outline application 'F' Block would have been demolished and the ground levels reduced to accommodate the new buildings thus reducing the overall height of the development as a whole.
- 5.3.6 The amended plans have reduced the height of the parapet slightly and introduced a hand rail instead, in an attempt to lessen the mass of the building, which is an improvement, albeit relatively minor. Taking the proposed building and 'F' Block together, the roofs of both are varied, which serves to soften the height difference between the two to an extent that renders it appropriate in visual amenity terms in HPPDM's view.



5.3.7 In accordance with the Council's Public Art Policy it is recognised that the proposed development meets the threshold for providing an element of public art on the site which has been brought to the attention of the agent for the application. The applicant can provide this by either making a contribution towards a piece of artwork that is planned to be provided within the local community, or to commission a piece of artwork as part of the development proposals. These discussions are ongoing and would be the subject of a legal agreement between the Council and the developer if the public art is to be provided off site. Otherwise it is likely that this matter could be dealt with via planning condition.

#### 5.4 Visual Impact/Setting of Conservation Area

5.4.1 The refurbishment works that have been carried out to 'F' Block were a bold approach to reinventing the 1970s building in order to establish modern accommodation for the arts programmes run by the college. Whilst the building has a very contemporary appearance, it is considered that this was an appropriate approach to reintroducing the college on the southern site despite its historic surroundings to the north (Victorian terraced dwellings and the boundary of the Banbury Conservation Area). The building is identified as an independent use to the surrounding residential use but is softened from the public domain by mature trees to the frontage and an established and quite dense tree and hedge line along the northern boundary adjacent to Broughton Road.

5.4.2 The submitted plans indicate an area to the west of the Innovation Centre to be used for spoil that has been excavated from the site. Whilst there is no indication of the extent of spoil to be deposited in this area, the agent has clarified that it would be a minimal amount compared to the extent of spoil that will be removed from the site in order to accommodate the new building and that the spoil would be carefully graded into the existing topography. The proposed location for the spoil is where the future extended car park would be sited, as part of a later phase of the college development. Given the intended use of this particular part of the site, which is already one of the most elevated areas, it is important to ensure that the spoil does not significantly raise the ground levels which would result in the future parking area becoming visually more prominent and potentially affecting the setting of the Conservation Area. HPPDM is satisfied that due to the fact that relatively small amounts of spoil would be placed in this location, it would be appropriate to secure the location and levelling via condition and that it would not be harmful to the area.

5.4.3 Given the site circumstances, and the relationship of the new buildings with their surroundings, the proposal would not cause harm to visual amenity and would be appropriate in terms of its impact upon the setting of the Banbury Conservation Area in accordance with Policies BE1 and BE6 of the South East Plan and PPS5.

#### 5.5 Transport Impact/Highway Safety

5.5.1 The amended drawings indicate that no access will be taken into the site from Berrymoor Road (a private road) which addresses third party concerns and those raised by the Local Highway Authority. Based on the amendments, the Local Highway Authority raises no objections, stating that the proposed layout accommodates appropriate space for parking and manoeuvring with vehicular access taken from Broughton Road only. It is also considered that any increased

trip attraction of the site would be unlikely to have any significant transport impact and as such no contributions are required towards the local transport network.

5.5.2 The Local Highway Authority does however recommend that a construction phase travel plan and green travel plan be secured via planning condition.

5.5.3 Based on the above and subject to the recommended conditions, it is considered that the proposal complies with PPG13.

## 5.6 Drainage

5.6.1 The Local Drainage Authority has raised some concerns about the proposal in relation to drainage due to a lack of information. The agent has submitted some further additional and amended plans to address the concerns that have been raised and further comments are awaited which will be updated verbally at committee.

## 5.7 Residential Amenity

5.7.1 The proposed buildings due to their location and relationship with neighbouring residential dwellings would be sited such that they would not cause harm to neighbouring amenity by way of loss of light or being overbearing. There has been some concern from residents over the height of the media studies building and its proximity to the dwellings on Berrymoor Road however the distance achieved by the building would be almost 40m, a distance which, despite the building being three stories, meets the Council's standards of amenity.

5.7.2 The automotive building has some potential for generating noise and disturbance, however the closest residential properties to this element of the scheme are those located on the far side of Broughton Road, which is a relatively heavily trafficked route into Banbury. Given the normal operational hours of the automotive building, the existing noise generated from the road and the fact that the Council's Anti-Social Behaviour Manager has not raised any objections to the proposal, HPPDM is satisfied that the proposal would not give rise to unacceptable levels of noise and disturbance.

5.7.3 With regard to the relocation of some spoil on the site to the south western most area, this would be immediately adjacent to the rear gardens of Burlington Gardens and opposite some of the dwellings on Broughton Road. It is highly unlikely that the amount of spoil to be moved to this location would cause harm by way of being overbearing on residential properties, however in any event it is recommended that the details of the siting and shaping of the spoil are to be submitted via condition so that its impact can be controlled.

5.7.4 For the reasons, given the proposal is considered to be acceptable in terms of its impact upon residential amenity in accordance with Policy C30 of the adopted Cherwell Local Plan.

## 5.8 Ecology

5.8.1 The application is accompanied by a bat emergence and return survey carried out in October 2011. This concluded that there was no evidence of bats using the

building to be demolished as part of the proposal or any of the trees to be felled. The report does conclude however that the immediate area is of value for bats for breeding, resting, hibernating foraging and commuting. For these reasons, the report recommends that a further emergence survey is carried out in relation to the building to be demolished just prior to the commencement of works on the site.

- 5.8.2 The report also recognises that the site as a whole offers various opportunities for reptile habitats and as such recommends that a full reptile survey be carried out. The agent has advised however that the ecologist has clarified that the part of the site directly affected by this particular proposal is not as suitable for use by newts as the rest of the grassland to the south and west and therefore believes that a survey is not required. Further guidance is awaited from the applicant's Ecologist which would then need to be verified by the Council's Ecologist. The issue is to be verbally updated at committee.

## 5.9 Trees/Landscaping

- 5.9.1 The frontage of the site is characterised by a number of mature trees and hedging and there are also a number of established trees within the site, which all contribute to the amenity value of the site. A large Turkey Oak (TPO) has already been lost to the development (accepted under the 2007 application). Although this did not need to be felled as a direct result of refurbishing 'F' Block, the Council's Arboriculturalist agreed that it was interfering with the building and was not considered to be a specimen worthy of long term retention.
- 5.9.2 Given the fact that the site is characterised by mature trees and the proposed buildings are of a very contemporary nature in comparison to the surrounding, more historic development, it is important to ensure that the existing trees of value are retained and that further tree planting and a landscaping plan is secured.
- 5.9.3 The Council's Arboriculturalist recommends conditions securing the protection of the existing trees in accordance with the tree protection plan accompanying the application and the Landscape Architect requires a detailed landscape proposal drawing indicating retained trees (with RPAs), proposed tree planting/shrub planting to the north facade; and hard landscape details. Details of the landscape maintenance are also required for successful establishment given the high profile nature of the site.

## 5.10 Third Party Representation

- 5.10.1 The third party representations are noted and it is considered that all material planning considerations that have been raised has been addressed either by the amended plans or within the body of this report. Matters relating to construction working hours and damage to Berrymoor Road are non-material, in relation to which the application could not be reasonably refused.

## 5.11 Conclusion

- 5.11.1 The proposal is considered to be acceptable in principle being a scheme that enhances educational facilities within Banbury.
- 5.11.2 Due to the location and design of the proposals, they are considered to be

acceptable in terms of their impact upon visual amenity and the setting of the Conservation Area and would not cause harm to residential amenity.

- 5.11.3 The Local Highway Authority is satisfied that the proposals would not give rise to any unacceptable impact upon the transport, network, highway infrastructure or highway safety.
- 5.12.4 Further details and advice are required in relation to ecology and drainage, and information regarding Public Art. Member will be verbally updated at committee.
- 5.12.5 Overall and subject to the outstanding matters, the application is considered to be acceptable and is therefore recommended for approval as set out below.

## **6. Recommendation**

### **Approval, subject to:**

- a). The comments of the Council's Ecologist in relation to the scheme
- b). The comments of the Local Drainage Authority
- c). A Legal agreement acceptable to the District Council to secure an element of public art and the maintenance of that public art if it is not to be provided as part of the development itself.
- d). The following conditions:
  - 1. 1\_4A - Full Duration Limit (3 years) (RC2)
  - 2. Plans Condition. Application forms, Design and Access Statement and Drawings. Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.
  - 3. 3\_0A - Submit Landscaping Scheme (RC10A)
  - 4. 3\_1A - Impl Landsc Sch and Reps (RC10A)
  - 5. That prior to the commencement of the development, a landscape maintenance plan including time-frame shall be submitted to and agreed in writing by the Local Planning Authority. The approved maintenance plan shall be strictly adhered to at all times for the agreed time-frame. (RC10A)
  - 6. Schme Submtd to Pro Rtnd Trees (RC72A)
  - 7. That full design details of the colour scheme for the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
  - 8. That full design details of all fenestration shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
  - 9. 5\_5AB - Submit New Design Details (RC4A) insert 'siting and profile of the spoil to be located to the south west of the site'
  - 10. That full design details of the external lighting scheme shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

#### **Planning Notes**

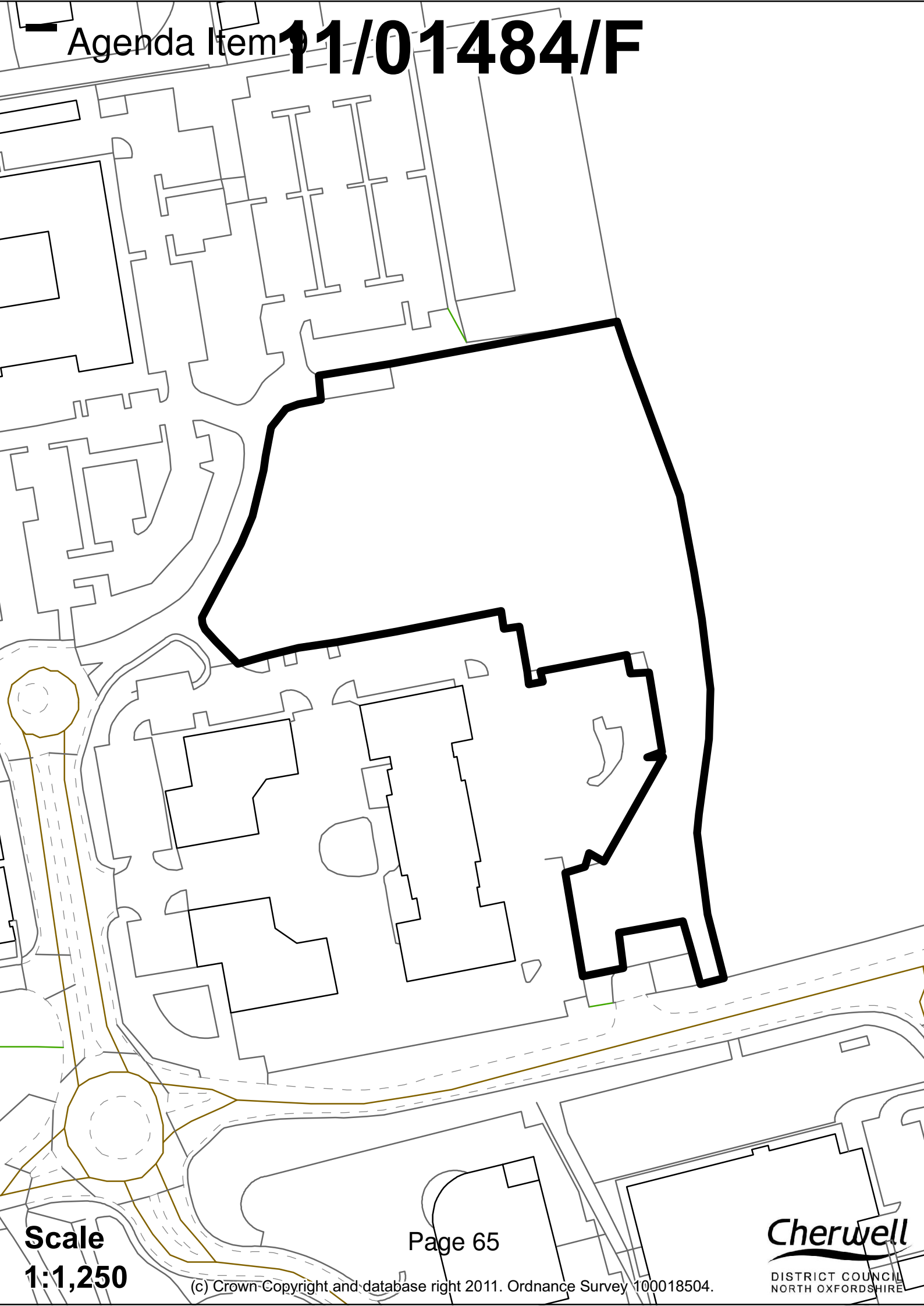
1. S1
2. T1
3. U1
4. Thames Water Notes

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

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal is acceptable in principle and pays proper regard to its surroundings, causing no harm to residential or visual amenity, the setting of the Banbury Conservation Area and is considered to be acceptable in terms of its impact upon the local transport network and highway safety, drainage, ecology, trees and landscaping. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS5: Planning for the Historic Environment, PPS9: Biodiversity and Geological Conservation, PPG13: Transport, Policies CC1, CC6, NRM5, BE1, BE6, T4, S3 and S4 of the South East Plan 2009 and Policies 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.

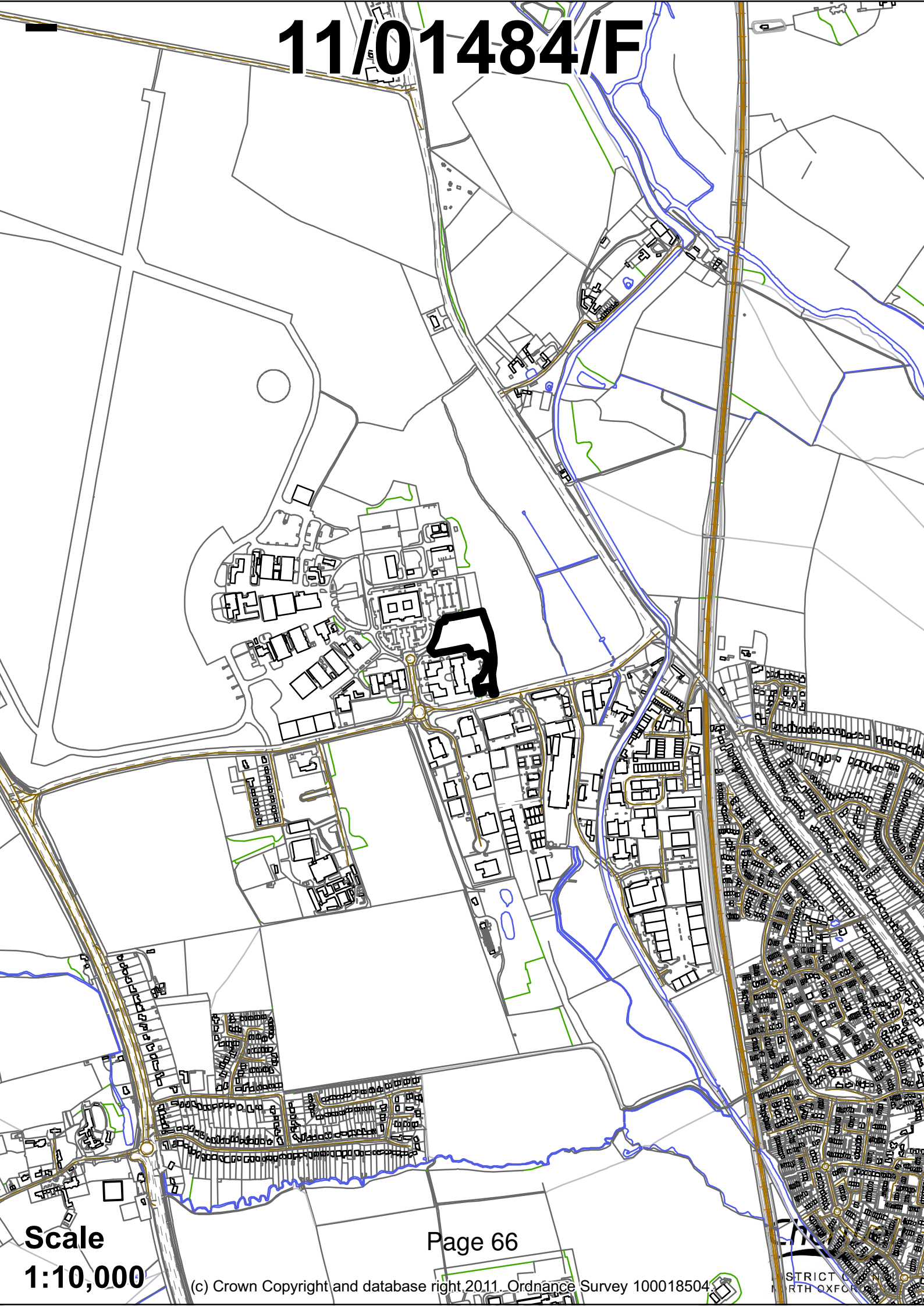
**CONTACT OFFICER:** Jane Dunkin

**TELEPHONE NO:** 01295 221815



**Scale**  
**1:1,250**

# 11/01484/F



**Scale**  
**1:10,000**

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<b>Application No: 11/01484/F</b>	<b>Ward: Kidlington North</b>	<b>Date Valid: 19/10/11</b>
<b>Applicant:</b>	Oxford University Press	
<b>Site Address:</b>	Phase 3, Oxford Spires Business Park	

**Proposal:** Three storey office building and associated parking

## 1. Site Description and Proposal

- 1.1 This application relates to the final undeveloped area of Oxford Spires Business Park to the east of the Elsevier building and to the north and north-east of Thames Valley Police offices. Although the main body of the site is located behind the police headquarters, part of the site does abut Langford Lane. Surrounding the Business Park to the north and east are fields and to the south and west are London Oxford Airport, Oxford Motor Park and Oxonian Business Park. Part of the field to the east, which unlike the application site is inside the Oxford Green Belt, will be used for the recently approved waste recycling centre.
- 1.2 The 6 hectare site which comprises all three *Phases* was originally granted outline planning permission for a science park in 1988 (CHS.12/87 refers). A successful appeal relaxed the condition on the permission which had limited the type of companies that could operate from the Business Park. It was established that the land could be used for unrestricted B1 purposes (i.e. offices, light industry and research and development).
- 1.3 As regards the planning history specifically relating to the Phase 3 land, in October 1994, outline permission was granted for a two/three storey B1 office building with a floor area of 4,000m<sup>2</sup>. In January 1998, full planning permission was granted for a three storey office building, which would have provided 5,100m<sup>2</sup> of floor space (97/01887/F refers). In 2002, a revised application for a three storey office building (4,393m<sup>2</sup>) received approval. That permission was renewed five years later (02/00405/F and 07/00500/F refer). The 2007 permission lapsed last year.
- 1.4 Planning permission is now sought for a more contemporary office building than previously approved. Although occupying roughly the same position within the site, the proposed structure will be much more linear in design, comprising four linked office blocks (4,017m<sup>2</sup> of floor space). This arrangement allows greater flexibility; the owners are contemplating the possibility of letting one of more of the four units.
- 1.5 The exterior of the building would be very different in appearance to the previous approvals, with the southern, eastern and western elevations predominantly glazed to promote passive solar gain. The applicant has proposed to clad the northern elevation with terracotta tiling. A brise soleil canopy would project out from the roof of the southern elevation over a 'reflecting pool' which runs the length of the building. The canopy would prevent the building from overheating during the summer months. As with the previous permission, the parking area would be to the south of the proposed



building with the principal entry to the site being taken from the Boulevard. This new scheme has however dispensed with the emergency exit on to Langford Lane.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of press notice and site notice. The final date for comment was the 25<sup>th</sup> November 2011. No correspondence has been received as a result of this consultation process.

## **3. Consultations**

- 3.1 Kidlington Parish Council raises no objections to the application
- 3.2 The Environmental Protection Officer raises no objections subject to condition
- 3.3 The Ecology Officer raises no objections subject to condition
- 3.4 The Arboricultural Officer agrees with the categorisation of the trees in report accompanying this application and raises no objections subject to condition
- 3.5 The Landscape Officer raises no objections subject to condition
- 3.6 The Design and Conservation Team Leader is happy with the proposed design with the exception of the northern elevation which she describes as *uncompromising in its unrelieved use of terracotta tiles and the rigid pattern of small openings*
- 3.7 OCC Highways Liaison Officer raises no objections subject to condition. The Officer and the applicant came to an agreement over an appropriate transport contribution
- 3.8 OCC Minerals Planning Officer raises no objections
- 3.9 OCC Drainage Officer raises no objections subject to condition
- 3.10 London Oxford Airport raises no objections
- 3.11 Thames Water observes that the applicant should contact them if the new building is within 3 metres of a sewer. The applicant should factor in minimum water pressure into the design
- 3.12 The Environment Agency has commented at the time of writing

## **4. Relevant Planning Policies**

- 4.1 PPS1: Delivering Sustainable Development  
PPS4: Planning for Sustainable Economic Growth  
PPS9: Biodiversity and Geological Conservation  
PPG13: Transport  
PPS23: Planning and Pollution Control  
PPS25: Development and Flood Risk
- 4.2 Policies RE3, NRM4, NRM5, T4 and T5 of the South East Plan 2009

- 4.3 Policies EMP1, EMP3, ENV1, ENV12, C2, C4 and C28 of the adopted Cherwell Local Plan

## 5. Appraisal

- 5.1 The site is designated for employment generating development in both the adopted and Non-Statutory Cherwell Local Plans (Policy EMP1 of both plans). Changes in Government guidance most notably the introduction of PPS4: Planning for Sustainable Economic Growth and the replacement of the Oxfordshire Structure Plan 2016 with the South East Plan 2009, since the most recent previous approval on this site, are not considered to compromise the principle of development already established.
- 5.2 The previous permissions and indeed Phases 1 and 2 of the Oxford Spires development (the Thames Valley Police and Elsevier buildings) have also established the acceptability of a three storey structure in this location. The proposed building is very different in appearance to the Thames Valley Police and Elsevier buildings which were erected during the 1990s.
- 5.3 The glazed element of the build is nonetheless considered to be acceptable in design terms and will resonate with other more modern office development in the Langford Lane area. The more contemporary eco design is in part justified by the need to comply with Building Regulations legislation relating to the CO<sub>2</sub> emissions. The Council's Design and Conservation Team Leader has however raised doubts over the appropriateness of the proposed northern elevation which was considered to be *uncompromising in its unrelieved use of terracotta tiles and the rigid pattern of small openings*. Notwithstanding this objection, the HPP&DM concludes that, on balance, the design is not so incongruous that it compromises the overall acceptability of the scheme, particularly as this elevation will be partially screened by a number of TPO'd trees and is not readily visible from the public domain.
- 5.4 Given that the position of the proposed building remains little changed to that approved previously, it is unsurprising that the Council's Arboriculturalist has not raised any objections. The Arboriculturalist has however recommended a number of conditions to ensure the future wellbeing of TPO'd trees on site. The Landscape Officer has similar concerns and would also like to see the strengthening of the planting on certain of the site's boundaries.
- 5.5 The applicant entered into negotiations with the County Council directly in respect of contributions sought for improvements to the local highway infrastructure (there are no parking or highway safety issues). As a result of these discussions, a sum of approximately £7,000 was agreed to part finance, amongst other things, bus priority signals at the junction of Langford Lane and Banbury Road. As regards a public art contribution, as the site is not publically prominent, the HPP&DM is satisfied that the proposed reflecting pool will be sufficient to discharge this requirement.
- 5.6 Based on the assessment above, the HPP&DM concludes that the proposed development complies with Government guidance contained within PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth, PPG13: Transport and PPS23: Planning and Pollution Control and Policies RE3, NRM4, T4 and T5 of the South East Plan 2009 and Policies EMP3, ENV1,

ENV12, C2, C4 and C28 of the adopted Cherwell Local Plan and therefore recommends that the application is approved subject to appropriate conditions.

## **6. Recommendation**

**Approval, subject to the Environment Agency comments, the receipt of the completed unilateral undertaking and the following conditions:**

- 1. 1.4A - Full Permission: Duration Limit (3 years) (RC2)**
- 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with approved plans: 97119 P01; 97119 P02; 97119 P03 A; 97119 P04 A; 97119 P05 A; 97119 P06 A; 97119 P07 A; MCA002/01/B; and MCA002/02B and the following approved documents: Interim Travel Plan produced by Castledine Associates and dated 26 September 2011; Tree Survey produced by MCA and dated 20 July 2011; Ecological Appraisal produced by Bioscan and dated 11 August 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 Policy BE1 of the South East Plan 2009.**

- 3. 2.1A Details of Materials and External Finishes – (RC4A)**
- 4. 3.0A - Submit Landscaping Details (RC10A)**
- 5. 3.1A - Carry Out Landscaping Scheme and Replacements (RC10A)**
- 6. That prior to commencement of any development on the site, notwithstanding the details submitted, an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), undertaken in accordance with BS5837:2005 sections (Please specify if relevant) shall be submitted and approved in writing by the Local Planning Authority. All works then to be undertaken in accordance with the agreed document.**

**Reason - To ensure that no proposed operations impair the health of any retained trees in the interests of the 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.**

- 7. 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 should include details of:**
  - a) Induction and personnel awareness of arboricultural matters**
  - b) Identification of individual responsibilities and key personnel.**
  - c) Timing and methods of scheduled arboricultural site monitoring, record keeping, and the subsequent submission of information to the LPA.**
  - d) Procedures for dealing with variations and incidents.**

Please note, the Local Planning Authority may require the scheme of supervision to be administered by a qualified arboriculturist approved by the Local Planning Authority but instructed by the applicant.

Reason - To ensure that no proposed operations impair the health of any retained trees in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan.

8. Prior to the commencement of any works on site or the carrying out of any operation relating to the provision of services, 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 and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason - To ensure that the existing trees are retained in a safe and healthy condition and are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.

9. All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees – Volume 4 and all subsequent revisions and amendments of.

Reason – To ensure that the trees are retained in a safe and healthy condition and are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.

10. That prior to commencement of any development on the site, notwithstanding the details submitted, full details, specifications and construction methods for all purpose built tree pits and associated ground level surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority. Details must also include specifications for the installation of associated below ground, load-bearing root trenches and appropriate soils required to accommodate the planting and development of the proposed trees.

Reason – To ensure that the trees are retained in a safe and healthy condition and are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C28 of the adopted Cherwell Local Plan.

11. No removal of trees, scrub or hedgerows to take place between the months of March to August inclusive.

Reason - To ensure that the development will not cause harm to any protected species or its habitat in accordance with Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan).

12. **4.13CD Parking and Manoeuvring Area**
13. **4.14DD Green Travel Plan**
14. **The construction of the surface drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before works are commenced.**
- Reason - To prevent pollution of the water and to comply with Government guidance contained within PPS23: Planning for Pollution Control.**
15. **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.**
16. **If a potential risk from contamination is identified as a result of the work carried out under condition 15, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.**
- Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.**
17. **If contamination is found by undertaking the work carried out under condition 16, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance**

with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

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

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

19. Details of any external lighting to be erected around or within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting scheme shall be carried out in accordance with the details so approved.

Reason - In the interests of the visual amenities of the area, to ensure a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

20. 6.4AB Commercial: No Extensions

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

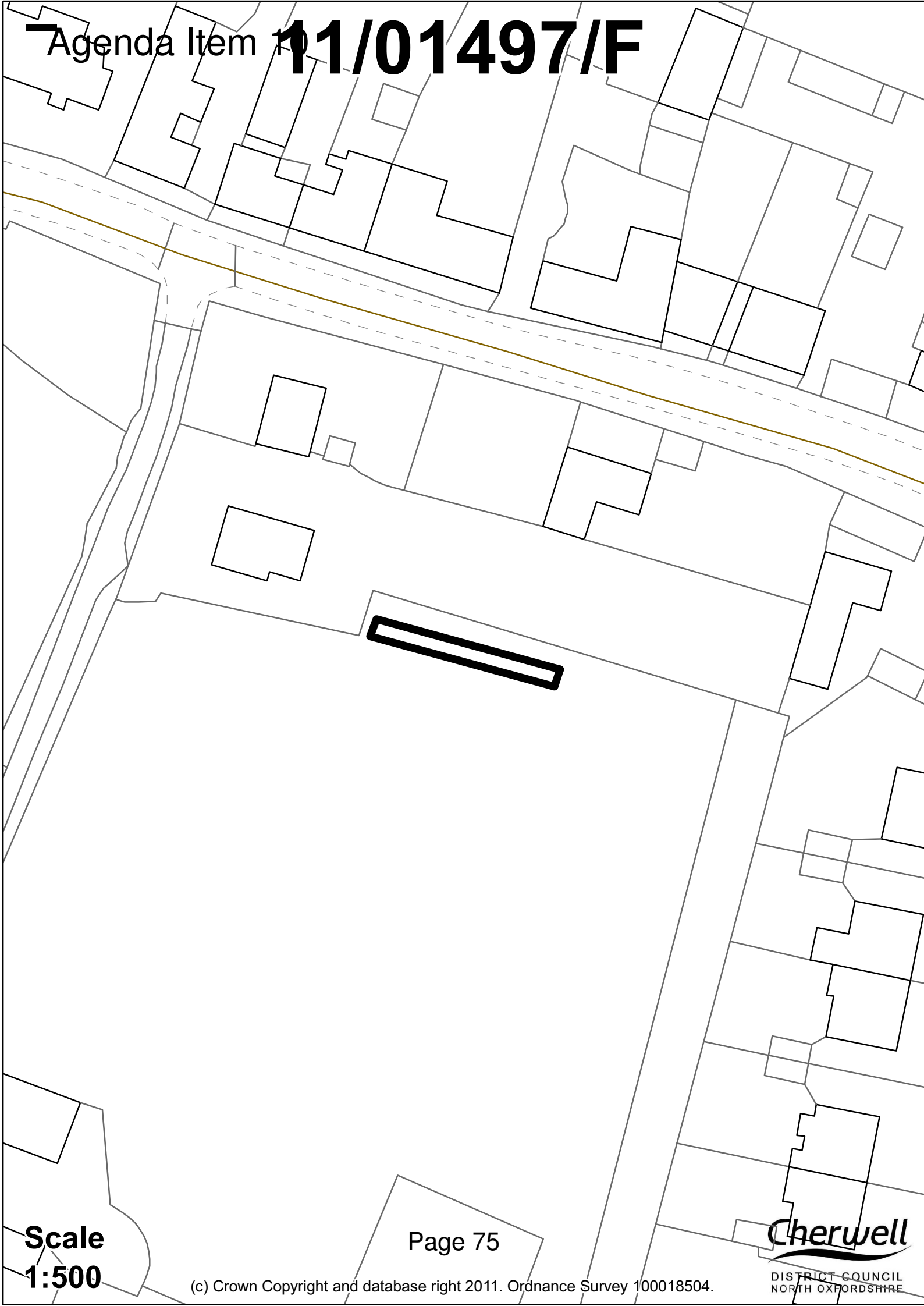
The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal is within an employment generating site and does not harm the visual amenities of the locality or compromise highway safety and public health. The development will also not adversely affect the protected trees or the local wildlife on site and will not pose a flood risk. As such the proposal is in accordance with Government guidance contained within PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth, PPS9: Biodiversity and Geological Conservation, PPG13: Transport, PPS23: Planning and Pollution Control and PPS25: Development and Flood Risk and Policies RE3, NRM4, NRM5, T4 and T5 of the South East Plan 2009 and Policies EMP1, EMP3, ENV1, ENV12, C2, C4 and C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all

**other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.**

**CONTACT OFFICER: Paul Ihringer**

**TELEPHONE NO: 01295 221817**

Agenda Item 11/01497/F



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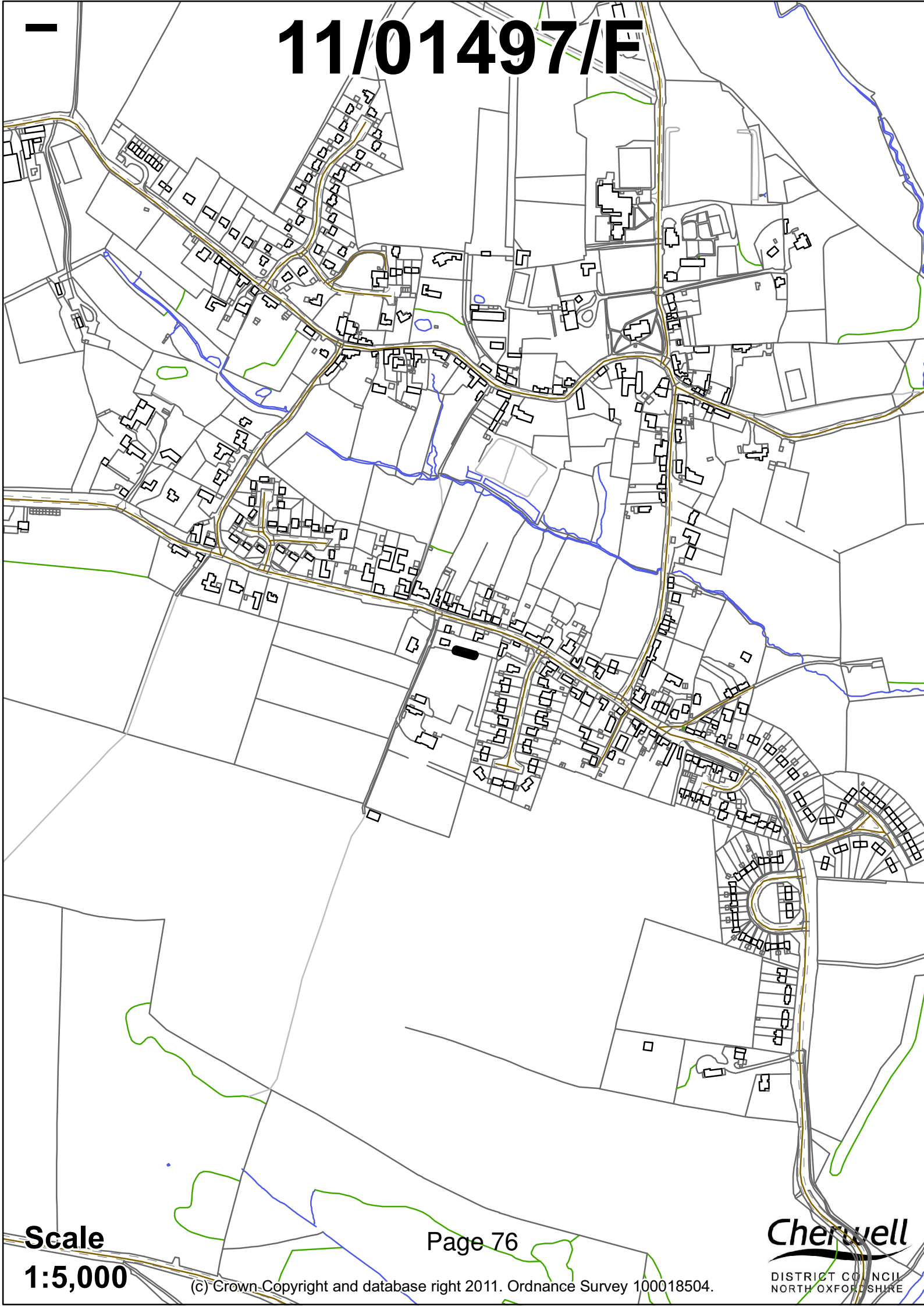
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# 11/01497/F



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application</b> 11/01497/F	<b>No:</b>	<b>Ward: The Astons and Heyfords</b>	<b>Date Valid: 02.12.11</b>
<b>Applicant:</b>	Mrs C Bartlett		
<b>Site Address:</b>	Seven Springs South Side Steeple Aston Bicester Oxon OX25 4RU		

**Proposal:** PV installation of 39 ground mounted panels

## 1. Site Description and Proposal

- 1.1 This application refers to the proposed installation of ground mounted photo-voltaic panels at Seven Springs, Steeple Aston.
- 1.2 The property is a large detached house located off an existing footpath within Steeple Aston. The house is quite detached from other properties as it is located at the rear of the properties which front South Side. It is a substantial house set in formal gardens surrounding the property and a paddock and stables to the north of the house. The site is within the open countryside and whilst the boundaries adjacent to existing properties are well defined with mature landscaping measuring some 2.7m high, the boundary running the length of the access/footpath is quite open and views into the site are easily gained from this direction.
- 1.3 The site is located within an Area of High Landscape Value and there is the existing footpath running alongside the site boundary (ref FP 364/8/10). The house is not a listed building and the site is not located within a Conservation Area.
- 1.4 The proposal seeks consent for the erection of a Photovoltaic module which will provide 10kw power for Seven Springs. This would comprise 39 ground mounted panels which would form an installation of 24.2m long, 2.8m deep and 1.78m high. They are proposed to be located at the north edge of the garden land adjacent to the boundary with Stavinspole

## 2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and a press advert. The final date for comment was 16/11/11.
- 2.2 **Third Parties** – Five letters of objection have been received (three from the same address). The main points of these letters have been summarised as follows:

- The panels will only be a few feet away from my bedroom window
- They will be noisy and will disturb the rural area
- The proposal site is a haven for wild life and birds
- The paddock area is large enough for them to be located elsewhere
- The panels will be an eyesore and be totally out of keeping with the rural location
- Solid panels will cause turbulence within the garden all year round and will also prevent the winter and spring sun from shining through the hedge placing shade on the existing garden
- They are unsightly and overbearing

2.3 The agent acting on behalf of the applicant has had sight of the objections and has prepared a response to the concerns. This matter is dealt with separately within the report. Comments from the neighbouring property Stavinspole have also been made in response to this letter and their comments are also contained within this separate section.

2.4 **Comments from applicant**

The applicant has viewed copies of all the objection letters that have been received and has replied to each one with the relevant points. Copies of all the letters can be viewed via the Public Access system.

Whilst many of the points have already been addressed through this report, the applicant has provided additional information in support of their application which is listed as follows:

- The applicant has offered to plant a further hedge at the rear of the beech hedge to allay the concerns regarding visibility during the winter months but this was rejected
- The PV installation is domestic in scale
- The objectors refer to windbreaks – the applicant has provided guidance which confirms that beech is not necessarily a suitable specimen to be used as a windbreak
- The applicant has also provided a drawing showing how with the beech hedge in situ and the panels not forming a solid barrier, wind is able to pass through them and thus reduce the amount of turbulence created in the garden of Stavinspole
- There is no noise generated by the PV installation
- The application site is not located within the Conservation Area

2.5 **Comments from the occupiers of Stavinspole immediately adjacent to the site**

A further letter has been received in response to that of the applicants. This letter wishes the following points to be considered

- Further hedge: Experience was led to the view that further saplings would not be successful if planted next to mature trees
- Photographs: The photograph submitted is taken from the patio area adjacent to the house and shows the east garden in its entirety; the majority of this, including the near centre bed and those to the left and right are all sheltered by the beech hedge.
- RHS Guidance: Dispute that the use of beech hedging is appropriate for a wind break

### 3. Consultations

- 3.1 **Steeple Aston Parish Council** – Provided comments dated 10 November 2011 which raised no objections.

Following these comments, the Chairman of the Parish Council sent through additional comments (dated 14 November) following a site visit to the neighbouring property Stavinspole and whilst still supporting the principle of installing PV panels at Seven springs, it is believed that an alternative site could easily be found which would not risk an undesirable and unwelcome impact on the neighbours property.

Further comments have now been received (dated 24 November) which read as follows:

*Steeple Aston Parish Council has now been informed by the applicant that the suggestion made in our previous additional observations on this application regarding the possibility of siting the proposed array of PV panels to the southern side of the same field is not viable on account of the location of the pipe work serving their underground heat exchange system.*

*In view of this information Steeple Aston Parish Council wishes to withdraw the suggestion.*

*May I make clear that the comments contained in this document and in the previous submission re: Planning Application No. 11/01497/F have been agreed jointly by Steeple Aston Parish Councillors and are the Parish Council's comments, to be regarded as part of the their consultation response.*

### 4. Relevant Planning Policies

- 4.1 Government Guidance

PPS1 – Delivering Sustainable Development: Requires that “Planning Authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. (paragraph 34).

PPS 5 – Planning for the Historic Environment: Sets out the requirements for developments which are considered to affect the historic environment

PPS 22 – Renewable Energy: This document outlines the approach that the Government expect Local Authorities to take when considering applications which may involve renewable energy

#### 4.2 The South East Plan

Policy CC2 – This policy looks at the commitment that the Government is giving for the region to reduce its carbon dioxide emissions through the development of spatial strategies

Policy CC3 – This policy aims to help stabilise and reduce the South East's ecological footprint

Policy CC6 – This policy seeks to promote decisions which create sustainable and distinctive communities

#### 4.3 Saved Policies in the Adopted Cherwell Local Plan 1996

C13: This policy relates to the protection of Areas of High Landscape Value. This is particularly appropriate in this case as the development is located within such an area.

C28: This policy relates to the specific design of new development and the impact that it may have on the wider context

#### 4.4 Non Statutory Cherwell Local Plan 2011

Policy EN21 – This policy refers to proposals for renewable energy schemes and the points within which such developments should be considered against

### **5. Appraisal**

- 5.1 The key issues are considered to be whether the erection of the PV panels have a detrimental impact on the appearance of the Area of High Landscape within which they are to be sited, or whether they are detrimental to the amenities of neighbouring properties to the extent that they are considered on balance to be unacceptable when measured against the obvious benefit that renewable energy has for the environment.

#### **Impact on the Area of High Landscape Value**

- 5.2 The panels have been sited in a position which is visible from the public footpath and to some extent from the rear of neighbouring properties. The site is screened from the public footpath by a post and rail fence with some planting behind. Given the height of the post and rail fence, the PV panels are going to be visible from outside the site in this direction. In addition, the PV panels have been placed at the

end of the site boundary with Stavinspole adjacent to an existing beech hedge which measures approximately 2m in height. This hedge will be higher than the proposed panels which are 1.7m in height.

- 5.3 Policy C13 seeks to ensure that any proposal within this area conserves or enhances the environment. The supporting text goes on to state that *particular attention will need to be paid to siting and design.*

In terms of the impact on the AOHLV, the proposal is going to be visible from within the site boundaries and from outside on the access track therefore it is considered that it does impact on the area. However on balance it is not considered that this impact will be detrimental enough to sustain a refusal on these grounds. This is because the applicant could in theory place panels upon the roof of their property without the benefit of any screening and which would be considered to be more detrimental to the appearance of the area given that they will be seen from a number of other vistas. As this proposal is ground mounted and whilst the impact on the landscape is acknowledged, they are not considered to have the same scale of visual impact on the area in this location.

- 5.4 The applicant states that they have carefully considered the positioning of the panels in order to avoid as much disruption to the area as possible and also to be able to gain the optimum use from them. Alternative positions have been considered, such as within the paddock, however this has been ruled out given that not only would it be more visible but the large willow tree on site will effectively render the installation void as it results in a shadow being cast on the site particularly during winter months. In addition, most of the paddock is utilised as a ground source heat pump for the property and no planting/posts/excavation can be pursued as a result.

5.5 **Impact on the amenities of neighbouring properties**

The proposed panels abut the rear garden of Stavinspole and run adjacent to the rear of their existing garage along the boundary hedge. Three letters of objection have been received from this property and they all raise similar points regarding the level of intrusion both visually and aurally. These are dealt with in detail in the following section of this report however in general, it is not considered that the positioning of the panels adjacent to the neighbouring properties would have an adverse impact on the amenities of the neighbouring properties.

- 5.6 There is an existing detached garage on the boundary of Stavinspole and the panels which effectively reduces the impact that they may have on the living amenities of the property. In addition, the beech hedge is taller than the panels therefore from ground level they would not be visible albeit during winter months the

hedge may become denuded to an extent that would make views through the boundary partially achievable. However under permitted development allowances the applicant could erect a fence up to 2m in height along this entire boundary without the need for planning permission therefore it is not considered that the erection of the solar panels would have much more impact than a fence could.

5.7 Other adjacent properties, Brunstone and The Rise, are considered to be at a sufficient distance away from the PV panels to not be affected by the proposal. It is not considered that any of the neighbouring properties are adversely impacted by the proposal to justify its refusal.

5.11 **Conclusion**

This application is for the erection of PV panels is in line with the Government target for reducing emissions in accordance with PPS 22 and policies within the South East Plan and Adopted Cherwell Local Plan.

5.12 The location of the panels has been carefully considered by the applicants to minimise the impact on both the Area of High Landscape Value and also the amenities of neighbouring properties. On balance I consider that the proposal is located in the best possible position to achieve optimum solar gain and to reduce the impact of the panels on the surrounding landscape. The proposal is considered to meet the requirements of national and local guidance and as such the proposal is recommended for approval.

## 6. Recommendation

The application be **approved** subject to the following conditions:

1. SC 1.4 (Time Limit)
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with plan no AL(10)001 A and all documentation associated with the planning application submission

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

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

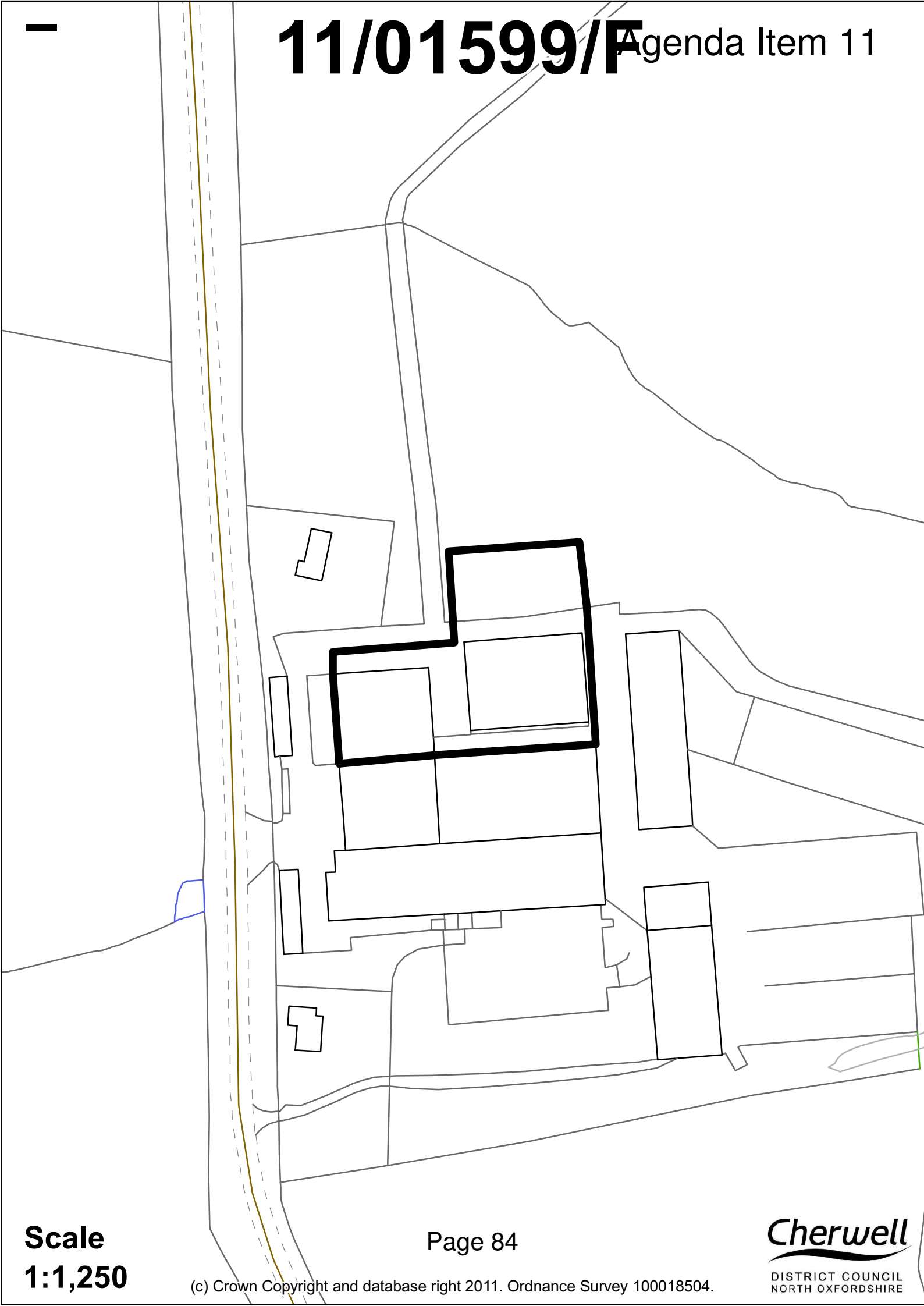
The Council, as local planning authority, has determined this application in accordance with the development plan, unless material considerations indicated otherwise. Incorporating

and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed PV installation of 39 ground mounted panels are considered to be sited in an area which not only minimises the impact visually that the panels have but also provides the optimum amount of solar gain required to make the proposal worthwhile. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS 22: Renewable Energy, Policies CC2, CC3 and CC6 of the South East Plan, Policies C13 and C28 of the adopted Cherwell Local Plan 1996 and Policy EN21 of the Non-Statutory Cherwell Local Plan 2011. 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: Michelle Jarvis**

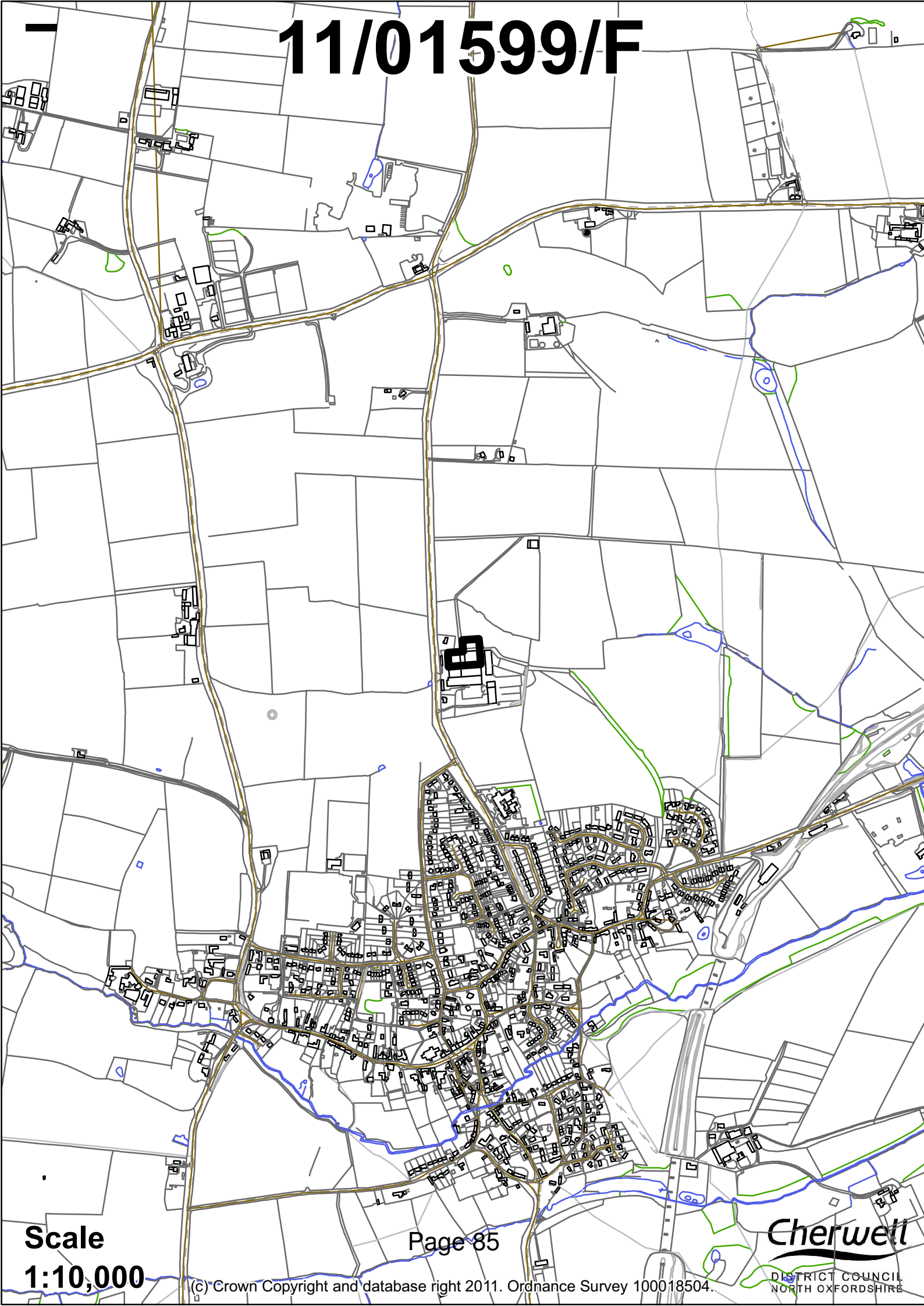
**TELEPHONE NO: 01295 221826**





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# 11/01599/F



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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application 11/01599/F</b>	<b>No:</b>	<b>Ward: Hook Norton</b>	<b>Date Valid: 20.10.11</b>
<b>Applicant:</b>	Ray Gasson		
<b>Site Address:</b>	Redlands Farm, Sibford Road, Hook Norton, Banbury		

**Proposal:** New cubicle building and new young stock building

## 1. Site Description and Proposal

- 1.1 The application relates to a 320 hectare dairy farm located to the north of Hook Norton on the Sibford Road. The site lies within an area of High Landscape Value, but outside the Hook Norton Conservation Area. The site is just beyond the built up limits of the village and there are two agricultural workers dwellings immediately to the north and south of the farm which are occupied by employees of the farm.
- 1.2 Redlands Farm accommodates a herd of 400 dairy cows, which are currently accommodated within the existing buildings. Whilst a new cubicle building was constructed in 2003 (application 02/00160/F refers) together with a new milking parlour and calf housing in order to achieve the required animal welfare standards, improved functionality and efficiency, this building does not accommodate the whole milking herd. The older cubicle buildings on the farm (to the north) are therefore still in use, however these are over 30 years old and do not meet the required current space and ventilation standards.
- 1.3 The proposal is therefore to demolish the two older cubicle buildings and replace them with a new larger cubicle building similar to the one constructed in 2003. In addition, a new young stock building is proposed which would be positioned to the north of the proposed cubicle buildings. This would be located just beyond the envelope of the current buildings on pasture land, but situated to the rear of Ashtree House (agricultural workers dwelling).
- 1.4 The new buildings would be steel framed with concrete panels to the lower levels and timber boarding above. The roofs would be covered with fibre cement and the cubicle buildings would have a vented roof. The cubicle building would have a floor area of approximately 2200sqm and a ridge height of 8.7m and the new young stock building would have a floor area of approximately 600sqm and a ridge height of 6.8m.

## 2. Application Publicity

- 2.1 The application has been publicised in the local press and via a site notice posted at the site. The final date for comment was 24 November 2011. No representations have been received from third parties as a result of this publicity.

### 3. Consultations

- 3.1 **Hook Norton Parish Council** has not commented on the application to date.
- 3.2 **Local Highway Authority** raises no objections
- 3.3 **Local Drainage Authority** raises no objections but comments that all roof and surface water run off must go to a soakaway or SUDs feature within the site and not drain to the highway. New hardstandings must be SUDs compliant
- 3.4 **Cherwell District Council's Anti Social Behaviour Manager** raises no objections based on no increase to the herd and no history of complaints about manure or slurry management
- 3.4 **Cherwell District Council's Landscape Officer** raises no objections
- 3.5 **Cherwell District Council's Ecologist** raises no objections
- 3.6 **Cherwell District Council's Environmental Protection Officer** raises no objections
- 3.7 **Environment Agency** considers the proposal to have a low environmental risk
- 3.8 **Thames Water** raises no objections in relation to water and sewerage infrastructure, some planning informatives are recommended in relation to surface water drainage and any potential connection to a public sewer.

### 4. Relevant Planning Policies

- 4.1 **National Planning Guidance**
  - PPS1: Delivering Sustainable Development
  - PPS7: Sustainable Development in Rural Areas
  - PPS9: Biodiversity and Geological Conservation
  - PPG13: Transport
- 4.2 **South East Plan 2009**
  - CC1: Sustainable Development
  - CC6: Sustainable Communities and Character of the Environment
  - NRM4: Sustainable Flood Risk Management
  - NRM5: Conservation and Improvement of Biodiversity
- 4.3 **Adopted Cherwell Local Plan**
  - AG2: Construction of Farm Buildings
  - C7: Landscape Conservation
  - C13: Area of High Landscape Value
  - C28: Layout, design and external appearance
  - C30: Design and Amenity

### 5. Appraisal

- 5.1 The key issues for consideration, which are discussed below, are:

Principle  
Landscape Impact  
Transport Impact  
Drainage/Waste  
Residential Amenity  
Ecology

## 5.2 Principle

- 5.2.1 PPS7 supports agricultural proposals which, amongst other criteria, enable farming and farmers to become 'more competitive, sustainable and environmentally friendly, adapt to new and changing markets and to comply with changing legislation and associated guidance'. The proposals at Redlands Farm are a reaction to current legislation in relation to animal welfare and will assist with becoming more sustainable and therefore competitive. The proposal for a replacement cubicle building and new young stock building therefore is acceptable in principle in accordance with PPS7 and Policy AG2 of the adopted Cherwell Local Plan as the new buildings will assist in supporting the dairy business.

## 5.3 Landscape Impact

- 5.3.1 Whilst the existing buildings are visible from the access into the farm from the Sibford Road, they form a typical modern working farm complex. Furthermore, the natural screening consisting of a tree and hedgeline assists with reducing the visual impact of the buildings. To the south, further screening reduces the visibility of the building on approach to the site from the village, and to the north and east where the buildings can be viewed, this is over longer distances and the buildings are not sited prominently within the landscape.
- 5.3.2 The proposed buildings would be of a comparable scale and appearance to the existing buildings and constructed in similar materials. Furthermore the new buildings would retain the compact layout of the existing buildings. The Council's Landscape Officer raises no objections to the proposal for these reasons and as such it is considered that the proposal would not cause harm to the topography or the character of the surrounding landscape and would conserve the designated Area of High Landscape Value in accordance with Policies C7 and C13 of the adopted Cherwell Local Plan.

## 5.4 Design/Appearance/Scale

- 5.4.1 The buildings are of modern design suitable for their purpose and in keeping with the existing buildings on site in terms of their design, scale, appearance and materials. The new cubicle building would be slightly taller to the ridge than the existing main building, however not to an extent that would render it more prominent. It is considered that the buildings would be appropriate in terms of their visual impact upon the surrounding area and as such the proposal complies with Policy CC6 of the SEP and Policy C28 of the adopted Cherwell Local Plan.

## 5.5 Transport Impact

- 5.5.1 As the proposed buildings are to accommodate the existing herd in line with current welfare standards rather than to accommodate increased numbers in the dairy herd,

the proposal would not result in greater activity on the farm or increased milk production which would subsequently affect deliveries and collections to and from the farm. For this reason, the proposal would have a neutral impact upon vehicular movements and therefore would not result in any greater activity on the local highway. The Local Highway Authority raises no objections and it is considered that the proposal complies with PPG13.

#### 5.6 Drainage/Waste

5.6.1 Oxfordshire County Council as Drainage Authority has advised that no roof run off or surface water run off shall drain to the highway and instead drainage shall be provided within the site and be compliant with SUDs principles. For this reason an appropriate condition is recommended to ensure that such drainage is achieved.

5.6.2 With regard to the management of waste on the site, the dairy activity will be managed in the same way as it currently is. The site includes a slurry pit which is emptied at appropriate intervals and as herd numbers would remain the same, there would be no requirement for increased provisions for the management of waste on the site.

#### 5.7 Residential Amenity

5.7.1 There are no independent dwellings that are situated immediately adjacent to the farm (the nearest is 150m to the south). As such the proposed buildings would not result in harm to residential amenity by way of loss of light or being over bearing.

5.7.2 As the numbers in the herd would remain the same, together with milk production and waste, the proposal would have no greater impact on residential amenity in terms of noise and smells emanating from the site. As set out by the Council's Anti Social Behaviour Manager, there is no history of any complaints about the management of the site from neighbouring properties. HPPDM is therefore satisfied that the proposal would not cause harm to residential amenity in accordance with Policy C30 of the adopted Cherwell Local Plan.

#### 5.8 Ecology

5.8.1 Due to the location of the proposed cubicle building on the site of the existing older buildings, the method of construction of the existing buildings and the proposed siting of the new young stock building on existing pasture land, there is very little likelihood of the proposal resulting in any unacceptable ecological impacts, and the Council's Ecologist raises no objections. As such the proposal complies with PPS9, Policy NRM5 of the South East Plan and Policy C1 of the adopted Cherwell Local Plan.

### **6. Recommendation**

**Approval, subject to**

**a) the following conditions:**

1. S.C. 1.4a [Time Limit]

- |    |  |
|----|--|
| 2. | Plans Condition: Application forms, Design and Access Statement and drawings numbered 01830-00-A-01, 01830-00-A-02, 01830-01-A-02, 01830-01-A-01 and 01830-02-A-01 |
| 3. | S.C. 4.21aa [Surface/Foul Water Drainage]  |
| 4. | S.C. 4.22aa [No Surface Water Drainage to Highway]   |

**CONTACT OFFICER: Jane Dunkin**

**TELEPHONE NO: 01295 221815**

# Agenda Item 12

## Planning Committee

### Quarterly Enforcement Report

5 January 2012

### Report of Head of Public Protection and Development Management

#### PURPOSE OF REPORT

To inform and update Members of the progress of outstanding formal enforcement cases.

This report is public
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#### Recommendations

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The Planning Committee is recommended:

- (1) To accept this report.

#### Details

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#### Background

- 1.1 The last quarterly report was given to this Committee on 8 September 2011, and this report continues the regular reporting on enforcement matters in this format which commenced in October 2008.

#### The Current Situation

- 2.1 Appendix One provides a comprehensive history of those cases which have progressed to formal action of one type or another.



## Implications

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**Financial:** It is anticipated that the cost of taking enforcement action can be met within existing budgets.  
Comments checked by Karen Muir, Corporate System Accountant 01295 221556

**Legal:** There are no additional legal implications arising for the Council from this report.

Comments checked by Nigel Bell Team Leader – Planning and Litigation 01295 221687.

**Risk Management:** Where it is relevant to do so the risk of taking formal enforcement action is that costs could be awarded against the Council in any appeal that precedes to an inquiry or hearing if this action is subsequently considered to have been unreasonable. The risk of not taking effective and timely action is that a complaint could be made by a complainant to the Local Enforcement Ombudsman.

Comments checked by Claire Taylor, Community and Corporate Planning Manager 01295 221563.

## Wards Affected

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All

## Document Information

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

**Enforcement and Prosecution Quarterly Report – 5 January 2012**

**APPENDIX 1**

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
PROS 27/03 4.09.03  PROS 13/06 15.06.06	Hanwell Fields Banbury	Breach of Sec 106 agreement relating to LAPS & LEAPS and laying out of informal open space	Court order 04.09.08	Various dates in 2009	95/01117/OUT	N/A	N/A	CDC actively pursuing the transfer of the remaining sports pitches and parks Legal department have sent a letter to Taylor Wimpey Sports pitches have been transferred. All other matters expected to be resolved by Feb 2012
ENF 2/06 16.02.06  09/00686/ PCN	Bodicote Post Office 43-45 Molyneux Drive Bodicote	Non-compliance with approved plans 04/01317/F  Works not completed by 1 November 2009	Enforcement Notice served 24.01.07  29.11.09	07.09.07	09/00315/F			15.05.09 undertaking made to the court by Mr & Mrs Ayres who also agreed to pay £250.00 towards the Council's costs Works proceeding but unlikely to be completed by the compliance date. PCN served - extension given until 4.01.10 to respond – Application submitted 10/00267/F and approved subject to condition to comply by the end of August 2010. Some remedial works undertaken Legal advice to be sought on how to proceed to resolve this matter
ENF 14/07  Delegated	Corner Farm Oakley Road Horton-cum- Studley	Use of land as builders yard, lighting columns, building as a builders office and store	Enforcement Notice served 28.06.07	09.02.08 & 09.06.08		Dismissed 05.08.08	05.08.09 and 05.03.10	Offices still occupied, Fennels to re-locate within the site, letter expected. New breaches identified. Letter sent to the occupier of the butchers inviting a planning application. This is a waste issue so to it is transferred to the County

**Enforcement and Prosecution Quarterly Report – 5 January 2012**

**APPENDIX 1**

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF LB 18/08 26.06.08	Greystones Middle Street Islip	Removal of stonesfield slates and insertion of velux window in north elevation	Listed building Enforcement Notice served 03.11.08	15.09.09	04/00035/F 04/00036/LB	Appeal dismissed 7.08.09	7 August 2012	Hearing 16.06.09. Wording of the notice varied, compliance period extended, appeals dismissed 7 August 2009 Monitoring site for compliance
ENF 19/08 Delegated	22 Milton Street Banbury	Dormer window	Enforcement Notice served 10.09.08	05.05.09	Revised application 08/01600/F refused 22.08.08.  09/00764/F refused 10.08.09	Appeal Dismissed  Appeal dismissed 21.12.09	11.11.09	Successful prosecution in the Magistrates court 2 July 2010. Fined £200.00 and ordered to pay the Council's costs of £1950.00 Dormer has been removed Further planning application 10/01702/F refused. Matter to be referred back to legal for further prosecution action Complied with This item will not appear next time
08/00604/ BCON	Lince Lane Copse	Breach of conditions 02/02064/F						Letter sent to the occupiers requesting a timetable for compliance with conditions regarding footpath and car park-

**Enforcement and Prosecution Quarterly Report – 5 January 2012**

**APPENDIX 1**

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
11/00093/ 94/95/96/97/ 98/99/100/ 101/ ECOU	Plots 1, 2, 12, 13, 15 and 16 Land NE of Fenny Compton Road Claydon	Change of use of agricultural land to amenity land	22/02/2011	28/06/2011		Appeals received 28/03/2011		Hearing 6 and 7 September 2011  Plot Nos. 1, 2, 12, 13, 16 – requirements of notice varied on appeal, compliance period extended to 6 months – 28.03.2012  Plot No. 15 – appeal dismissed compliance required by 28.12.11  Plot Nos. 3, 8, 14 – Appeals allowed notice quashed . These plots will not appear next time
10/00218/ ELISTED	Sundial Cottage Shufford	UPVC windows			11/00175/LB			Instructions to legal Requisitions served. Owner has applied to English Heritage to have the property de- listed. If that is unsuccessful agent has stated that windows will be removed. English Heritage has rejected the de-listing. Application approved 28/03/11 with conditions regarding the timetable for the works to be completed by Phase 1 by 31 October 2011 Phase 2 by 30 April 2012 Phase 3 by 31 July 2012  Site visit to be carried out before committee to check for compliance with Phase 1

**Enforcement and Prosecution Quarterly Report – 5 January 2012**

**APPENDIX 1**

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
10/00264/ ELISTED	11 Daisy Hill Duns Tew	Conservatory			10/01424/LB 10/01454/F			Instructions to legal 29 July 2010 Meeting held on site Applications refused 29.12.10. Appeals in progress. ASV 26.07.2011 Appeal dismissed 2/09/2011 Letter to be sent to applicant requesting removal. If not removed, instructions to be sent to legal
10/00336/ EUNDEV	Unit 2 Wedwood Road Bicester	Perimeter fence and gates	4/02/2011	13/09/2011	10/01513/F refused 17/12/2010	Appeal received 10/03/2011		Enforcement appeal dismissed 13 June 2011 Fence and gate removed. This item will not appear next time.
11/00042/ EUNDEV	14 Woodstock Road East Begbroke	Unauthorised building						Instructions to legal 21.02.2011 Requisitions served
11/000**/ ECOU	Land at Patrick Haugh/Harris Road, Upper Aincott	Container						Contacted agent and requested voluntary removal. If not removed further notice to be served
11/00138/ EUNDEV	13 Green Road Kidlington	Change of use of garage to a separate dwelling	15/07/2011	16/11/2011			26 April 2012	Appeal received 15/08/2011 Appeal withdrawn 26/10/2011 Compliance period extended to 6 months

**Enforcement and Prosecution Quarterly Report – 5 January 2012**

**APPENDIX 1**

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
11/00144/ EUNDEV	72 Daimler Avenue Banbury	3 ornamental walls to front of property	24/06/2011	27/10/2011	10/01720/F planning appeal dismissed 13/04/2011		6/03/2012	Enforcement appeal dismissed 6/12/2011. Council's costs awarded against the appellant
11/00155/ ELISTD (1) and (2)	54-56 Parsons Street Banbury	Timber enclosure and decking Awning and flood lights	29/07/2011	01/12/2011	11/00169/F 11/00170/LB refused 21.04.11			Planning and Listed Building appeals in progress
11/00164/ ECOU	Unit 3A, Bessemer Close, Bicester	Change of use from B8 to B2	22/08/2011	21/10/2011	11/00995/F refused 12/08/2011			Notices served 23.08.2011 Appeal lodged 20/09/2011 Appeal site visit 10.01.2012
11/00194/ EUNDEV	6 Lodge Close Banbury	Erection of fence at trellis to the front of property	07/09/2011	11/01/2012	10/01873/F			Planning application refused, no planning appeal lodged. Fence to be removed prior to Cttee meeting
11/00218/ ECOU	2 Grimsbury Green Banbury	Change of use of the land from amenity land to domestic curtilage	16/11/2011	03/02/2012				
11/00219/ ECOU	2 Begbroke Crescent Begbroke	Change of use of the land from residential to mixed use of residential and taxi business	16/09/2011	19/01/2012				No appeal lodged

**Enforcement and Prosecution Quarterly Report – 5 January 2012**

**APPENDIX 1**

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
11/00246/ ECOU	Arcott Racetrack Murcott Road Upper Arcott	Motor Cross Practise and racing activities	13/10/2011	14/01/2012	11/01403/CLUE 11/01053/CLUE			Appeal in progress Inquiry 17 April 2012 x 3 days
	Mollington Gypsy Site Farnborough	Breach of conditions attached to all of the planning permission						Instructions sent to legal
	Bishops Blaise Sibford Gower	Change of use Container Garage						Instructions sent to legal

**Enforcement and Prosecution Quarterly Report – 5 January 2012**

**APPENDIX 1**

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
<b>Heyford Park Appeals</b>					Main Appeal - 08/00716/OUT for new settlement of 1075 dwellings, together with assoc works and facilities including employment uses, community uses, school playing fields and other physical and social infrastructure. Related CA consent appeals.			Planning Inquiry took place between 30 September and 24 October. 2008. Inspector to prepare report for the Secretary of State regarding the main appeal and related conservation area consent appeals. Inspector's report completed and is with the Secretary of State. Planning permission granted 11 January 2010 A decision now needs to be made on the process to determine the outstanding enforcement appeals at Heyford Park.
ENF 2/07 Delegated	Building 3209	Commercial storage in breach of 05/01969/F	Notice served 23.01.07	6.03.07		Appeal dismissed 1.11.07	01.11.08	Full compliance expected by mid January 2009 after which time a criminal investigation will be undertaken. Complied with September 2011 This item will not appear next time
ENF 36/07 Delegated	Buildings 88 and 381	Continued use as storage and assembly of environmental control equip	Notice served 22.01.08	4.03.09		Appeal received		Application for cou for 10 years 10/01778/F, PCO 10/01118/F for cou for 10 years, PDE Appeal withdrawn 13.10.11 This item will not appear next time



**Enforcement and Prosecution Quarterly Report – 5 January 2012**

**APPENDIX 1**

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 37/07 Delegated	Building 442	Continued use as a training facility	Notice served 6.02.08	14.03.09		Appeal received		Application 10/01778/F for cou for 10 years, PCO Appeal withdrawn 13.10.11 This item will not appear next time
ENF 7/08 Delegated	Building 41	Change of use to temporary residential class C3 accommodation	Notice served 16.05.08	20.06.09		Appeal received		New masterplan application 10/01642/OUT –PDE. When permission is issued, appeal will no longer be necessary Pins may restart this appeal
ENF 16/08 Delegated	Building 293	Change of Use to light industry (screen printers)	Notice served 22.07.08	29.08.09		Appeal received		Building unoccupied, discussions ongoing. Enforcement notice withdrawn. This item will not appear next time
ENF 21/08 17.07.08	Land and buildings	Change of Use of land and buildings by Paragon in breach of 07/01260/F	Notice served 3.09.08	6.10.09		Appeal received		Discussions with Paragon
ENF 22/08 17.07.08	Buildings	Change of use of buildings by Paragon in breach of 07/01259/F	Notice served 3.09.08	6.10.09		Appeal received		Discussions with Paragon

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**APPENDIX 1**

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 23/08 17.07.08	6 lamp posts	Use by Paragon in breach of 07/01262/F	Notice served 10.09.08	11.10.09		Appeal received		Discussions with Paragon
ENF 24/08 17.07.08	2 lamp posts	Use by Paragon in breach of 07/01264/F	Notice served 9.09.08	10.10.09		Appeal received		Discussions with Paragon
ENF 27/08 17.07.08	Trench and concrete	Change of use in breach of 07/01266/F	Notice served 2.09.08	3.10.09		Appeal received		Discussion with Paragon
ENF 28/08 17.07.08	3 Hardened aircraft shelters	Change of use in breach of 07/01267/F	Notice served 2.09.08	3.10.09		Appeal received		Notice withdrawn 12.09.2011 This item will not appear next time
ENF 30/08 Delegated	Building 103	Use of building by Kingsground narrow boats	Notice served 14.11.08	22.12.09		Appeal received		10/01778/F for cou for 10 years, PCO. Appeal may no longer be necessary Appeal withdrawn 13.10.11 This item will not appear next time
ENF 32/08 Delegated	Building 3053	Change of use to B8 storage by NOC	9.10.08	14.11.09		Appeal received		Building let for agricultural storage. Discussions with CDC over use and withdrawal of enforcement notice Appeal withdrawn 10.10.2011 This will not appear next time

## Planning Committee

### Decisions Subject to Various Requirements – Progress Report

5 January 2012

#### Report of Head of Public Protection and Development Management

##### 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
	Development commenced in November 2011
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. May be withdrawn upon completion of negotiations on 10/01642/OUT
10/01021/F	Otmoor Lodge, Horton-cum-Studley
	Subject to legal agreement concerning building phases and interim appearance. Draft agreement prepared. Further discussions recently held (Oct and Nov 2011) and further applications now submitted
10/01302/F	Land south of Bernard Close, Yarnton
(4.11.10 and 3.11.11)	Subject to legal agreement concerning on and off site infrastructure and affordable housing
10/01642/OUT	Heyford Park, Upper Heyford
(24.3.11)	Subject to planning obligations
10/01667/OUT	Land between Birmingham-London rail line and Gavray Drive, Bicester
(8.9.11)	Subject to obligation linking previous agreement to this application
10/01823/OUT	Land south of Overthorpe Rd, Banbury
(24.3.11)	Subject to legal obligation re transportation contributions and departure procedures
10/01780/HYBRID	Bicester Eco Town Exemplar site, Caversfield
(11.8.11)	Subject to completion of a legal agreement as set out in resolution
11/00820/F	Penrose House, 67 Hightown Rd, Banbury
(11.8.11)	Subject to legal obligation to secure financial contributions to outdoor sports facilities, education and library facilities
11/00722/F	St. Georges Barracks, Arncott
	Subject to submission of unilateral undertaking re

(11.8.11)	monitoring fees
11/00151/F and 11/00805/F	Former DLO Caversfield
(11.8.11 )	Subject to legal agreement re comprehensiveness, phasing and landscape maintenance
11/00974/F and 11/01530/F	42 South Bar Street, Banbury
(8.9.11 and 1.12.11)	Subject to obligation to secure financial contributions to outdoor sports facilities and other off-site infrastructure – (see also revised application on this agenda)
11/00524/F	Cherwell Valley MSA, Ardley
(6.10.11)	Awaiting confirmation of appropriateness of the intended condition concerning radar interference
11/01133/CAC	Buildings rear of 81-85 Sheep St. Bicester
(6.10.11)	Awaiting Secretary of State's approval
11/01151/F	Thames Valley Police HQ, Gosford
(6.10.11)	Subject to obligation concerning transport/parking matters – decision issued
11/01356/F	Land SW of The Mead Woodstock Rd. Yarnton
(3.11.11)	Subject to submission of ecological survey, departure procedures

## Implications

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**Financial:** There are no additional financial implications arising for the Council from this report.

Comments checked by Karen Muir, Corporate System Accountant 01295 221559

**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**

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All

**Document Information**

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

## Planning Committee

### Appeals Progress Report

5 January 2012

### Report of Head of Public Protection and Development Management

#### 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

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The Planning Committee is recommended to:

- (1) Accept the position statement.

#### Details

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##### New Appeals

- 1.1 **11/00169/F and 11/00170/LB- Also Known As, 54/56 Parsons Street Banbury** –appeal by Mr M Sylvester against the refusal of planning permission and listed building consent for Retrospective – Timber decking to rear – Written Reps
- 1.2 **11/01126/F – 12 Chatsworth Drive Banbury** – Appeal by Mrs Abby Hussain against the refusal of planning permission for a first floor side extension, conservatory to rear and garage to side – Written Reps
- 1.3 **11/01286/OUT – Land off Stuchfield Close, Church Lane, Wendlebury**- Appeal by Shanly Homes Ltd against the refusal of outline planning permission for means of access and layout of 2 detached houses - Written Reps

- 1.4 **11/00808/F – Land adjacent to Dormer House, Ardley Road, Somerton** – Appeal by Mr Peter Hawes against the refusal of planning permission for the erection of a detached house – Written Reps
- 1.5 **11/01420/F – 47 Cromwell Way, Kidlington** – Appeal by Mrs Nerissa Smith against the refusal of planning permission for the demolition of detached garage and erection of two storey extension to the side and single storey extension to rear- Written Reps

### **Forthcoming Public Inquiries and Hearings between 5 January 2012 and 26 January 2012**

- 2.1 None

### **Results**

#### **Inspectors appointed by the Secretary of State have:**

- 3.1 **Dismissed the appeal by Mr S Smith against the refusal of application 11/00837/F for the erection of a UPVC conservatory to the side of the property at Fenbury, South Newington, Banbury (Delegated)** – The Inspector concluded that notwithstanding the acceptability of the principle of a conservatory in the proposed location, the proposal, by reason of the non-traditional material to be used, would cause unjustified harm to the character and appearance of the property and the surrounding area, and would neither preserve nor enhance the character or appearance of the Conservation Area.
- 3.2 **Dismissed the appeal by Ms S Callan against the refusal of application 11/00927/F for a first floor side extension over the existing ground floor extension at Pear Tree Cottage, West Street, Shutford (Delegated)** - In the Inspector's view, the proposal would materially detract from the neighbouring occupier's living conditions (Rose Cottage), making the room concerned a less pleasant place to be. Policy C30 of the Adopted Cherwell Local Plan seeks to protect against such harm and as the proposal would clearly not accord with those Policies, the proposal was unacceptable.
- 3.3 **Dismissed the appeal by Mr & Mrs C Hodges against the refusal of application 11/01013/F for the formation of two dormer windows in the front roof slope at Appleton House, South Side, Steeple Aston (Delegated)**- The Inspector commented " Apart from historically inaccurate and unsympathetic replacement windows, the original dwelling appears to remain largely as built and I share the Council's view that, without clear and convincing justification, the loss of integrity that would arise from the insertion of dormers into the present uncluttered roof would not be acceptable."



- 3.4 **Dismissed the appeal by Mr David Allen against the refusal of application 11/00659/F for the construction of a single bedroom two storey cottage with parking and garden at Plum Tree Cottage, Crumps Butts, Bicester (Delegated)** –The Inspector stated “ Whilst the proposal before me displays a degree of ingenuity in its attempt to achieve a workable design on what is clearly a constrained site, the result falls some way short of what is required to accord with the high design standards set by both local and national policies. Because of this, I am drawn to the conclusion that the proposal would fail to harmonise with existing development in the locality, causing material harm to the character and appearance of the area and neither preserving nor enhancing the character or appearance of the Conservation Area.
- 3.5 **Dismissed the appeal by Michael Furey against the service of an enforcement notice alleging a breach of planning control – without planning permission the erection of three ornamental walls to the front of the property at 72 Daimler Avenue, Banbury** – The property has a planning history which includes an appeal decision, as recently as April this year, for, three ornamental walls to the front of the property nearly enclosing the drive. The Inspector considered the previous Inspector’s findings and decision which had been based primarily on the grounds of the development causing harm to the character and appearance of the locality and could find nothing from the evidence before him to indicate the case had changed since the April appeal decision. The Inspector gave the previous Inspector’s findings considerable weight and could find nothing of sufficient weight to lead him to a different conclusion. As a result the appeal did not succeed.
- 3.6 **The Council’s application for a full award of costs against Mr Furey for pursuing an appeal that plainly had no prospect of success at 72 Daimler Avenue Banbury was allowed by the Inspector.** The Inspector commented” Where a party has indicated an intention to apply for costs and has clearly set out the basis for the claim; their case will be strengthened if the opposing party is unable to explain why the matters referred to have not led to a changed stance of position. The appellant was informed of the Council’s intention; there was no response at that stage or subsequently. That clearly strengthens the Council’s case. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated and that a full award of costs is justified.”

## Implications

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**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 Karen Muir, Corporate System Accountant 01295 221559

**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 and 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 and Litigation 01295 221687

## Wards Affected

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All

## Document Information

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

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