

**Committee:** Planning Committee  
**Date:** Thursday 26 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 - 16)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 5 January 2012.

## **Planning Applications**

6. **Oxhay Farm, Oxhay Hill, Cropredy, Banbury, Oxon, OX17 1DR** (Pages 19 - 34)  
**09/00952/F**
7. **OS Parcel 1310 South of Paddington Cottage, Milton Road, Bloxham** (Pages 35 - 43)  
**11/00096/F**
8. **Bodicote House, White Post Road, Bodicote** (Pages 44 - 48) **11/01623/F**
9. **Bodicote House, White Post Road, Bodicote** (Pages 49 - 52) **11/01624/LB**
10. **The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley, Oxon, OX33 1AY**  
(Pages 53 - 61) **11/01664/F**
11. **Oxford Office Village, Langford Lane, Kidlington** (Pages 62 - 70) **11/01732/F**
12. **Grange Farm, Godington** (Pages 71 - 75) **11/01765/F**
13. **Stable Block Corner, Farnborough Road, Mollington** (Pages 76 - 83)  
**11/01808/F**
14. **Kidlington and Gosford Sports Centre, Oxford Road, Kidlington, Oxfordshire, OX5 2NU** (Pages 84 - 89) **11/01809/CDC**
15. **Spiceball Leisure Centre, Cherwell Drive, Banbury OX16 2BW** (Pages 90 - 94)  
**11/01810/CDC**
16. **Thorpe Lane Depot, Thorpe Lane, Banbury** (Pages 95 - 98) **11/01856/F**
17. **Woodgreen Leisure and Community Centre, Woodgreen Avenue, Banbury**  
(Pages 99 - 102) **11/01869/F**

## **Review and Monitoring Reports**

### **18. Decisions Subject to Various Requirements (Pages 103 - 106)**

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.

### **19. Appeals Progress Report (Pages 107 - 108)**

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.

**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@cherwellandsouthnorthants.gov.uk, 01295 221589

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

Published on Wednesday 18 January 2012



# 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 5 January 2012 at 4.00 pm

Present: Councillor Alastair Milne Home (Vice-Chairman, in the Chair)

Councillor Ken Atack  
Councillor Colin Clarke  
Councillor Tim Emptage  
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 Trevor Stevens

Substitute Members: Councillor Barry Wood (In place of Councillor James Macnamara)

Apologies for absence: Councillor Rose Stratford  
Councillor Fred Blackwell  
Councillor Chris Heath  
Councillor James Macnamara  
Councillor G A Reynolds  
Councillor Lawrie Stratford

Officers: Bob Duxbury, Development Control Team Leader  
Ross Chambers, Solicitor  
Natasha Clark, Team Leader, Democratic and Elections  
Aaron Hetherington, Democratic and Elections Officer

#### 135 **Declarations of Interest**

Members declared interests in the following agenda items:

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

Councillor Colin Clarke, Personal, as two of his grandchildren were pupils at the school adjacent to the site.

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

**7. Land North of Cropredy & South East of Poplars Farm, Claydon Road, Cropredy.**

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

**8. Oxford and Cherwell Valley College (south site), Broughton Road, 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.

**9. Phase 3, Oxford Spires Business Park.**

Councillor Tim Emptage, Personal, as a member of Kidlington Parish Council which had been consulted on the application.

**11. Redlands Farm, Sibford Road, Hook Norton, Banbury.**

Councillor Alastair Milne Home, Personal, as the applicant was an acquaintance.

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

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

137 **Urgent Business**

There was no urgent business.

138 **Minutes**

The Minutes of the meeting held on 1 December 2011 were agreed as a correct record and signed by the Chairman, subject to the following amendment:

**Minute 124: Land off School Lane, Cropredy**

Change "Councillor Atack proposed that the application be deferred for a site visit" to read "Councillor Reynolds proposed that the application be deferred for a site visit"

139 **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). Consideration of the application had been deferred from the Committee's December meeting to allow for a site visit.

Mark Simmons, a local resident, spoke in opposition to the application.

Councillor Paul Morley, member of Cropredy Parish Council, spoke in opposition to the application.

The Committee raised concerns over child safety due to the proximity of the school to the development. The Development Control Team Leader indicated that the proposed condition 12 of the report could be amended to address this matter. Members also considered flooding, drainage and sustainability and noted that the proposal would have a positive effect on the Cropredy economy.

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

### **Resolved**

That application 11/01069/F be approved subject to the following conditions:

- (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) 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:

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.
  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.
  3. The wooden walkways shall not be raised above ground level, as set out in Section A3.0 of the FRA dated 01 September.
  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.
- (8) 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.

The scheme shall also include details of the proposed surface water bund and infiltration tests shall be carried out to inform the design.

- (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) 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.

- (18) 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.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) 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.
- (23) That the marina hereby approved shall be occupied only for the purposes of recreational moorings and not for any residential or hire fleet purposes.
- (24) 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.
- (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
- (27) The development hereby permitted shall be carried out in accordance with the recommendations and the habitat enhancement strategy set

out in the mitigation strategy detailed in the 'Ecological Method Statement for the Protection of Recognised Species' by Reports 4 Planning received in the department on 16 December 2011.

- (28) In the event of water voles being found to be present on site prior to commencement or during the development process, work on site shall cease until a method statement detailing how harm to the species and their burrows will be avoided has been submitted to and approved in writing by the Local Planning Authority.

(Councillor Attack requested that his abstention from the vote be recorded.)

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**Land North of Cropredy & South East of Poplars Farm, Claydon Road, Cropredy**

The Committee considered a report for a proposed marina with ancillary office, store, car parking, access and associated landscaping.

Tim Langer, the applicant, spoke in favour of the application.

Councillor Paul Morley, a member of Cropredy Parish Council, spoke in support to the application.

The Committee considered the traffic and highways impact of the proposed development. Members noted that British Waterways had endorsed the site.

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

**Resolved**

That application 11/01255/F be approved subject to the following conditions:

- (a) The Environment Agency being satisfied that the FRA is adequate and that the proposal will not result in increased risk of flooding.
- (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.
- (c) The following conditions;
  - (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 water voles, 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) 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.
- (17) 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.

- (18) 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.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) That the marina hereby approved shall be occupied only for the purposes of recreational moorings and not for any residential or hire fleet purposes.
- (23) 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.
- (24) 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.
- (25) Use of Oil interceptors on car parking and hard standing

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**Oxford and Cherwell Valley College (south site), Broughton Road, Banbury**

The Committee considered a report for a 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.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 11/01369/F be approved 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.
  - (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) Scheme Submitted 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.
  - (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.
  - (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.

- (11) That prior to the commencement of the development and notwithstanding the approved plans, full details of the layout and construction method of the new service road to the east of the buildings shall be submitted to and agreed in writing by the Local Planning Authority. The service road shall be laid out and constructed in accordance with the approved details.
- (12) Prior to the commencement of any works of demolition to building D, a bat inspection and emergence survey shall be carried out, submitted to and agreed in writing by the Local Planning Authority. If a bat roost is identified, the report shall include details of an appropriate mitigation strategy. Thereafter the development shall proceed in accordance with the approved report and mitigation.
- (13) Prior to the commencement of the development, a habitat enhancement scheme to include details of the location of bat and swift boxes within the proposed new development, new planting and the management of any open spaces for the benefit of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved report.
- (14) Prior to the commencement of the development, a reptile migration scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved report.

142 **Phase 3, Oxford Spires Business Park**

The Committee considered an application relating to the final undeveloped area of Oxford Spires Business Park, which sought planning permission for a three storey office building and associated parking.

The Committee was satisfied with the evidence provided.

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

**Resolved**

That application 11/01484/F be approved 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.

- (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.
- (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.

- (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.
- (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.
- (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.

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

- (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.
- (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.
- (20) 6.4AB Commercial: No Extensions

143

**Seven Springs, South Side, Steeple Aston, Bicester, Oxon, OX25 4RU**

The Committee considered a report for the proposed installation of 39 ground mounted photo-voltaic panels.

Ian Smith, a neighboring resident, spoke in opposition to the application.

Charlotte Bartlett, the applicant, spoke in support of the application.

In considering the application, some members of the Committee raised concerns about the proposed location of the panels. The Committee noted the benefits of the proposal in terms of renewable energy.

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

**Resolved**

That application 11/01497/F 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

144

**Redlands Farm, Sibford Road, Hook Norton, Banbury**

The Committee considered a report for new cubicle building and new young stock building.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 11/01599/F be approved subject to 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]

145 **Quarterly Enforcement Report**

The Committee considered a report of Head of Public Protection and Development Management which informed and updated Members of the progress of outstanding formal enforcement cases.

**Resolved**

- (1) That the report be accepted.

146 **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.

147 **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.

148 **Exclusion of Public and Press**

**Resolved**

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

149 **Cotefield Farm, Bodicote**

The Committee considered an exempt report of the Head of Public Protection and Development which updated Members on Cotefield Farm, Bodicote.

**Resolved**

That the recommendations as set out in the exempt report, subject to a minor amendment detailed in the exempt minute, be approved.

The meeting ended at 6.45 pm

Chairman:

Date:

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

## PLANNING COMMITTEE

26 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**

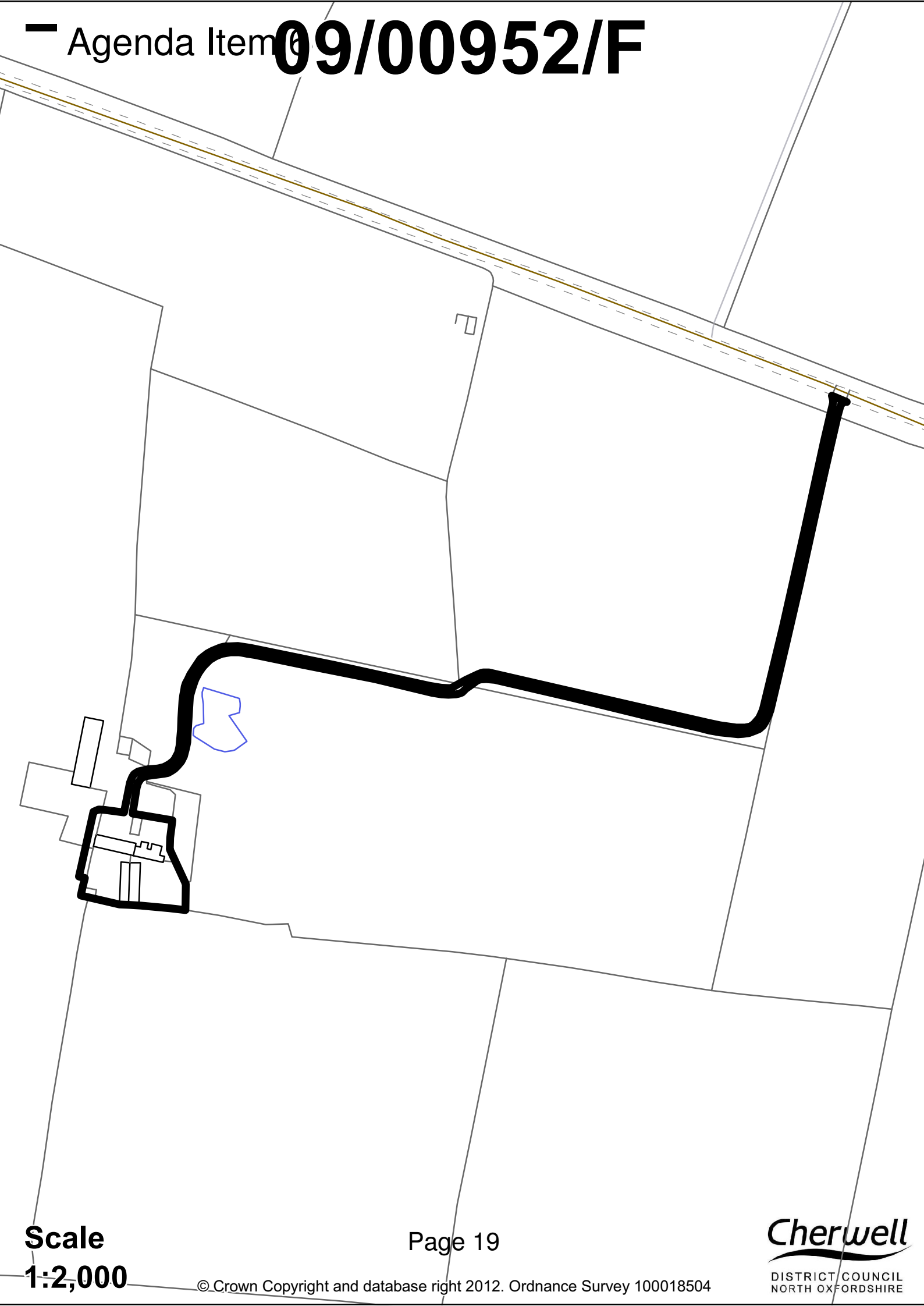
The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations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

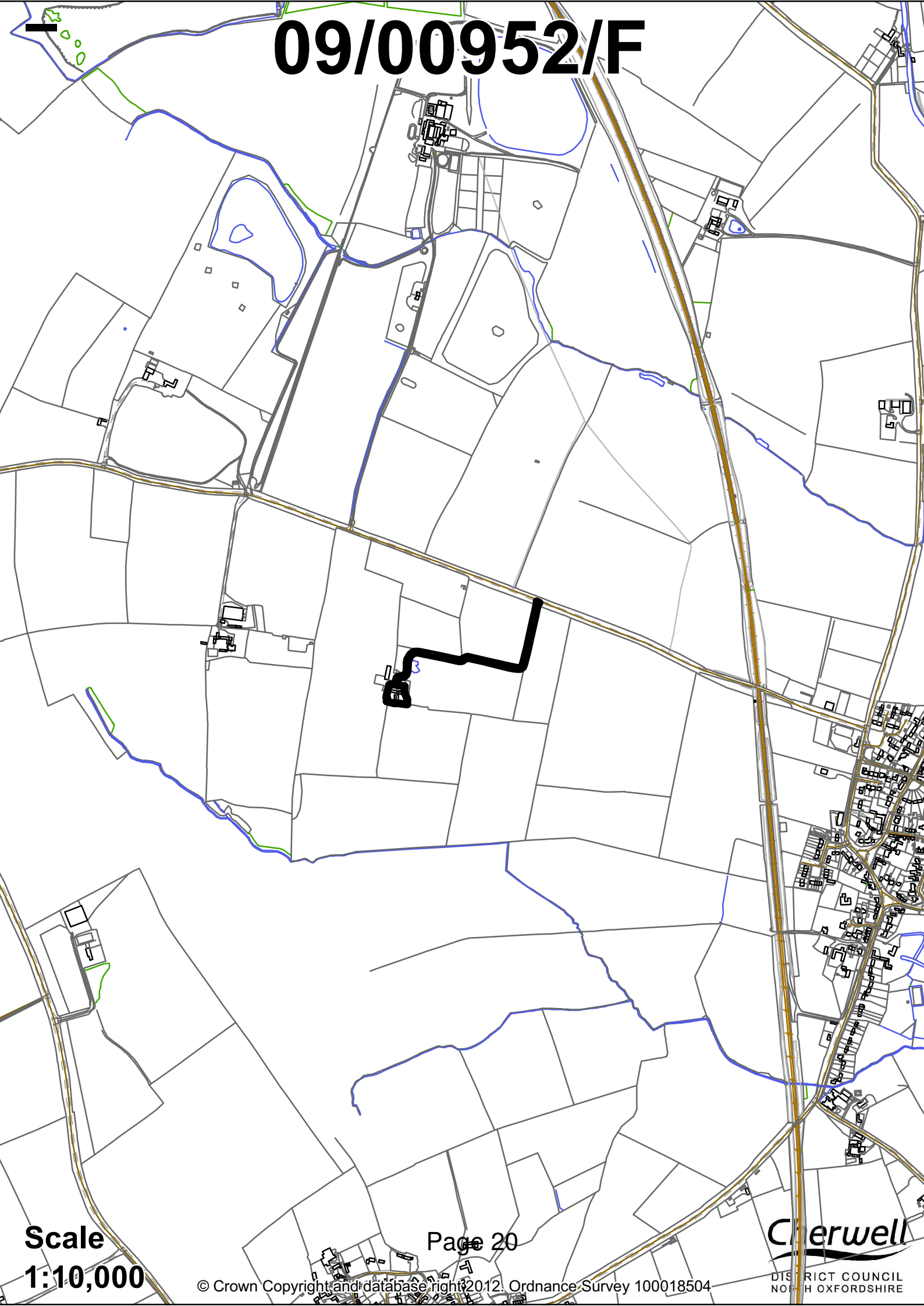
## Applications

	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
6	Oxhay Farm Oxhay Hill Cropredy Banbury Oxon OX17 1DR	09/00952/F	Cropredy	Refusal	Michelle Jarvis
7	OS Parcel 1310 South of Paddington Cottage, Milton Road, Bloxham	11/00096/F	Bloxham and Bodicote	Approval	Caroline Roche
8	Bodicote House, White Post Road, Bodicote	11/01623/F	Bloxham and Bodicote	Approval	Simon Dean
9	Bodicote House, White Post Road, Bodicote	11/01624/LB	Bloxham and Bodicote	Approval	Simon Dean
10	The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley, Oxon, OX33 1AY	11/01664/F	Otmoor	Refusal	Bob Duxbury
11	Oxford Office Village, Langford Lane, Kidlington	11/01732/F	Kidlington North	Approval	Paul Ihringer
12	Grange Farm, Godington	11/01765/F	Fringford	Refusal	Laura Bailey
13	Stable Block Corner, Farnborough Road, Mollington	11/01808/F	Cropredy	Approval	Jane Dunkin
14	Kidlington and Gosford Sports Centre, Oxford Road, Kidlington, Oxfordshire, OX5 2NU	11/01809/CDC	Yarnton, Gosford and Water Eaton	Approval	Caroline Ford
15	Spiceball Leisure Centre, Cherwell Drive, Banbury OX16 2BW	11/01810/CDC	Banbury Grimsbury and Castle	Approval	Graham Wyatt
16	Thorpe Lane Depot, Thorpe Lane, Banbury	11/01856/F	Banbury Grimsbury and Castle	Approval	Simon Dean
17	Woodgreen Leisure and Community Centre, Woodgreen Avenue, Banbury	11/01869/F	Banbury Neithrop	Approval	Simon Dean





# 09/00952/F



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

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application</b> 09/00952/F	<b>No:</b>	<b>Ward: Cropredy</b>	<b>Date</b> 08.02.2010	<b>Valid:</b>
<b>Applicant:</b>	Mr N Joyce			
<b>Site Address:</b>	Oxhay Farm Oxhay Hill Cropredy Banbury Oxon OX17 1DR			

**Proposal:** Demolition of existing dwelling and construction of new dwelling on a similar footprint, together with alterations to existing barns to provide additional accommodation and garaging. Re-surfacing of existing access. Erection of stable building.

## 1. Site Description and Proposal

- 1.1 Oxhay Farm is located approximately 2km to the west of the village of Cropredy and lies about 400m back from Oxhay Hill (also known as Mollington Road). The farm itself is modest in size and occupies some 26.14 ha (69.55 acres). It comprises a series of small fields; a farmhouse with an attached brick built barn currently housing sheep, a couple of small outbuildings to the rear and another couple of outbuildings to the front of the farmhouse. The farm is accessed via a long access track from Oxhay Hill downhill into the farm area
- 1.2 The farmhouse is constructed with rendered walls and a slate roof. The ground floor of the farmhouse comprises an entrance porch and bathroom within a single-storey front extension, kitchen and living room. The first floor has two double bedrooms. The outbuilding attached to the house is constructed from brick and when the site was visited this outbuilding was used to house sheep with newly born lambs.
- 1.3 The application site includes the access track to the farmhouse from Oxhay Hill, the existing farmhouse, attached barn, larger barn to the rear of the farmhouse and then seeks the removal of the lean-to attached to the barn at the rear of the farmhouse and the outbuilding to the front of the farmhouse. The red line extends some approximate 5m out from the end of the outbuilding into the adjacent field and includes all the land within the farm yard to the rear of the farmhouse.
- 1.4 The application seeks consent to demolish the existing building and to construct a new building, together with alterations to existing barns to provide additional accommodation and garaging, re-surfacing of the existing access and the erection of a stable building. The new building would sit upon the footprint of the farmhouse and the attached barn to create a four bedroom house, with vehicle parking and storage areas to the rear and a stable block in the north east corner of the former farmyard.
- 1.5 The application was originally registered in July 2009 however remained

undetermined until this time due to delays with providing an adequate bat survey for the site. The bat survey has now been submitted and the application has consequently been brought forward for determination at this committee.

## **2. Application Publicity**

- 2.1 The application was advertised by means of a site notice attached to the entrance gate of the farm access on Oxhay Hill (Mollington Road).
- 2.2 Detailed responses have been received from the agent acting on behalf of the farm tenant. These comments form a separate section in the report that follows.

## **3. Consultations**

- 3.1 Cropredy Parish Council – Make no objections to the application as they state that they have no planning grounds to do so, but do want to make sure that the District Council are aware that the property is subject to an agricultural tenancy and that the tenants have rented the farm for some 30 years.
- 3.2 Councillor Atack as Ward Member has commented on the application. He states that his interest mainly relates to the material consideration of the agricultural tenancy and on the basis of the current application being approved, the tenancy would be broken and leave the tenants homeless and without their farming livelihood. He suggests that the Council should look at seeking specialist advice on the legal situation regarding this issue and any potential costs that could fall to the Council particularly in light of the previous decision on this site.
- 3.3 Oxfordshire County Council Highways Officer – No objections subject to planning conditions
- 3.4 Monson Engineering (building consultancy appointed by the Council) – were consulted on the application in March 2010. They produced a detailed report and concluded that “The structure of the building is in reasonable condition generally except for damp in the walls which should be treated. There are items of maintenance described (in the report) that should be carried out such as repair of the render, re-bedding the ridge tiles and repair damaged windows. It is recommended that some work be carried out as described to reduce the heat losses from the building and improve the method of heating.”
- 3.5 The applicants have also had a Structural Survey done as part of the application. This document was also sent to Monsons for comment and the summary of this report was “it remains our opinion that the building has had minimal maintenance for many years and that works could be carried out to improve the building for a moderate sum to make it as good as many other solid masonry wall dwellings in the area. This may not be up to the standard of a new building but would be a

reasonable quality that would compare with many other dwellings that are considered adequate for modern living”

- 3.6 Natural England – Recommended that a further bat survey was carried out as the one submitted recommended additional surveys to be done (comments received 08 March 2010).
- 3.7 A further survey was submitted on 27 July 2011. The Council’s Ecologist has assessed this report and considers it to be acceptable subject to some additional information regarding locations of mitigation measures. These can be covered by condition.

#### **4. Relevant Planning Policies**

- 4.1 PPS 1 – 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).
- 4.2 PPS 3 – Housing. Sets out the policies governing housing delivery and development.
- 4.3 PPS 7 – Sustainable Development in Rural Areas. This PPS sets out the Government’s policies for achieving its objectives for rural areas and provides specific requirements for new dwellings in the countryside.
- 4.4 PPS 9 – Biodiversity and Geological Conservation. This PPS sets out planning policies on protection of biodiversity and geological conservation through the planning system.
- 4.5 The South East Plan  
Policy BE1: This policy refers to providing significant improvements to the built environment through good development choices  
Policy H5: Housing design and density. This policy seeks to install measures which provide for raising the quality of new housing allowing for future changes in the accommodation needs  
Policy CC6: This policy seeks to promote decisions which create sustainable and distinctive communities  
Policy RE3: This policy requires regard being had to strategic and local business needs  
Policy C4: This policy relates specifically to the landscape and countryside and particularly with regard to protecting and enhancing the diversity and distinctiveness of the region’s landscape.

4.6 Saved Policies in the Adopted Cherwell Local Plan 1996 (ADCLP)

H17: General housing policies allowing the replacement on a one-for-one basis of an existing statutorily unfit or substandard dwelling providing:

- (i) the existing building is not a Listed Building capable of restoration or suitable for an appropriate alternative and beneficial use
- (ii) in cases where the existing building lies outside the limits of an existing settlement, the use of the building as a dwelling has not been abandoned or extinguished and its proposed replacement is similar in scale and within the same cartilage
- (iii) the proposal meets the requirements of the other policies in the plan

H18: Refers to new dwellings in the countryside and states that planning permission will only be granted for a new dwelling outside the built-up limits of settlements when:

- (i) it is essential for agriculture or other existing undertakings, or
- (ii) the proposal meets the criteria set out in Policy H6; and
- (iii) the proposal would not conflict with other policies in the plan

H19: Refers to the conversion of buildings in the countryside but only allows for the conversion of suitable buildings where:

- (i) the building can be converted without major rebuilding or extension and without inappropriate alteration to its form and character
- (ii) the proposal would not cause significant harm to the character of the countryside or the immediate setting of the building
- (iii) the proposal would not harm the special character and interest of a building of architectural or historic significance;
- (iv) the proposal meets the requirements of other policies in the plan

C7: This policy controls development in areas of the countryside where it causes demonstrable harm to the topography and character of the landscape

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.

4.7 The Non-Statutory Cherwell Local Plan 2011 – Approved for Development Control Purposes December 2004 (NSCLP)

H18: Refers to replacement dwellings as with Policy H17 in the ADCLP.

The reasoned justification in paragraph 3.148 is further strengthened compared with the adopted plan with the explicit sentence “The policy does not apply to dwellings which are not unfit or substandard”.

H19: Refers to new dwellings in the countryside similarly to the ADCLP plan policies and states that planning permission for new dwellings in the countryside will only be given when it is essential for agriculture or other undertakings in accordance with Policy H20 (Agricultural Workers Dwelling) or meets the criteria set out in Policy H8 (Affordable Housing)

H22: Refers to the conversion of Rural Buildings. This aims to encourage the conversion of traditional farm buildings whose usefulness has been replaced by modern farming methods. It seeks to prioritise employment re-use over residential

conversion.

EN34: Relates to landscape character – specifically proposals will not be permitted if they would cause undue intrusion into the open countryside or otherwise harm the landscape.

The policies of the NSCLP are approved as interim policy. The contents of the Plan are up to date as of December 2004 and although they do not have development plan status, they are an important material consideration in the determination of this application.

## **5. Appraisal**

### **5.1 Background**

This site has a complex planning history. A similar planning application (ref 06/01346/F was made in June 2006 for the replacement of the existing dwelling and re-use of two small barns for further accommodation and garaging. That application was approved under delegated powers on 01 September 2006.

5.2 This decision was then challenged in the High Court on behalf of the tenant farmers on the grounds that the Council:

- (i) had failed to properly interpret and apply Policy H18 of the Non-Statutory Cherwell Local Plan for replacement dwellings;
- (ii) had failed to acknowledge that the personal circumstances of the tenants were material considerations; and
- (iii) did not consider the impact of the need for further agricultural buildings that would be required

On 5<sup>th</sup> April 2007, the High Court (Queen's Bench Division) issued an Order quashing the permission with no order as to costs and requiring the application to be reconsidered. The application then started again with a reassessment of all material planning considerations including those dealt with in the Order.

The Council sought legal advice with regard to the decision made in the High Court and that advice concluded that the report on which the decision to grant planning permission was based on had been seriously flawed. This then resulted in a new round of consultations and as no decision had effectively been made on the application, these consultations formed the basis for a final recommendation on the application.

The application was considered by Planning Committee in December 2008 and a refusal of planning permission was issued on 12 December 2008. The reasons for refusal were as follows:

1. The existing dwelling is not regarded as being statutorily unfit or substandard and is capable of being improved in terms of thermal insulation and resistance to damp without incurring excessive cost. Furthermore, the proposed development would result in the replacement of the existing farmhouse by a dwelling having an overall floor area approximately two and a half times greater than the existing. The development would therefore be contrary to the

provisions of Policy H17 of the Adopted Cherwell Local Plan 1996 and Policy H18 on the Non Statutory Cherwell Local Plan 2004

2. The erection of an isolated new house in the countryside without any site specific justification, such as it being essential for the proper functioning of a viable agricultural holding, is contrary to the provisions of Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas, to Policy H18 of the Cherwell Local Plan and to Policy H19 of the Non Statutory Cherwell Local Plan 2004.

5.3 The applicants appealed against the refusal of planning permission. At the same time they also resubmitted the planning application for a broadly similar proposal but omitted the inclusion of one of the two single barns (which previously formed part of the original application for conversion) and also included reports relating to the structural integrity of the building (this application). Subsequently the applicants withdrew the appeal.

5.4 This application is therefore for the determination of the revised scheme. Due to the lapse of time from submission of the new scheme (July 2009) to determination (December 2011) and the fact that further additional information had been received between these dates, it was considered prudent to re-consult third parties. This report includes the most up to date information on the proposal received.

5.5 The main issues associated with this application (and having regard to the consent order to quash the grant of planning permission) are considered to be as follows:

1. Building condition
2. Scale and design of the current proposal
3. Personal circumstances of the existing tenants and the impact of granting permission upon the operation of Oxhay Farm
4. Determining an essential need for agriculture
5. Results of the bat survey on site

#### **Building Condition**

5.6 When the original application was submitted in 2006, a covering letter submitted with the application (dated 4<sup>th</sup> July 2006) stated that “The house is in extremely poor condition and over the year the landlords have had to repeatedly spend considerable sums of money attempting to put matters right.” The letter also concludes that it would be a false economy to continue spending money on the house to bring it up to an appropriate standard for living. The application was also accompanied by a Building Survey Report provided by Philip J Cooper. This report supported the explanation made in the accompanying letter and concluded “extensive works are required in order to bring the property up to modern habitable standards complying with the latest Building Regulations”.

- 5.7 In determining the current application, the same report was submitted to evidence the claim that the applicants cannot continually keep putting money into the buildings upkeep. In addition, the applicants also submitted a report dated 28 May 2009 by R & E Pierson Architectural Design Partnership which provided more up to date information regarding the state of the existing dwelling and evidenced this through two trial holes which were dug; one on the north side and one on the south side of the building to demonstrate the lack of foundations.
- 5.8 Further information has also been submitted from Imley Construction dated 5<sup>th</sup> June 2009 which discusses how that company has carried out various works on the property since 2006 and they also reach the conclusion that in terms of viability, the applicant will incur substantial cost to continually repair the house and considers instead that the house should be demolished and rebuilt to current standards.
- 5.9 In the previous application, the tenants put forward their own submission to report on the condition of the farmhouse. In summary that report concluded that the property had considerable potential but some general repair and expenditure would be required to improve the property to modern standards. This report estimated costs to be between £8,000 and £10,000 (in 2006).
- 5.10 The officer assessment of the previous application (subject to the order to quash) relied heavily on the cost implications associated with the amount of work that would have been needed to modernise the dwelling. In addition, information was also cited from other Council Departments which had been involved with the property over time and at that time, despite work being carried out the dwelling was considered to be statutorily “unfit”. However it is important to note that housing legislation has evolved since the initial involvement of the Council’s Housing Department and the term “unfit” is no longer used.
- 5.11 Given the differing conclusions that the reports have generated and the uncertainty over whether the dwelling is substandard or not, the Council commissioned Monson Engineering Ltd to assess the dwelling and advise what the best course of action would be in their opinion. Two reports were provided by Monsons; one relating to the previous submission dated 11 September 2007 and the most recent report dated 30 March 2010. Both reports, in their summary conclude the same thing in that the structure is in reasonable condition but that maintenance would be beneficial to the building as would and improvement in the method of heating.
- 5.12 Monsons have also been asked to comment on the report by R & E Pierson commissioned by the applicant. In doing so, they conclude by stating “It remains our opinion that the building has had minimal maintenance for many years and that works could be carried out to improve the dwelling for a moderate sum to make it as good as many solid masonry wall dwellings in the area.”
- 5.13 Taking all the reports in together, it is agreed that the house would benefit from general maintenance, notably in heating, insulation and damp proofing. However it



is also recognised that this could be said for a number of other dwellings in situations elsewhere. The advice that the Council's Consultants has provided is very clear in that whilst there is work needed to be done to the property to improve it, it does not automatically follow that the best solution to the problem is to demolish the building and rebuild a more modern dwelling in its place.

- 5.14 Policy H17 of the adopted Cherwell Local Plan is very clear in its requirement that permission will only be given for replacement dwellings that are statutorily unfit or substandard (where the proposal also accords with other policies in the plan). The conclusions drawn from all reports do seem to follow a similar line in that the current dwelling is damp and needs extensive maintenance works albeit there is still some disagreement over the financial cost associated with the work balanced against the cost of rebuilding. However there is no doubt that the demolition and replacement of the building does not accord with planning policy. Furthermore, advice in PPS 7 (para 10) states: *"Isolated new houses in the countryside will require special justification for planning permission to be granted"*. No such justification exists in this case as the dwelling has not yet been deemed beyond repair.

PPS 7 goes on to state: *"Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area"*. The proposed new dwelling is not considered to be of any particular architectural speciality and does not use any special materials therefore it should not be viewed as anything other than a dwelling within the open countryside without any appropriate justification.

- 5.15 The issues associated with the building condition are not necessarily fundamental to the determination of this application as in light of the requirements of Policy H14, the proposal must meet with other policy requirements such as Policies H18 which looks at the principal of the development as being a new dwelling in the countryside.

- 5.16 Clearly the proposal does not comply with Policy H18 which deals with new dwellings in the countryside where it states:

*"Planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under Policy H1 when (i) it is essential for agriculture or other existing undertakings"*

The applicants have refused to agree to the imposition of an agricultural occupancy condition to make sure that any new dwelling is directly related to the agricultural business it is associated with. This therefore implies that the new dwelling is not essential for agricultural or other existing undertakings making it impossible to comply with Policy H18.

In this instance the proposal is not considered to comply with the requirements of PPS 7 or Policy H18 of the Adopted Cherwell Local Plan in that the policy states that new dwellings in the countryside will only be permitted when there is an essential need for agriculture or other existing undertakings.

#### **Scale of Proposed Dwelling**

- 5.16 The previous planning application proposed a replacement dwelling which was considered to be significantly larger than the existing dwelling and consequently this application was contrary to the requirements of Policies H17 of the adopted Cherwell Local Plan and H18 of the Non-Statutory Local Plan. Subsequently the previous report (subject to the consent order for quashing the decision) failed to discuss the issue of size and scale.
- 5.17 The previous proposal sought consent to not only demolish and rebuild the existing farmhouse, but also converting all the existing barns (those at the rear and attached to the house) into a dining area, three bedrooms and two bathrooms. As the replacement dwelling (new build plus conversion) was seen to be so much larger than the current existing building, it was considered to be conflicting with the requirements of Adopted Local Plan Policy H17 in that it was not sufficiently similar in scale to be considered a one-for-one replacement
- 5.18 The application currently before Members has been altered and essentially removes the need for conversion of the buildings at the rear of the dwelling for accommodation however it is proposed that these be used as a mixture of open storage and parking. As the built form of these buildings is not changing (they are retained as open hovels) and the footprint remains the same, there is no objection to this element of the scheme.
- 5.19 With the loss of the accommodation created from the conversion of these barns, the remaining barns which are attached to the existing dwelling are to now form a utility room, kitchen/breakfast room, dressing area and bedroom at ground floor with rooflights.
- 5.20 This reduction in size is considered to be significant and more in keeping with the size of the agricultural holding. As the footprint is staying mostly the same, albeit a small porch is proposed on the front elevation, these aspects associated with the previous application do appear to have been overcome to some extent. It is noted that the new dwelling house is larger than that of the existing dwelling.
- 5.21 The proposal seeks to alter the design of the dwelling by rebuilding the house with an additional roof height of approximately 1m. The roof will also include two dormers (front and rear). This will allow for an additional bedroom and bathroom to be provided at first floor level.
- 5.22 On balance, the proposal is still considered to be a large dwelling within the open countryside. However with the reduction in scale since the previous application was

refused it is not considered to be large enough to justify (and sustain) a recommendation of refusal on these grounds.

**Personal circumstances of the existing tenants and the impact of granting permission upon the operation of Oxhay Farm**

- 5.23 The personal circumstances of the existing tenants were referred to as a material consideration in the Judicial Review claim. It is therefore accepted that personal circumstances are capable of being a material planning consideration.
- 5.24 The issue with this application is that by granting planning permission for a significantly larger dwelling than is on site at the moment and also converting the existing barns to living accommodation, this is essentially depriving the farm business of its buildings and also providing a building which is of the size that the tenants do not need nor could afford to run.
- 5.25 The matter of the future for the tenants has been addressed with the applicant's agents. A letter was received and this stated that "*Regarding the personal circumstances of Messrs Hill, I can confirm that Mr. J C Hill and his son Mr. T F Hill, are joint tenants of Oxhay Farm. They have a secure tenancy under the terms of a written Agricultural Tenancy Agreement dated 1 January 1982. The tenants are protected by the Agricultural Act legislation and in particular the Agricultural Holdings Act 1986. Messrs Hill have security of tenure. This has always been and continues to be the case.*"
- 5.26 The Agricultural Holdings Act 1986 gives agricultural tenants security of tenure by limiting the circumstances in which a landlord can recover possession. These circumstances are prescribed by the Act itself. One such circumstance is contained under Case B of Schedule 3 of the Act which enables a Landlord to serve Notice to Quit where it is ".....given on the ground that the land is required for use, other than agriculture, for which permission has been granted on an application made under the enactments relating to town and country planning." Therefore, an applicant may seek to recover possession from a sitting tenant through the granting of planning permission for the use of the land unconnected with agriculture. This happened following the granting of the original planning permission however this was ineffective when the High Court Order quashed the planning permission.
- 5.27 The tenant's agent (Framptons) has provided detailed comments regarding the application. They make the following comments with regard to the personal circumstances of the tenant "*The proposal is fundamentally not a replacement of an existing agricultural worker's dwelling – but is intended to be an attempt to secure consent for a dwelling unrelated to agriculture. The landlord intends to rely upon a grant of planning permission as a ground for seeking vacant possession – dispossessing the subsisting tenant from the existing dwelling. In the absence of a second dwelling to provide on-farm accommodation for the agricultural business will be threatened without the 24 hour presence of the 'farmer'. They go on to state that "if your Authority is minded to grant planning permission for this development it is considered that it should be considered as being a replacement farmhouse for the agricultural tenants and thereby be subject to the imposition of the model*

*agricultural workers occupancy condition.”*

5.28 Given the age of the property and the fact that the dwelling itself pre-dates the introduction of the planning system there are no conditions on the building to tie it to agricultural use. However, it is now considered that a condition tying the property to agricultural use is appropriate in this situation to not only comply with Planning Policy but also to provide some security to the existing tenants occupying the dwelling. This matter was raised with the applicant's agent and it has been confirmed that the applicant would not be willing to have such a condition tied to the consent.

**Results of the bat survey on the site**

5.29 The application has been held in abeyance for a significant period of time to await the results of a bat survey on the site. A common pipistrelle bat and possibly a brown long-eared bat were recorded emerging from the barn adjoining the farmhouse and as all bats and their roosts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010 a bat report providing information from a survey and suggesting appropriate mitigation measures needed to be provided.

5.30 As the proposed development will result in the loss of a common pipistrelle roost and a possible brown long-eared roost as well as the potential for bats to use the existing barns for hibernations (although no evidence of this was located) it is important that suitable mitigation methods to protect the species long term are put into place.

5.31 The mitigation strategy proposed is as follows:

- A suitable void will be crated within the stonework near the top of the gable end of the stables and south gable end of the open hovels/covered pens
- Three Schwegler 1FFH bat boxes will be placed in suitable trees near the buildings at least 3m from the ground, with Schwegler 1B bird boxes next to them to discourage birds from using the bat boxes
- Demolition will avoid the hibernation period from the end of October to mid March
- A pre-demolition check will be made by a licensed bat consultant prior to demolition/stripping. The licensed bat consultant will attend as the roof of buildings 2 and 3 (open hovels/covered pens and stables) is stripped to check for bats as the roof felt is removed by hand

5.32 The Councils Ecology Officer has checked the report and considers it to be sufficient in depth and scope, and also considers that the mitigation suggested is appropriate. She has suggested a number of items which can be dealt with as planning conditions. In addition the Ecologist has been asked to assess the comments received by the tenant's agents and her comments follow.

5.33 In their submission, the tenant's agents have raised concern with regard to the loss of the bat roosts. They consider that the proposal is in conflict with Article 16 of EC

Habitats Directive. The EU Habitats Directive (92/43/EEC) provides protection for habitats and species of European importance. It includes prohibitions against capturing, killing or disturbance and against the damage and destruction of a breeding site or resting place of such protected species.

Article 16 of the Directive provides for the derogation from these prohibitions for specified reasons and providing certain criteria are met (ie that licences to contravene protected species legislation can only be issued under certain strict criteria).

- 5.34 The EU Habitats Directive is implemented in the UK through the Conservation of Habitats and Species Regulations 2010 (“Habs Regs”). (The 2010 version consolidates all the amendments that were made to the original 1994 Habs Regs).
- 5.35 Natural England is the licensing authority for the purposes of this legislation. For planning purposes (because not all the criteria in Article 16 are relevant to planning), the criteria under which a licence to can be issued by Natural England to enable development to take place are known as the 'three tests'. These requirements are set out under Regulation 53 of the Habs Regs and are:
- 1. Regulation 53(2)(e):** a licence can only be granted for the purposes of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'.
  - 2. Regulation 53(9)(a):** the appropriate authority shall not grant a licence unless they are satisfied 'that there is no satisfactory alternative'.
  - 3. Regulation 53(9)(b):** the appropriate authority shall not grant a licence unless they are satisfied 'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.
- 5.36 Regulation 9(5) of the Habs Regs 2010 states that a competent authority (including a planning authority) must, in the exercise of their functions, have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. The Woolley ruling in 2009 confirmed that local planning authorities must apply the same three tests as Natural England when deciding whether to grant planning permission where protected species offences may be committed if planning permission is granted. This is the ruling which the tenants agent has also referred to in their submission.
- 5.37 The 2011 bat survey report by ecoconsult assesses the status of the bat roosts on site as being of low conservation significance. It also states that the predicted scale of impact on bats of the proposed development is negligible at a County level (before mitigation) and that if their proposed mitigation strategy is followed the development would not be detrimental to the maintenance of the species concerned at a favourable conservation status. I am confident that this is the case and that

Natural England would be satisfied in this regard. Therefore the planning authority has considered Regulation 53(9)(b).

- 5.38 As stated in the bat survey report, the applicant must be able to demonstrate that Regulations 53(2)(e) and 53(9)(a) can also be satisfied - ie that there is no other satisfactory alternative and that there is a reason of overriding social or economic nature for permitting the development.
- 5.39 The letter from the tenants agent also considers why Regulations 53(9)(a) and 53(2)(e) cannot be satisfied - because there is an alternative to demolishing the building and because there is no overriding reason of social or economic interest.
- 5.40 With regard to this comment, Natural England have published guidance to planning authorities on considering the 'three tests'. The following is taken from Natural England Guidance Note: European protected Species and the Planning Process - Natural England's Application of the 'Three tests' to Licence Applications. This document can be found on their website.

One of the statements in this document is that 'Natural England applies the tests on a proportionate basis; thus the justification required increases with the severity of the impact on the species or population concerned'.

It also acknowledges that there will always be alternatives to a proposal, and that again a proportionate approach is adopted in considering the feasibility of alternative solutions relative to the degree of likely impact.

- 5.41 In this situation where the proposed development would result in the loss of two roosts for very small numbers of our most common bat species, and where mitigation can easily be provided, the justification can be at a low level.
- 5.42 Our Ecologist has assessed the comments and on the basis of the comments made above suggests the following:
1. That the applicant is asked to provide information as to how Regulation 53(2)(e) and Regulation 53(9)(a) can be satisfied, before permission is considered, if they have not already done so.
  2. If planning permission is granted, that the following Condition is attached to any permission:  
'Development is to proceed in accordance with the bat and bird mitigation strategy given in the July 2011 Oxhay Farm bat survey report by ecoconsult'.
- 5.43 With regard to the erection of the stable building, this is not considered to be of concern. The site is sufficiently large enough to accommodate the stables. It is a building which is not out of keeping with the rural area within which the property sits and on balance it is a fairly innocuous building which is not considered to adversely

impact upon the open countryside. There is no objection to this element of the scheme.

### **Conclusion**

- 5.44 The current proposal is for a new dwelling in the countryside to replace the existing dwelling which is smaller in size. The existing dwelling is in need of investment to rectify a number of deficiencies within the property due to its age and maintenance however there is still some disagreement as to whether it is financially viable to carry out works to the building or whether the cost of demolition and rebuild is a more feasible option.
- 5.45 In terms of scale, the proposal has been reduced and is now based upon the rebuilding of the farmhouse with the conversion of the attached barns. A stable block is proposed to the rear of the buildings.
- 5.46 Taking all of the considerations into account the current proposal still remains a new dwelling in the countryside without any justification for its need. The proposal is not considered to be essential for the purposes of agriculture which is further emphasised by the unwillingness of the applicant to consider an agricultural occupancy condition. There is no argument between the applicant or the Council as to the fact that the existing dwelling is in need of repair and this has been accepted by the Council's engineering advisors however in the absence of any justification for the demolition of the building and also doubt over the future of the agricultural tenancy on the site, the application is recommended for refusal.

## **6. Recommendation**

### **Refusal**

1. The existing dwelling is not regarded as being either statutorily unfit or substandard and is capable of being improved in terms of thermal insulation and resistance to damp without incurring excessive cost. The development would therefore be contrary to the provisions of Policy H17 of the Adopted Cherwell Local Plan 1996 and Policy H18 of the Non Statutory Local Plan 2004.
2. The erection of an isolated new house in the countryside without any site specific justification, such as being essential for the proper functioning of a viable agricultural holding, is contrary to the provisions of Planning Policy Statement 7 (PPS 7): Sustainable Development in Rural Areas, to Policy H18 of the Adopted Cherwell Local Plan 1996 and to Policy H19 of the Non Statutory Cherwell Local Plan 2004.

**CONTACT OFFICER: Michelle Jarvis**

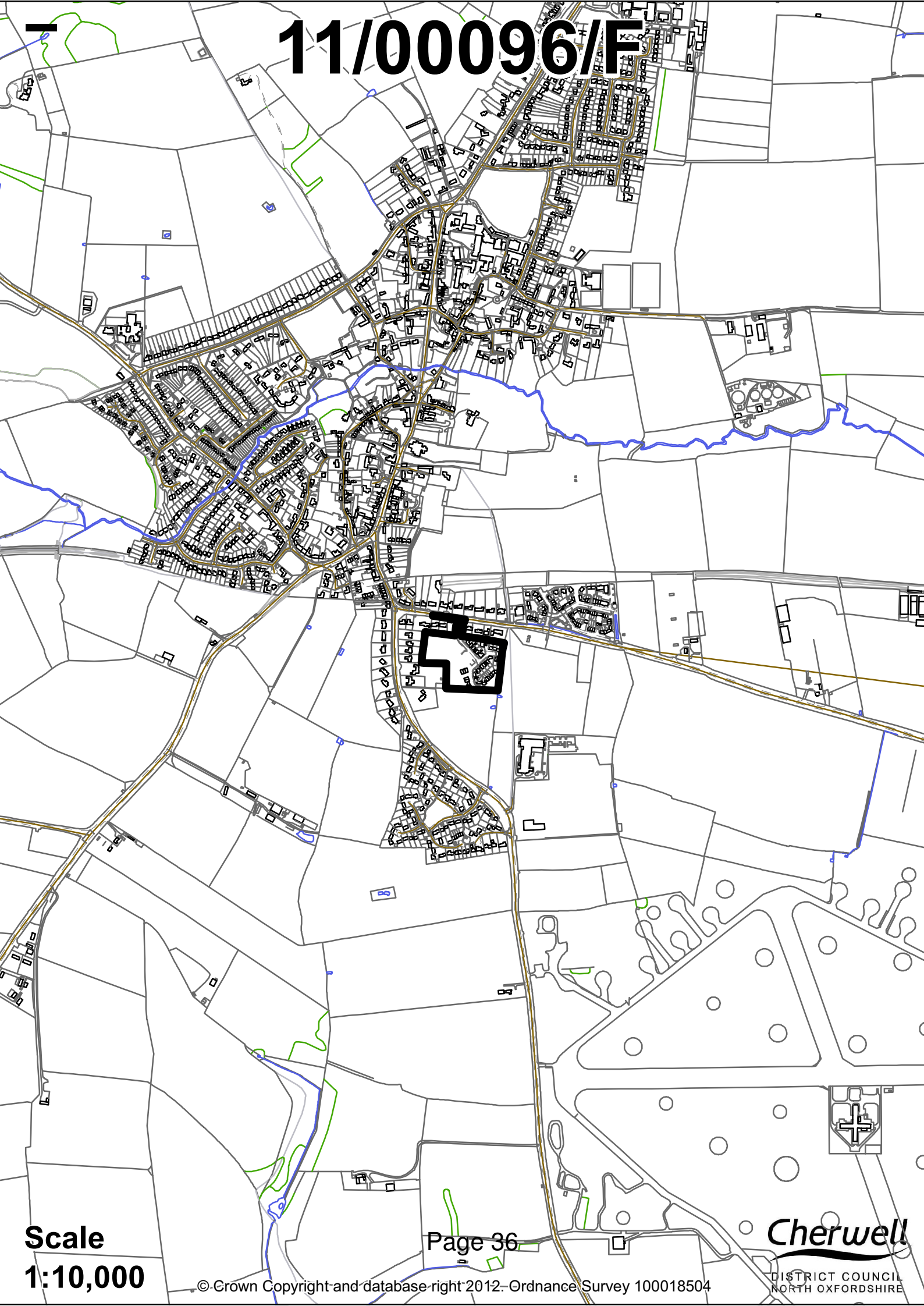
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11/00096/F



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Application No:** 11/00096/F    **Ward:** Bloxham and Bodicote    **Date Valid:** 24/01/11

**Applicant:**            Bewley Homes PLC

**Site Address:**        OS Parcel 1310 South of Paddington Cottage, Milton Road, Bloxham

**Proposal:**             Variation of Condition 2 of 09/01811/F – Amended details for Plot 6

## **1.        Site Description and Proposal**

- 1.1        In July 2010 planning permission was granted for the construction of 61 dwellings on a site to the South of Milton Road in Bloxham contrary to the development plan in light of the shortage in housing land supply that the authority was experiencing at the time. A substantial amount of work has taken place on the site with some properties now being occupied. All the necessary conditions relating to the original application have been discharged. This application covers the same red line area but only relates to Plot 6 which is the bungalow designed for use by disabled residents. This plot is on the northern boundary of the site on the eastern side of the development. In order for the bungalow to meet the standards set by the affordable housing provider covered parking and covered access to the property is required. The amendments to the plot involve the relocation of the parking space from the side (south) of the property to the front (east) and the construction of a car port and covered access and porch. This property is one that has now been completed therefore in respect of plot 6 the application is retrospective but parts of the site are not yet complete.

## **2.        Application Publicity**

- 2.1        The application has been advertised by way of site notice, press notice and neighbour notification letter. The final date for comment was 10 March 2011.
- 2.2        No letters of objection have been received.

## **3.        Consultations**

- 3.1        Bloxham Parish Council has not commented on the application.
- 3.2        The Local Highway Authority raises no objections subject to conditions.

<b>4</b>	<b>Planning Policy</b>	
4.1	Adopted Cherwell Local Plan 1996	C28 – Standards of layout, design and external appearance C30 – Design Control
4.2	South East Plan 2011	BE1 – Management for an urban renaissance
4.4	National Policy	PPS1: Delivering Sustainable Development

## **5. Appraisal**

- 5.1 The key issues to consider are the impact the proposal will have on the rest of the development and the impact the amendment may have on the visual amenities of the area, the residential amenities of existing and new residents and highway safety.
- 5.2 In relation to the overall scale of the approved scheme the amendment is quite minor and only affects one plot. The overall layout of the scheme is not affected. Localised impacts will actually benefit some of the plots. For example two neighbouring plots will have slightly larger gardens as a result of relocating the parking area and the bungalow itself will have covered parking and access into the property. The proposed car port is not in a prominent location and has been designed with open sides which reduces its bulk.
- 5.3 The car port is located south of the garden belonging to Andsu, an existing property fronting Milton Road. However it is set approximately 5 metres off the boundary and 16 metres from the rear elevation therefore given the single storey nature of the car port the impact on the residential amenities will be minimal and not adverse.
- 5.4 The construction of the car port and the relocation of a couple of the parking spaces will not affect the overall provision of spaces therefore will not cause harm to highway safety.
- 5.5 As this application is a Section 73 Application it results in a new permission for the site therefore it is necessary to apply all the conditions that were included on the original consent. However all of the relevant conditions have been discharged so where necessary the conditions have been reworded to take this into account.
- 5.6 This application has been brought to committee for consideration as it constitutes a major development, despite only materially affecting plot 6. Given the nature of the application it has been necessary to seek an amendment to the legal agreement to link this application to the previous agreement. The amendment to the legal agreement has been completed.
- 5.7 **Conclusion**  
The amendment to plot 6 is considered to be minor in nature and does not materially affect the overall development of 61 dwellings. The amendment does not result in any increase in impact to neighbouring properties whether they be original dwellings or new properties built as part of the overall development. No additional impact to highway safety occurs.

## 6. Recommendation

**Approval** subject to

- a) Confirmation that the application has been appropriately advertised
- b) the following conditions;

1. That the development to which this permission relates shall be begun not later than the expiration of 2 years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission and where the listed plans supersede their earlier versions, the development shall be carried out strictly in accordance with the plans and documents as listed in the schedule of plans received in the department on 10 February 2010 in relation to 09/01811/F with the exception of those areas relating to plot 6 which shall be in accordance with:-

D267/5476/SL/01 Rev. K received by the Council 20 January 2011

D267/5476/2BDB/01 Rev. A received by the Council 20 January 2011

D267/5476/2BDB/02 Rev. B received by the Council 20 January 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 and PPS1: Delivering Sustainable Development

3. That the materials used for the walls and roof of the development hereby approved shall be in accordance with the samples approved on 9 March 2011 in relation to 09/01811/F.

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

4. That the doors and windows used in the construction of the dwellings hereby approved shall be in accordance with the samples and details approved on 9 March 2011 in relation to 09/01811/F.

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

5. That the finished floor levels of the proposed dwellings shall be in accordance with the details approved on 9 March 2011 in relation to 09/01811/F.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan.

6. That the landscaping shall be carried out in accordance with the plan nos. 395/2/02 Rev C and 395/2/03 Rev C approved in relation to 09/01811/F.

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

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

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

8. That the play area shall be installed in accordance with plan no. 395/2/05 Rev C, within the time period approved by the LPA and thereafter retained as play space.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan.

9. That prior to the first occupation of the proposed development, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

10. Prior to the first occupation of the proposed development vision splays measuring 4.5 metres x 90 metres shall be provided to each side of the access.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

11. That, before any of the dwellings are first occupied, the whole of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained to the Oxfordshire County Council's "Conditions and Specifications for the Construction of Roads."

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice in PPG13: Transport.

12. That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with specification details approved 9 March 2011 in relation to 09/01811/F.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice in PPG13: Transport.

13. That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details approved 9 March 2011 in relation to 09/01811/F, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

14. The Green Travel plan prepared by Glanville and dated November 2010 received on 18 March 2011 with the applicant's letter dated 14 March 2011 shall be implemented and complied with.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, and to comply with Government advice contained in PPG13: Transport and PPS1: Delivering Sustainable Development.

15. Prior to the first occupation of the proposed development the required off-site works are to be constructed, laid out and to the approval of the Local Highway Authority and constructed strictly in accordance with the Highway Authority's specifications and that all ancillary works shall be undertaken.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government advice in PPG13: Transport.

16. The development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) approved 9 March 2011 in relation to 09/01811/F. Construction work shall thereafter be carried out in accordance with the approved CEMP.

Reason - To protect the amenities of the local residents, to avoid pollution and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

17. The development hereby permitted shall be carried out in accordance with the recommendations set out in Sections 4 and 5 of the Ecological Appraisal by Diversity dated July 2009 unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of PPS 9: Planning and Biodiversity, and Policy C2 of the adopted Cherwell Local Plan.

18. The development shall be carried out in accordance with the archaeological watching brief approved 9 March 2011 in relation to 09/01811/F.

Reason - To safeguard the inspection and recording of matters of archaeological and historic importance on the site, to comply with Government advice in PPS5: Planning for the Historic Environment.

19. With the exception of the positioning of the Geocellular storage within the play area the development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2009, carried out by Stuart Michael Associates ref 307.FRA&DS and the following mitigation measures detailed within the FRA:

Limiting the surface water run-off rate generated by the development to 3.4l/s/ha so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Providing sufficient attenuation for a volume of 697m<sup>3</sup> so that it will not exceed the run-off volume from the undeveloped site and not increase the risk of flooding off-site.

All adoptable roads and parking areas will be permeable paving and all dwellings will have water butts.

Reason - To prevent flooding by ensuring the satisfactory disposal of surface water from the site, to prevent flooding by ensuring the satisfactory storage of surface water from the site and to provide sufficient attenuation and other benefits such as water quality and water re-use.

20. That the development shall be carried out in accordance with the revised Surface Water Drainage Strategy plan approved 9 March 2011 in relation to 09/01811/F.

Reason - To prevent flooding and to provide a satisfactory storage of surface water from the site.

21. That the public art shall be installed at the same time as the laying out of the play equipment in accordance with the details approved in relation to Condition 26 of 09/01811/F on 13 October 2011.

Reason - To secure the provision of essential community infrastructure on site in accordance with Policy D5 of the Non-statutory Cherwell Local Plan and advice in PPG17: Planning for Open Space, Sport and Recreation.

### **Planning Notes**

1. Attention is drawn to a Legal Agreement and its amendment related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
2. From 6 April 2008 it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000.
3. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT.

For projects estimated at between £300,000 and £500,000 (excluding VAT) the SWMP should contain details of the:  
types of waste removed from the site  
identity of the person who removed the waste

site that the waste is taken to.

For projects estimated at over £500,000 (excluding VAT) the SWMP should contain details of the:

types of waste removed from the site

identity of the person who removed the waste and their waste carrier registration number

a description of the waste

site that the waste was taken to

environmental permit or exemption held by the site where the material is taken.

At the end of the project, you must review the plan and record the reasons for any differences between the plan and what actually happened.

You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at [www.netregs-swmp.co.uk](http://www.netregs-swmp.co.uk)

It is suggested that larger areas of hard standing e.g. walkways/car-parking are constructed following the recommendations set out in Sustainable Urban Drainage Systems guidance. This can be continued with designs for open space and landscaping within the area. The use of SUDS can attenuate the disposal of water and reduce the impact of pollutants to nearby watercourses. Guidance is available from Planning Policy Statement 25 or from the Environment Agency website, [www.environment-agency.gov.uk/suds](http://www.environment-agency.gov.uk/suds)

Rainwater harvesting should be used where possible.

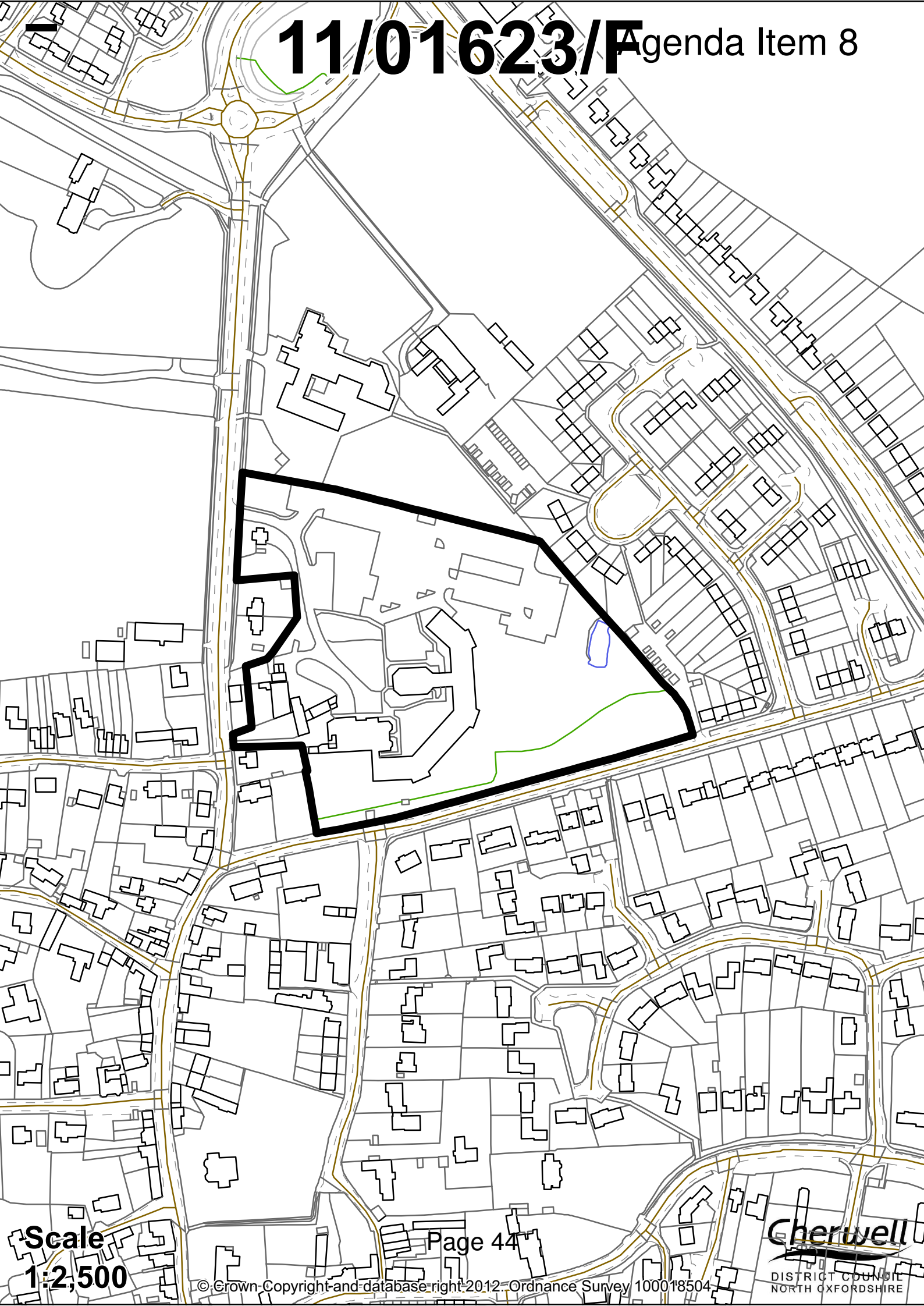
#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council as local planning authority has determined the application having had careful regard to the development plan and other material considerations. Although the site is not allocated for development in the adopted Cherwell Local Plan the Council considers the following material considerations sufficient to justify the granting of planning permission as a departure from the adopted Local Plan. The need for the site to be developed to accord with the Council's strategy for meeting housing delivery requirements, development that results in high quality housing and minimises and mitigates landscape and other impacts has led the Council to consider the proposal acceptable. The proposal is in accordance with PPS3 – Housing and Policies C28 and C30 of the adopted Cherwell Local Plan.

**CONTACT OFFICER: Caroline Roche**

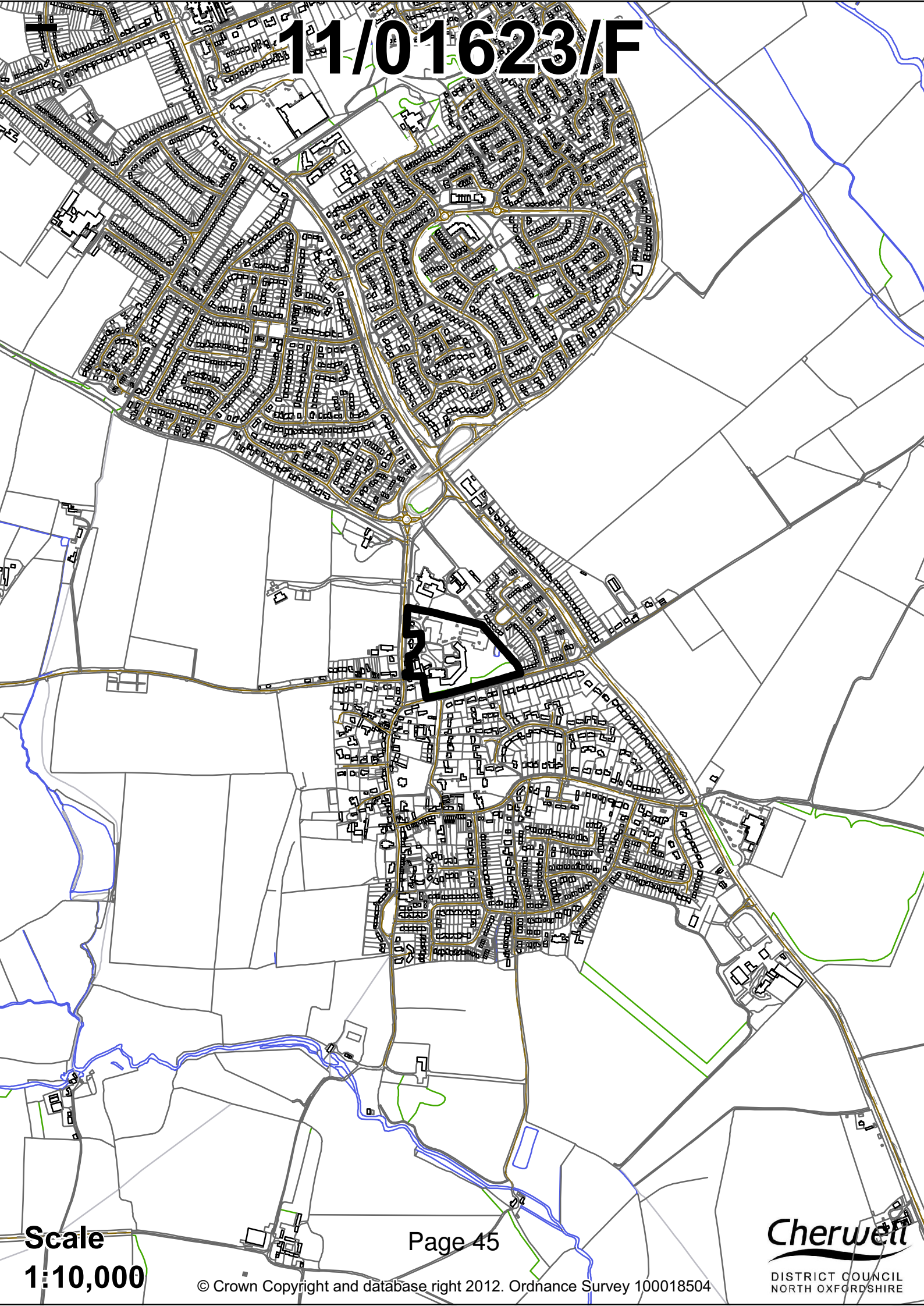
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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application</b> 11/01623/F	<b>No:</b>	<b>Ward: Bloxham and</b> <b>Bodicote</b>	<b>Date</b> 02/12/2011	<b>Valid:</b>
<b>Applicant:</b>	FSG Property Services Ltd			
<b>Site Address:</b>	Bodicote House, White Post Road, Bodicote			

**Proposal:** Installation of 3 no. solar PV arrays

## 1. Site Description and Proposal

- 1.1 The application site is the offices of Cherwell District Council, a modern 3 storey office building with a shallow pitch roof set within the grounds of the historic Grade II listed Old Bodicote House. The site is not within the Conservation Area.
- 1.2 The proposal is for the installation of three arrays of solar panels to different sections of the roof of the main building (those which are the most Southerly facing). This is one of a number of similar schemes for Council buildings across the district.
- 1.3 The application is before the Committee as the Council has an interest in the land and buildings.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and site notice. The final date for comments was 05 January 2012.
- 2.2 No third party contributions were received.

## 3. Consultations

- 3.1 Bodicote Parish Council – no objections
- 3.2 Ecology Officer – no objections

## 4. Relevant Planning Policies

- 4.1 National Policy Guidance:  
PPS1: Delivering Sustainable Development  
PPS5: Planning for the Historic Environment  
Climate Change Supplement to PPS1
- 4.2 Regional Policy in the South East Plan 2009:  
CC1 – Sustainable Development  
CC2 – Climate Change  
BE1 – Management for an Urban Renaissance
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:  
Policy C28 – Layout, design and external appearance to be compatible with the character of the context of a development proposal



## 5. Appraisal

- 5.1 The key issues for consideration in this application are the visual impact of the proposals, the suitability of the scheme in the context of the site including the impact of the proposal on the setting and significance of the listed building, and the environmental impact of the proposal.
- 5.2 The proposed solar panels will have limited visual impact, given the shallow roof pitch to the building, the relatively large grounds in which the building sits and the trees surrounding the site. Distant views may be possible of the roof from outside the grounds of the office, but this is not considered unacceptable given the current appearance of the building. The layout of the panels has been designed to give the maximum solar gain, whilst avoiding the need to carry out any works to the trees which are an important part of the character of the site.
- 5.3 As Old Bodicote House is a Grade II listed building, this proposal must also be considered in terms of its impact on the setting and significance of the listed building. Given the modern appearance of the office building and the ultimately temporary nature of solar panels, it is not considered that this juxtaposition is unacceptable or harmful to the setting or significance of the listed building.
- 5.4 Their installation will assist in delivering the objectives for sustainable development and climate change mitigation set out in PPS1, its' supplements and the relevant policies in the South East Plan and will demonstrate the way in which heritage protection and environmental sustainability can co-exist.
- 5.5 As such, the proposal is considered to comply with all relevant national, regional and local policies and is recommended for approval.

## 6. Recommendation

### Approval, subject to the following conditions;

- 1) SC 1\_4A (Time for implementation)
- 2) That the development shall be carried out strictly in accordance with the plans and documents submitted with the application and the materials and finishing details included therein.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with government guidance in PPS1 – Delivering Sustainable Development.

- 3) Submission and approval of a method statement for the protection of the trees during the installation works

### Planning Notes

- 1) T1 – Third party rights

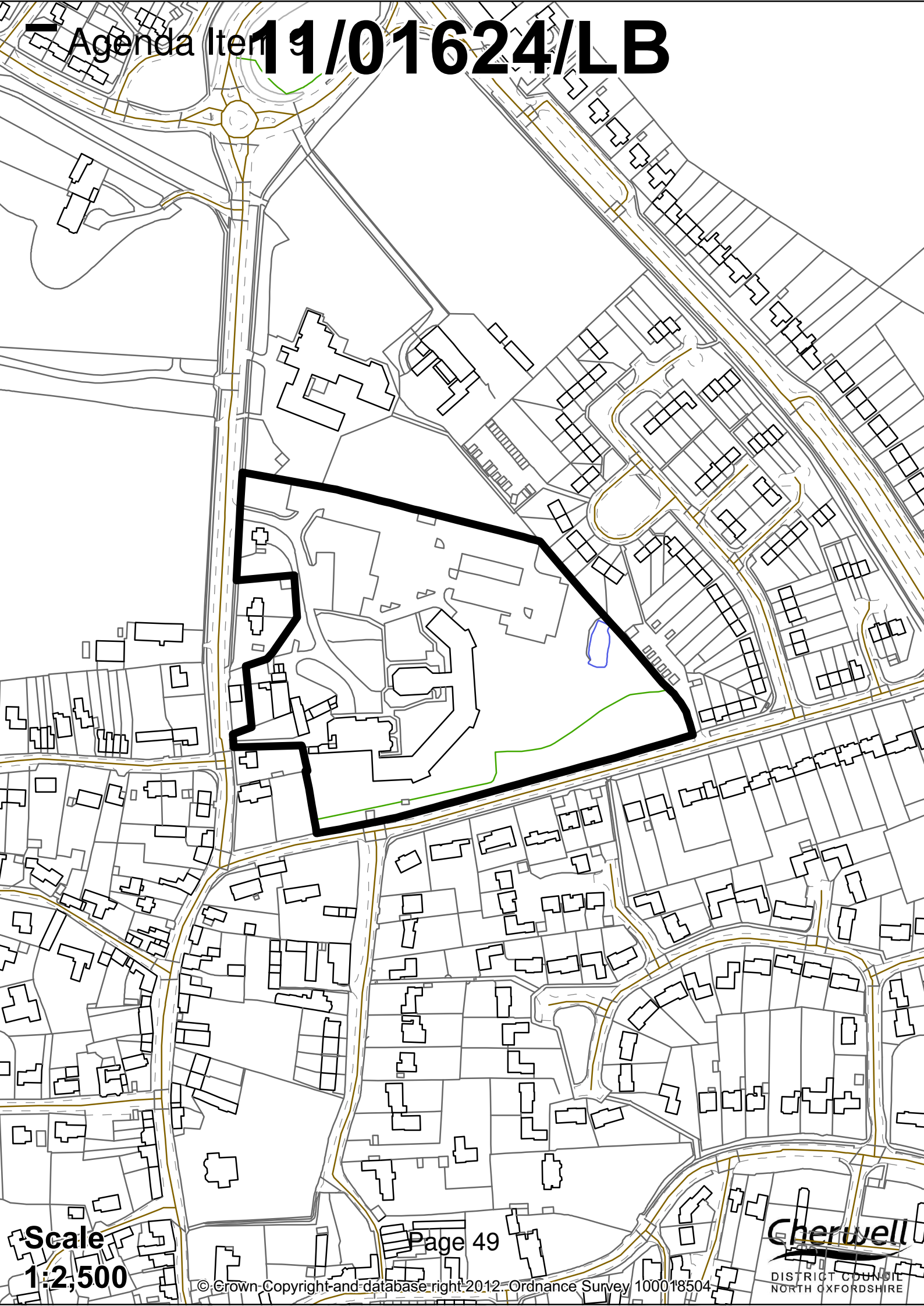
### Summary of Reasons for the Grant of Planning Permission and Relevant Development Plan Policies

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed

development is appropriate in its context and will not unduly impact on amenity or the appearance of the area. The delivery of sustainable and renewable energy solutions is in line with government policy direction set out in PPS1 – Delivering Sustainable Development, the Planning and Climate Change Supplement to PPS1 and PPS5: Planning for the Historic Environment. The proposal also accords with Policies BE1, CC1 and CC2 of the South East Plan 2009 and Policy 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: Simon Dean**

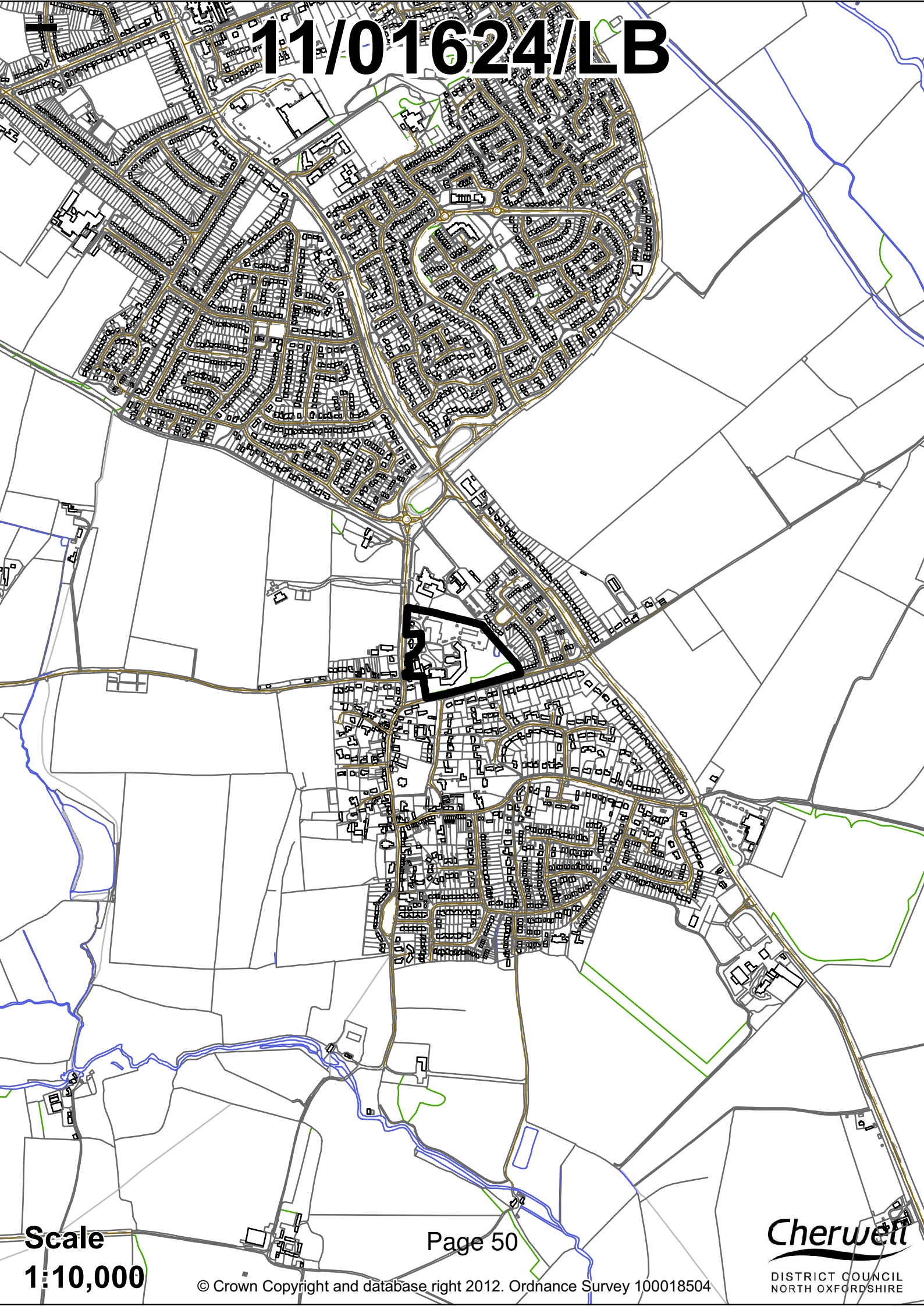
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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application No:</b> 11/01624/LB	<b>Ward:</b> Bloxham and Bodicote	<b>Date:</b> 02/12/2011	<b>Valid:</b>
<b>Applicant:</b>	FSG Property Services Ltd		
<b>Site Address:</b>	Bodicote House, White Post Road, Bodicote		

**Proposal:** Installation of 3 no. solar PV arrays

## 1. Site Description and Proposal

- 1.1 The application site is the offices of Cherwell District Council, a modern 3 storey office building with a shallow pitch roof set within the grounds of the historic Grade II listed Old Bodicote House. The site is not within the Conservation Area, but attached to the listed building and considered to be curtilage listed as a result.
- 1.2 The proposal is for the installation of three arrays of solar panels to different sections of the roof of the main building (those which are the most Southerly facing). This is one of a number of similar schemes for Council buildings across the district.
- 1.3 The application is before the Committee as the Council has an interest in the land and buildings.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and site notice. The final date for comments was 05 January 2012.
- 2.2 No third party contributions were received.

## 3. Consultations

- 3.1 Bodicote Parish Council – no objections
- 3.2 Conservation Officer – no objections

## 4. Relevant Planning Policies

- 4.1 National Policy Guidance:  
PPS5: Planning for the Historic Environment
- 4.2 Regional Policy in the South East Plan 2009:  
BE6 – Management of the historic environment
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:  
Policy C18 – Development proposals affecting a listed building



## 5. Appraisal

- 5.1 As Old Bodicote House is a Grade II listed building, the main office building is considered to be curtilage listed. As a result the proposal must be considered in terms of its impact on the setting and significance of the listed building.
- 5.2 Given the modern appearance of the office building and the ultimately temporary nature of solar panels, it is not considered that this juxtaposition is unacceptable or harmful to the setting or significance of the listed building.
- 5.3 Special regard has been paid to the desirability of preserving the building, its setting and/or any features of special architectural or historical interest which it possesses; the proposal is not considered to be contrary to this aim or that of the relevant policy and is therefore considered acceptable. In addition, the proposal is considered, on balance to be minor and sympathetic to the architectural and historic character of the building.
- 5.4 As such, the proposal is considered to comply with relevant national, regional and local policies and is recommended for approval.

## 6. Recommendation

**Approval, subject to the referral of the application to the Secretary of State and the following conditions;**

- 1) SC 1\_5A (Time for implementation)
- 2) That the development shall be carried out strictly in accordance with the plans and documents submitted with the application and the materials and finishing details included therein.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with government guidance in 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. The proposal is acceptable on its merits as it is considered on balance to be minor and sympathetic to the architectural and historic character of the building. Special regard has been paid to the desirability of preserving the building, its setting and/or any features of special architectural or historical interest which it possesses; the proposal is therefore in accordance with government guidance contained in PPS5 – Planning for the Historic Environment, Policy BE6 of the South East Plan 2009 and Policy C18 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and listed building consent granted subject to appropriate conditions, as set out above.

**CONTACT OFFICER: Simon Dean**

**TELEPHONE NO: 01295 221814**



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# 11/01664/F



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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application No:</b> 11/01664/F	<b>Ward: Otmoor</b>	<b>Date Valid:</b> 17/11/2011
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<b>Applicant:</b>	B A Property Management Ltd
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<b>Site Address:</b>	The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley, Oxon, OX33 1AY
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**Proposal:** Removal of Condition 5 of application 06/01927/OUT

## 1. Site Description and Proposal

1.1 This application relates to the Otmoor Lodge Hotel and surrounding land. The site has a complex site history (see below). The purpose of this application is to seek the removal of a condition applied to as outline planning permission granted in December 2006 which stated:-

“5. That the hotel extension and the dwellings shall be built concurrently and that the houses shall not be occupied until the hotel extension is complete and ready for first use.

Reason: To avoid only the houses being built, which are only approved on the basis that they will fund the construction of the hotel extension and thereby help retain this village facility in accordance with Policy S29 of the adopted Cherwell Local Plan”.

1.2 The application is accompanied by a statement from the applicant’s agent which states:

**“STATEMENT RELATING TO PLANNING APPLICATION FOR REMOVAL OF  
CONDITION 5 OF APPLICATION NO. 06/01927/OUT**

*Planning permission granted for extension to hotel to form 20 bedrooms and ancillary facilities, shop and 4 No. dwellings under Application No. 06/01927/OUT on 22 December 2006 and the Reserved Matters Application relating to the Outline Permission approved under Application No. 09/01697/REM, dated 10 February 2010.*

*The applicant has made determined efforts to proceed with the development by selling the housing plots but the restriction of Condition 5 on the Planning Permission has made it extremely difficult to interest potential contractors and developers. Consequently, because finance has not been available to invest in the business it has resulted in the closure of the public house and hotel.*

*There are two principle reasons why developers/contractors cannot be persuaded to purchase the building plots. Firstly, it is difficult enough to raise finance for housing development but when the lenders are informed that Planning Permission prevents the developer from selling the houses until the*

*hotel rooms are completed and ready for use, they are not prepared to release any funding. Secondly, this condition (Condition 5) to the hotel and extension and houses being built concurrently is of great concern to contractors/developers because the completion and sale of the houses is dependent on the completion of the hotel bedrooms and therefore the timing, progress and sales are beyond the developer's control.*

*The current difficult economic conditions in the economy, particularly in the tourist and construction industries are unlikely to improve in the foreseeable future and to overcome the problems associated with selling the building plots, the applicant requests the removal of Condition 5 on Planning Permission No. 06/01927/OUT so that he can then sell the building plots for houses 1 and 2 and invest the funds raised into the construction of the shop and the refurbishment of the bar and kitchen, which would allow the business to be reopened.*

*Once this is achieved he would request that the remaining two plots are released to allow him to raise the finance to keep the shop and public house open for a period of five years. If this proves viable and he is supported by the village, he will commit to keeping the facilities open for a further five years.*

*My client is aware that he will be subjected to an amended Section 106 Agreement, referred to in Condition 6 of the same Planning Permission to which this application refers.”*

1.3 The recent planning history of this site can be summarised as:-

- 04/02395/OUT Hotel extension to form 19 bedrooms and 4 houses resolved to be approved in 2005 subject to departure procedures/Section 106 Agreement (contrary to recommendation)
- 06/00537/F Proposal for 23 bedroom extension to hotel and 4 detached houses approved in June 2006. Conditioned to require Section 106 Agreement and concurrent development of extension and houses.
- 06/01927/OUT Outline planning permission granted December 2006 conditioned to require Section 106 Agreement (subsequently completed) and requiring concurrent development (Condition no.5 – see para 1.1 above). The Council is currently in receipt of an application (11/01663/OUT) for the renewal of that consent.
- 07/02478/F Approved revised layout for 4 houses (May 2008). Permission conditioned (No. 7) that hotel extension and these houses be built concurrently. This condition remains live as pre-commencement conditions cleared and start on site made. A subsequent application (09/011778/F) to vary Condition 7 was refused on the grounds that:-

“The amended phasing of the provision of the hotel

accommodation introduces uncertainty into the construction of the majority of the proposed hotel extension undermining the reasons for the original grant of planning permission for the houses (contrary to normal Green Belt policy), which decision was taken to ensure the future long-term viability of the hotel/pub/restaurant business. The houses would therefore represent inappropriate development that is contrary to Policy CO4 of the South East Plan and Policy GB1 of the adopted Cherwell Local Plan; the previously expressed very special circumstances are diminished to the extent that they are considered to no longer outweigh the normal strong presumption against such inappropriate development.”

- 09/01687/REM Reserved matters details pursuant to 06/01927/OUT approved in February 2010. This permission has recently been kept alive by the making of a start on site to implement the permission.
- 10/01021/F Proposal to vary Condition 7 attached to 07/02478/F to permit the housing to be constructed in two phases. Approved by Planning Committee 7 October 2010 subject to legal agreement – agreement yet to be completed and therefore decision still pending.
- 10/01318/F Alternative planning permission for 3 of the 4 houses approved subject to above agreement – decision pending as legal agreement not complete.
- 11/00402/F Proposal to vary the time limit on the undertaking of 07/02478/F – decision pending as legal agreement re: 10/01021/F not completed yet.

## **2. Application Publicity**

- 2.1 The application has been advertised by a site notice. The final date for comment was 22 December 2011.
- 2.2 Thirteen letters of representation have been received which raise the following comments/objections (see public access for full content).
  - The linkage between the houses and the shop provision must not be dropped or weakened. Requirement for shop to be up and running in advance of building the houses is an absolute necessity.
  - Original permission was granted against the presumption against development in the Green Belt strictly on the basis that it was a price worth paying for the provision of a vital village amenity (shop).
  - Pub now closed – backward step in sustainability. Sceptical of the applicant meeting any obligation to provide the shop, and of Council’s enforcement

powers.

- The linkage to the applicant's rationale to return the Otmoor Lodge to profitability would be broken. Houses only originally approved as enabling development.
- Planning approval granted on the grounds that it would assist in retention of village facilities. The village has now survived for 7 years without shop/PO. Highly unlikely that new shop/PO would be viable – leading to early closure.
- Application offers no more than refurbishment of bar and kitchen
- Draws attention to refusal and subsequent appeal for houses in 1995.
- Housing of this type/scale is contrary to Green Belt policy.
- A change in financial circumstances does not constitute grounds for amending a planning approval.
- These houses are accessed by the road/footpath giving access from village to the village hall – dangerous.
- Precedent for development in the Green Belt.
- If no legal link to hotel construction would not aid profitability of hotel, pub or village shop.
- Draws attention to the reason for Condition 5 in 2006.
- Encourages CDC to withdraw previous consents.
- The provision of the shop was the misguided reason for permitting development on Green Belt land. The applicant has found it uneconomical to provide a shop so the surrender of Green Belt land has provided no benefit for the village. It would be better to let this application expire than to remove this condition.
- Concerned that removal of this condition would just allow the housing land to be sold with no re-investment in the pub or shop.
- Multiple applications and permission but no action. Blighted adjacent properties and no end in sight.
- Disgraceful and irresponsible attempt to exclude the previous obligations.

### **3. Consultations**

3.1 Horton-cum-Studley Parish Council comment as follows:

“11/01664/F Removal of condition 5 of application 06/01927/OUT

*The Parish Council is dismayed that the proposed development has remained unresolved for 5 years, with each planning approval being met with a new application seeking to improve the position of the developer by applying to build larger houses in more intrusive positions; at the same time seeking the removal of essential safeguards on the conditions of the original approval.*

*The rationale for this development was to return the Otmoor Lodge to profitability by expanding its accommodation by 23 bedrooms. The houses were required only to provide funding for this expansion.*

*The project was approved on the basis that retention of village facilities would outweigh the strong presumption against inappropriate development in the Green Belt.*

*The chequered planning history of this site led to Cherwell District Council imposing the sensible condition that development of the houses and hotel extension should proceed in tandem, to prevent the houses being sold before the hotel bedrooms were built.*

*This application does not include any expansion of the Otmoor Lodge, only a superficial refurbishment of the bar and kitchen. However, the requirement to build all 4 houses is still included and it is requested that 2 of these are built before any improvements are undertaken on the hotel.*

*In strict planning terms, a change in financial circumstances does not constitute grounds for amending a planning approval.*

*The Parish Council **objects** to the proposal to condition 5 of 06/01927/OUT, on the grounds that this would remove an essential control on the phasing of this project and would invalidate the claimed rationale for the entire development.*

*The Parish Council would favour the reinstatement of a pub, shop and PO but only if they will remain open on an ongoing basis as a village facility. It does not consider that it is necessary to build 4 large houses on Green Belt land to achieve this end."*

- 3.2 Oxfordshire County Council (as local highway authority) raise no objections.
- 3.3 Oxfordshire County Council Planning Archaeologist raises no objections.



## 4. Relevant Planning Policies

South East Plan 2009 -	Policies	CO4, BE1, H4 and H5
Adopted Cherwell Local Plan 1996	Saved Policies	GB1, C28 and C30
Non-Statutory Cherwell Local Plan 2011	Policies	GB1 and D3

## 5. Appraisal

- 5.1 It can be seen from the history of planning applications on this site that since 2005 this Council has embarked on a sequence of decisions which were based on the acceptance that enabling development in the form of four houses, was needed to be able to ensure the long-term viability of this public house/restaurant/hotel facility. Furthermore the officers successfully negotiated the provision of a shop (to replace that which had been recently closed) as a further benefit. That was a closely balanced and significant decision as it allowed development in a Green Belt village which was contrary to the policies then (and now) existing which have a presumption against inappropriate development.
- 5.2 It is unfortunate that by the time the applicant had achieved a form of reserved matters approval that all were satisfied with the economic downturn of 2008/9 had occurred, and the availability of finance for this form of development was severely curtailed. Your officers are aware of the persistent activity of the applicant with prospective development partners, but this to date has been to no avail. In the meantime the applicant has also taken the economic decision to close the premises to avoid on-going losses. It is therefore understandable that the applicant should look at another way of bringing the development forward.
- 5.3 As I am sure is clear, the thrust of this application is to remove the condition which was first applied in 2006, and has been a persistent feature of subsequent applications to revise the scheme. By the removal of this condition the applicant seeks to ensure that this development, (which otherwise would be considered unacceptable) can be undertaken independently. It can therefore no longer be considered to be enabling development, in the common understanding of the phrase. Apparently the applicants only offer in enabling terms is now that the funds so raised would be applied to ensure that the existing business could re-open with a refurbished bar and kitchen, and with a shop to be opened within the building (current application 11/01720/F seeks permission for this to be provided within the building rather than in own extension to the front as previously approved (09/00936/F)).
- 5.4 In October 2010 in dealing with the proposal (10/01021/F) to amend condition of the permission for the 4 houses approved in 2008 (07/02478/F) the Council indicated that it was prepared to restructure the phasing proposals of the development to reflect the economic situation. However this was still based on the full, but phased, provision of hotel bedrooms as a function of allowing residential development. This remained true to the applicant's original contention that the best method of ensuring long-term viability for this business was the formation of additional hotel

accommodation.

- 5.5 This application requires a difficult assessment of whether the allowing of 4 houses in a Green Belt situation, and contrary to the normal presumption against such development, is outweighed by the benefit to the community of the provision of a shop and the re-opening of the pub/restaurant business. The offered guarantee of future trading is relatively short (albeit that it is understood why the applicant does not feel able to offer anything further). On balance I consider that this benefit is insufficient to warrant the relaxation of this condition. Allowing it would run counter to the previously accepted position. It may result in the construction of 4 houses (contrary to normal policy) in return for only an undertaking of 5 years of shop/pub trading. This is an unsatisfactory position in my view.
- 5.6 Notwithstanding the above comments Members should be aware that the HPPDM is contemplating the approval of the renewal of the previous outline permission (application No. 11/01663/OUT) under delegated powers on the same basis as previously (as amended by the 2010 decision of the Committee re: phasing)., so that the applicant can continue if he wishes, to try to find funding for the previously envisaged arrangements

## 6. Recommendation

### Refusal

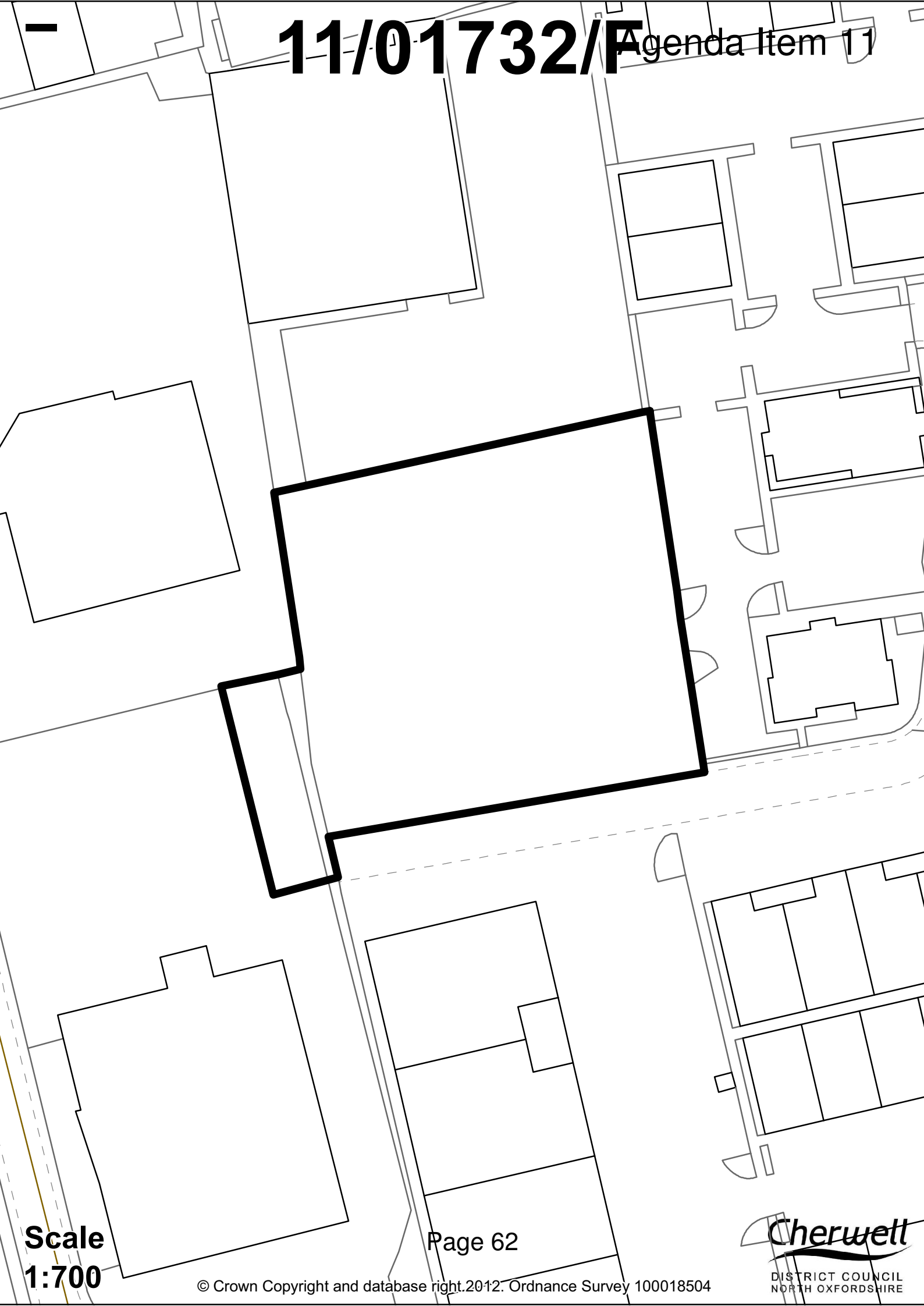
#### On the grounds that:

**The removal of the linkage between the construction of the houses and the guarantee of the subsequent construction of the hotel extensions takes away the fundamental reason why the Local Planning Authority had favourably considered this development in the Green Belt contrary to its usual policies, which was based on the concept of these houses being enabling development which would promote the long-term viability of this village facility. The Council does not consider that the now offered arrangements are sufficient to outweigh the presumption against such housing development in the Green Belt and that therefore the houses would be contrary to Policy GB1 of the adopted Cherwell Local Plan and that the previously expressed very special circumstances would be diminished to the extent that they would no longer outweigh the presumption against such inappropriate development.**

**CONTACT OFFICER:**

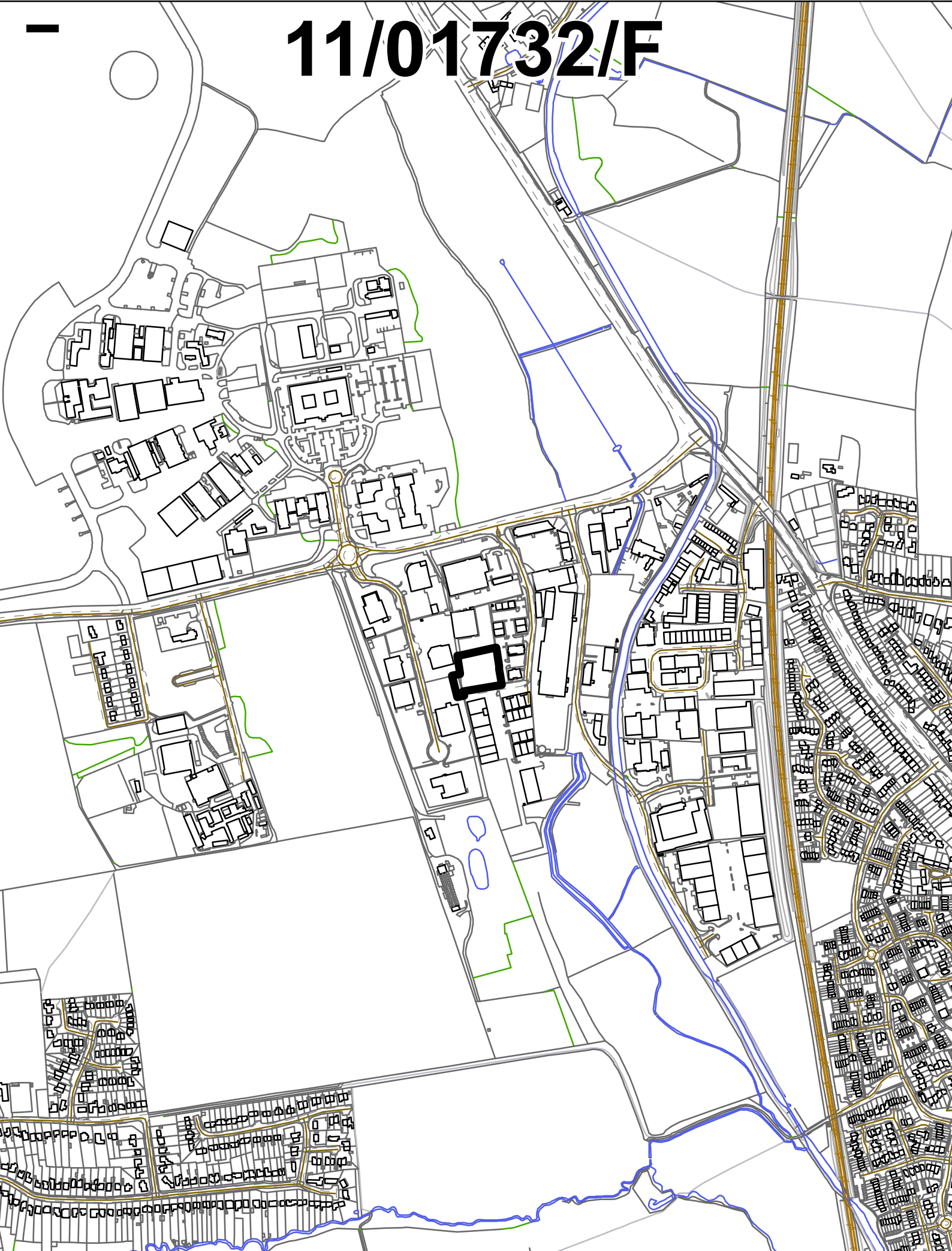
**Bob Duxbury**

**TELEPHONE NO: 01295 221821**



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# 11/01732/F



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application No: 11/01732/F</b>		<b>Ward: Kidlington</b>	<b>Date Valid: 16/11/11</b>
<b>Applicant:</b>	Hartwell PLC		
<b>Site Address:</b>	Oxford Office Village, Langford Lane, Kidlington		

**Proposal:** Three storey structure containing a service area, workshop and car parking area

## 1. Site Description and Proposal

- 1.1 This application relates to the final undeveloped area of the Oxford Office Village development, accessed from Langford Lane, which was previously home to a Dairy Crest facility. The rectangular site, approximately 60m x 55m, is situated to the south and east of the Oxford Motor Park development (the land to the east occupies an elevated position in respect of the application site), to the west of a group of three storey office blocks and to the north of the industrial units that make up Chancerygate. The land is currently used as an unauthorised car park serving the employees of some of the Motor Park franchises.
- 1.2 Planning permission is sought to erect a three storey, metal clad structure, referred to as the Hartwell Service Centre, and which would form part of the Hartwell Dealership on the Oxford Motor Park. The ground floor (including the large double height section) would be used as a service facility incorporating an MOT testing area. The eastern and southern ends of the building on the first floor, not incorporated into the service facility, would be used for administrative purposes. The open top second floor would be used for parking. Aside from the 51 vehicles that could be accommodated on the roof deck, the applicant is proposing to use the space surrounding the building on the northern and eastern boundaries to cater for a similar number of cars and vans.
- 1.3 The proposed Service Centre would have a footprint of approximately 38m x 38m and a height of 8m. The building would create 2,047m<sup>2</sup> of floor space. It would be accessed both from the Oxford Motor Park to the west (1<sup>st</sup> floor level) and the road serving Chancerygate and the Oxford Office Village developments to the south (ground floor level).
- 1.4 The application land was originally going to form part of the Oxford Office Village, a B1 development (04/01852/F refers) that was to have comprised 12 buildings (27 units). Only 5 buildings (11 units) on the eastern side of the site were actually constructed. A later approval (07/02158/F refers), on land comprising just the current application site, gave permission for a revised B1 scheme to that which had been previously permitted under the 2004 application. This consent has been allowed to lapse and as a result there are no extant permissions on the application site.
- 1.5 Of relevance to the current application, Members may recall approving a scheme at the beginning of 2008 (07/02531/F refers) to allow for the erection of a double deck car park in the north western part of the original Oxford Office Village site. The land surrounding the car deck was later given temporary permission, since made

permanent (09/00214/F and 11/00719/F respectively refer), to be used for additional car storage in connection with the Mercedes dealership. Members should also be aware that planning permission was recently given for the refurbishment of the showrooms which form part of the wider the development site (11/01731/F refers).

## **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 30<sup>th</sup> December 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 Landscape Officer has commented at the time of writing
- 3.4 The Anti-Social Behaviour Manager raises no objection to the proposed lighting scheme
- 3.5 OCC Highways Liaison Officer raises no objections subject to condition. The Officer and the applicant came to an agreement over an appropriate transport contribution
- 3.6 OCC Drainage Officer raises no objections subject to condition
- 3.7 The Ecology Officer raises no objections subject to condition
- 3.8 London Oxford Airport 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
- 4.2 Policies RE3, NRM5, T4 and T5 of the South East Plan 2009
- 4.3 Policies EMP3, ENV1, ENV12, C2 and C28 of the adopted Cherwell Local Plan

## **5. Appraisal**

- 5.1 The key considerations for this application are the acceptability of the principle, design and highway safety/parking.
- 5.2 As regards the principle, it could be argued that as a large proportion of the space is given over to parking, the proposal does not strictly accord with EMP5 of the

NSCLP which seeks to protect existing employment sites from other uses. However, it would be difficult, in the opinion of the HPP&DM, in the light of the aforementioned approvals on the land to the north to take a firm line as they set a very strong precedent.

- 5.3 When approving the Mercedes application in 2009 it was recognised that the changing nature of car dealerships required that more vehicles for sale were kept on site and that there was a need to support the demand for the lucrative after sales care side of the industry. This current application reflects that trend.
- 5.4 Any policy objection is therefore mitigated by Policy EMP3 of the CLP, which relates specifically to the Kidlington area, and states 'that it is not the intention of this plan to inhibit the continued prosperity of existing firms'. This attitude to economic development in sustainable locations is also reflected in Government guidance contained within PPS4, paragraph EC10.1:
- “Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.”
- 5.5 The HPP&DM is therefore satisfied that the planning benefit in securing the future of an existing operation, which will result in additional 29 jobs being created, outweighs the possible conflict with Policy EMP5 of the NSCLP. Further, the planning history appears to demonstrate that there has been limited demand for additional office space in the area, even prior to the downturn in the economy.
- 5.6 Turning to design the absence of a roof structure above the parking floor has helped to limit the height and make the building less conspicuous in the street scene - the surrounding buildings, with the exception of the car deck to the north are all taller than the proposed structure. The metal clad exterior of Service Centre would be very much in keeping with the Chancerygate development and the buildings on the Oxford Motor Park.
- 5.7 The impact on the neighbouring businesses should be minimal and it is unsurprising that there have been no objections. Following clarification from the agent in respect of the proposed lighting scheme, the Council's Anti-Social Behaviour Manager has not raised any objections to the scheme. One of the businesses operating from the adjacent Oxford Office Village reasonably argued, in respect of the Mercedes application, that appropriate planting around the perimeter would soften the impact of the development. Likewise suitable landscaping along the eastern elevation of the current application site would have a similar outcome and is therefore proposed by condition.
- 5.8 The Highways Officer is satisfied with the parking and access arrangement. The parking spaces outside the Service Centre will be used to store cars awaiting repair and or a service. The remainder of the spaces will be used for customer parking and catering for the needs of employees working on site and in the nearby Ford and Vauxhall dealerships. The Highways Officer acknowledges the benefit of removing 8,500 two way trips between the Motor Park and the application site which, as previously mentioned, is currently used as an overflow car park for Motor Park employees. Following negotiations between the County Council and the agent, an appropriate transport contribution (approx. £2,000) was agreed.

- 5.9 The applicant's agent queried, based on comments supplied by their specialist advisor, whether additional contamination investigations are required given the limited risk posed. The Council's Environmental Protection Officer still feels, however, that further on-site testing will be required to ensure that there is no risk to human health. The conditions recommended by the Environmental Protection Officer are therefore set out below in order that the development complies with PPS23: Planning and Pollution Control and Policy ENV12 of the CLP.
- 5.10 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 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 receipt of the completed unilateral undertaking and no objections being raised by London Oxford Airport 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. **Before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with plans (55450-105 Rev A & 55450-107 Rev B) hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking of vehicles at all times.**

**Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government advice in PPG13:**



**Transport and Policy T4 of the South East Plan 2009.**

- 7. Within 4 months of the development's first occupation a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.  
Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance Policy T5 of the South East Plan 2009.**
- 8. Prior to commencement of development a construction travel plan is to be submitted to and approved in writing by the Local Planning Authority.  
  
Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.**
- 9. The external lighting scheme shall be in accordance with the approved plan produced by Holophane and dated 10 November 2011 and the further detail contained within an email from the applicant's agent dated 9 January 2012 unless otherwise approved in writing by the Local Planning Authority.  
  
Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan.**
- 10. 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.**
- 11. No removal of trees or scrub to take place between the months of March to July inclusive.  
  
Reason - Nesting birds are protected from harm or disturbance under the Wildlife & Countryside Act 1981 (as amended).**
- 12. A potential risk from contamination has been identified in Ground Investigation Specialist Desk Study Investigation (Report no. 1089, dated October 2011). 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.

13. If contamination is found by undertaking the work carried out under condition 12, 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.

14. If remedial works have been identified in condition 13, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition y. A verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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.

15. **6.4AB Commercial: No Extensions**

**Planning Note**

1. In respect of condition 8 wheel washing facilities will be required to deter debris being carried onto the public highway.

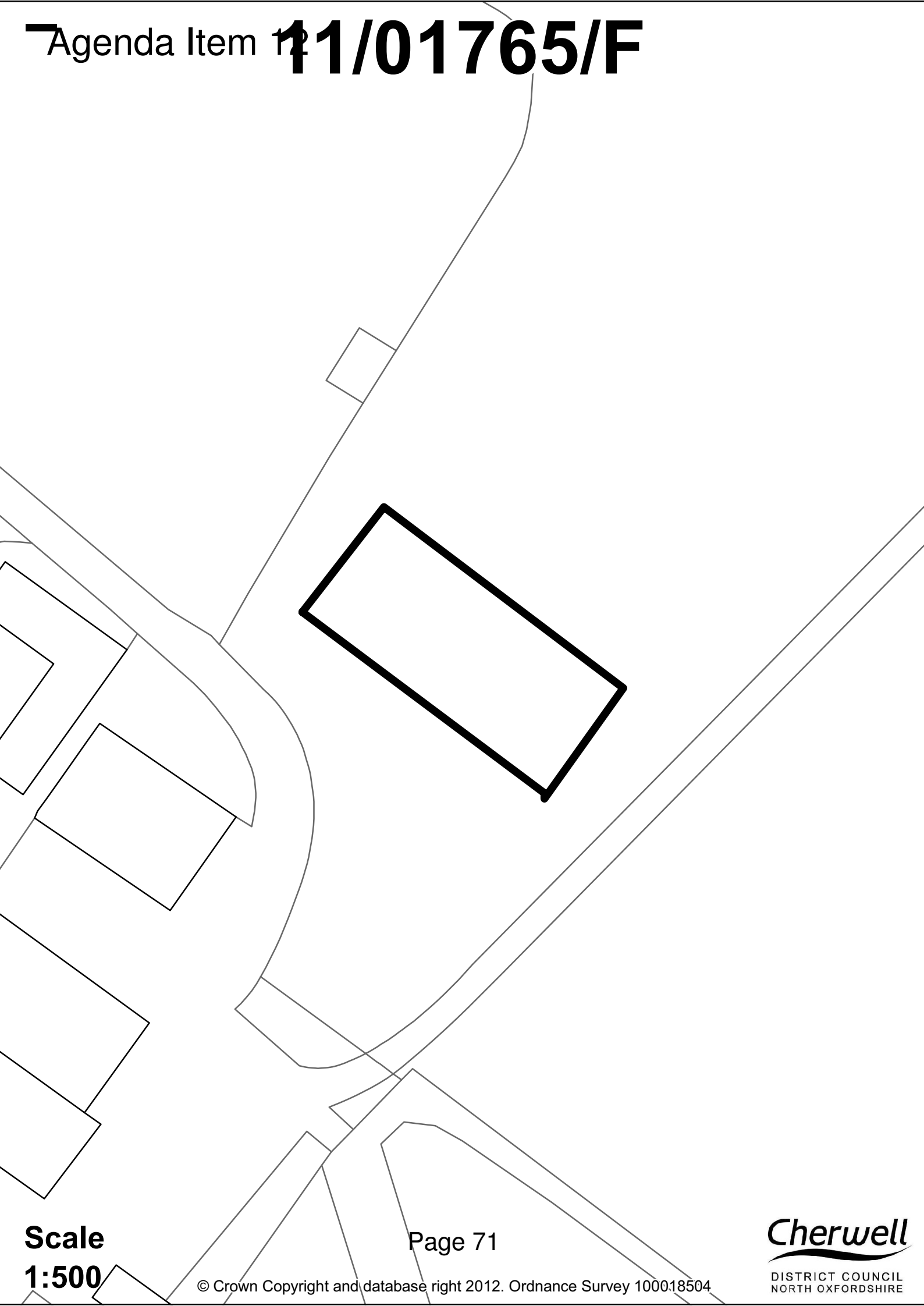
**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

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 area 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 local wildlife. 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 Policies RE3, NRM5, T4 and T5 of the South East Plan 2009 and Policies EMP3, ENV1, ENV12, C2 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**



# 11/01765/F



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Applicant:** D J Oakley & Son, Grange Farm Estates

**Site Address:** Grange Farm, Godington

**Proposal:** Erection of tennis court

**1. Site Description and Proposal**

- 1.1 The site is within an agricultural field associated with Grange Farm. The farm complex consists of the main house, with a range of former agricultural buildings set at the rear which have been converted to holiday lets with some stabling. A range of operational agricultural buildings exists further to the south east of the main house. The main house has a large area of hardstanding to the front and rear, with landscaped land to the north and north west.
- 1.2 Grange Farm is located at the end of a no through road, set within open countryside. A bridleway (BR225/8) runs east to west through the centre of the site, running past the southern end of the proposed tennis court.
- 1.3 The proposal involves the erection of a 24 x 11 metre tennis court, surrounded by a tubular steel fence measuring 3 metres in height around the main sides and ends, stepping down to a 1 metre high access gate on the south eastern side. The agent has stated that an indigenous landscape strip will be planted along the north eastern side of the court..

**2. Application Publicity**

- 2.1 The application was advertised by way of a site notice. The final date for comment was 30<sup>th</sup> December 2011.
- 2.2 No representations have been received.

**3. Consultations**

- 3.1 **Godington Parish Meeting** raises no objection to the proposal, but requests that a condition be imposed to prevent floodlighting around the court.
- 3.2 **The Council's Environmental Protection Officer** – no comments received.
- 3.3 **The Council's Landscape Officer** has concerns about the location of the development on the grounds that it would extend the mass of the complex of buildings in an inappropriate way.
- 3.4 **The Council's Rights of Way Officer** – notes that the agent did not declare the existence of the public right of way (BR225/8) passing through the site. The bridleway runs along the access track identified in the application, but does not cross the proposed tennis court. No diversion or mitigation will be required.
- 3.5 **The County Council's Archaeologist** raises no objection to the proposal, subject to the imposition of an informative to notify the County Archaeologist if archaeologically significant finds are discovered during the course of construction.

<b>4</b>	<b>Planning Policy</b>	
4.1	Adopted Cherwell	C8 – Sporadic development in open countryside C28 – Standards of layout, design and external

	Local Plan 1996	appearance
4.2	Non-Statutory Cherwell Local Plan	EN34 – Character and appearance of landscape
4.3	South East Plan 2011	CC6 – Character of the Environment C4 – Landscape and Countryside Management
4.4	National Policy	PPS1: Delivering Sustainable Development PPS7: Sustainable Development in Rural Areas

## 5. Appraisal

5.1 The assessment of this application is based on the following criteria;

- The principle of the development and national policy
- Landscape and visual impact

### 5.2 Principle

The proposed site lies within an agricultural, arable field, approximately 85 metres to the north east of the main house. The site is not within the curtilage of the dwelling and is considered to lie within the open countryside.

- 5.2.1 One of the main objectives of Planning Policy Statement 7 is to promote more sustainable patterns of development, through continued protection of the open countryside for the benefit of all. Specifically, paragraph 1 iv) states that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.
- 5.2.2 The Policies contained in the South East Plan, Adopted Local Plan (ALP) and equivalent policies within the Non Statutory Plan all echo this requirement. In particular, Policy C8 within the ALP states that sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained.
- 5.2.3 The parcel of land is open, flat and rural in character. It is bound to the north west by a mature hedgerow, to the east by a sparse, immature hedgerow with the land to the south being open with no boundary treatment. The proposed location of the tennis court is such that it is divorced from the relatively tight knit collection of existing buildings associated with the main house and agricultural operations. The location of the bridleway (directly to the south of the proposed court) renders the site highly prominent and visible from this public vantage point.
- 5.2.4 Several alternative locations for the proposed tennis court have been explored with the applicant's agent. The land to the north/north west of the main house was discounted given that the land has been substantially landscaped with trees that are now maturing and the agent states that there is nowhere else within the garden to place a tennis court. Similarly, the land immediately to the south of the main house was dismissed due to the presence of a ground source heat pump (GSHP). The tennis court contractors have advised against construction in this location due to all of the GSHP underground apparatus.
- 5.2.5 The Council's Landscape Officer has also suggested a further alternative location in line with the barn to the SW of the farm. This would locate it away from the bridleway and would be screened by an existing hedge on the SE side and some additional planting would be required to partially screen it on the north western side. The applicant's agent has confirmed that they do not wish to relocate the tennis court to this position and would prefer the current application to be determined.

5.2.6 It is therefore considered that due to the open, rural nature of the site and proposed siting of the tennis court beyond an established group of existing and former agricultural buildings, the proposal represents sporadic development within the open countryside and thus fails to comply with national, regional and local planning policy which seeks to protect the countryside from such development.

### 5.3 Landscape and visual impact

5.3.1 As noted above, the site is situated on a flat, open area of agricultural land which is highly prominent and visible from the public bridleway running through Grange Farm and to the south of the proposed tennis court. The Council's Landscape Officer has noted that the proposal would extend the mass of the complex of buildings in an inappropriate way. This not only causes harm to the rural character of the area through the encroachment of built development into the open countryside, but also sets an undesirable precedent for further applications of a similar nature, which in equity, would be difficult to resist.

5.3.2 The visual impact of the development is further compounded by the introduction of high, steel mesh fencing around the perimeter of the court, measuring 3 metres in height. Whilst the applicants intend to plant an indigenous hedge along the north eastern side of the court, this will take time to mature and provide an effective screen. Furthermore, it will not screen views of the court from the bridleway to the south or approaching from the road side (to the north west).

### 5.4 **Conclusion**

It is considered that the principle of erecting the tennis court in the proposed location is contrary to established planning policies which seek to protect the countryside from sporadic development. Due to the nature of the surroundings and the prominence of the site from the public bridleway, the structure would be visually jarring and at odds with the open, flat, rural character of the site. Notwithstanding the fact that each application is assessed on its own merits, the approval of this application is likely to set an undesirable precedent for further encroachment into the open countryside, with consequential incremental erosion of the rural landscape. Given the foregoing conclusions it is recommended that the application be refused for the reason set out hereto.

## **6. Recommendation**

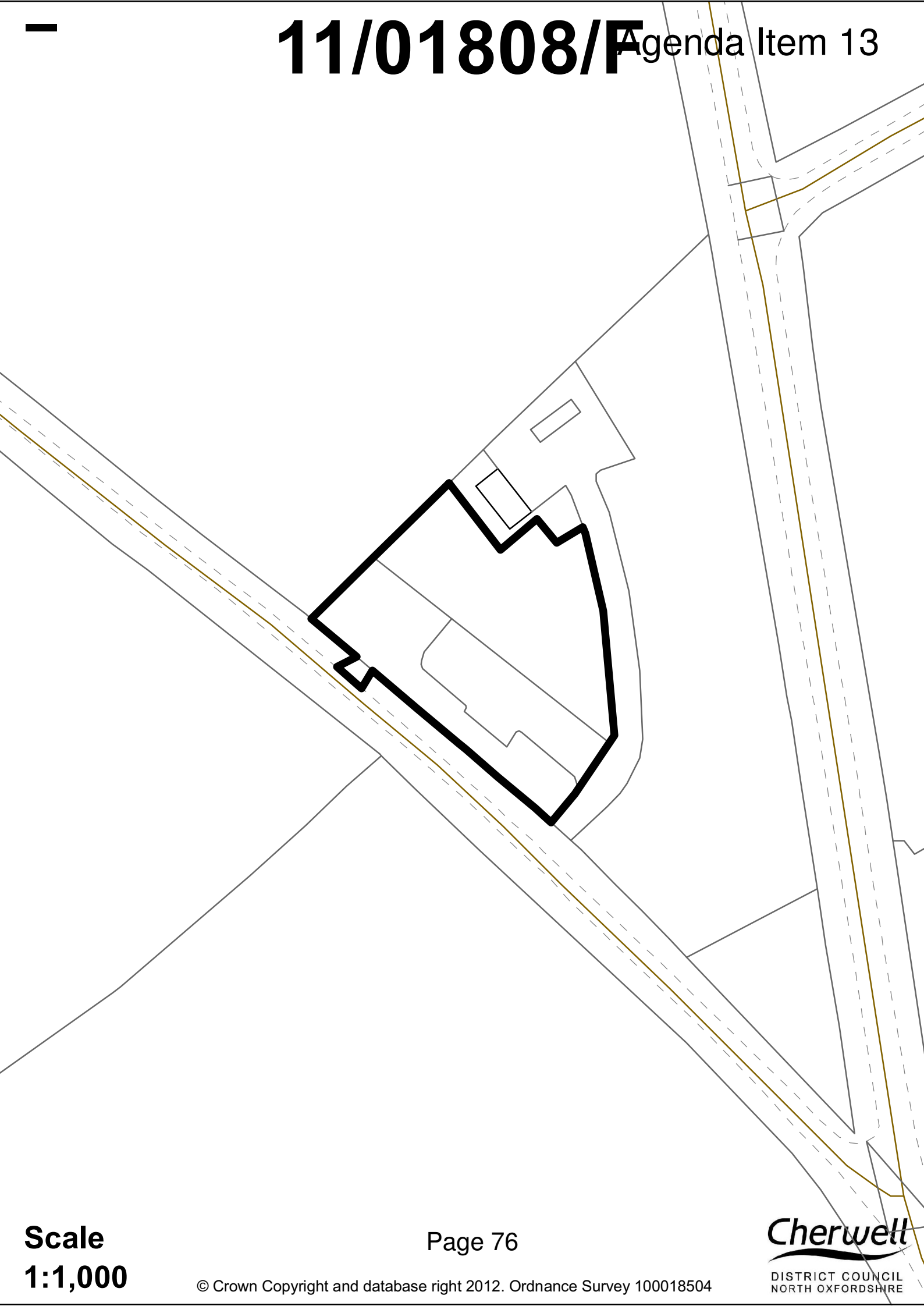
**Refusal**, for the following reason:

1. The proposed development on this area of open agricultural land will extend built development into the surrounding open countryside and will harm the rural character and appearance of the area which contributes to the rural setting of the public bridleway running to the south of the proposed site (BR225/8). As such, the proposal is contrary to central Government guidance contained in PPS1: Delivering Sustainable Development, PPS7: Sustainable Development in Rural Areas, Policies CC6 and C4 of the South East Plan 2011, Policy EN34 of the Non Statutory Cherwell Local Plan 2011 and Policies C8 and C28 of the Adopted Cherwell Local Plan 1996.

**CONTACT OFFICER:** Laura Bailey

**TELEPHONE NO:** 01295 221824





# 11/01808/F



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application No:</b> 11/01808/F	<b>Ward: Cropredy</b>	<b>Date Valid: 14.09.11</b>
<b>Applicant:</b>	Mr Thomas Doran	
<b>Site Address:</b>	Stable Block Corner, Farnborough Road, Mollington	

**Proposal:** Erection of day-room – re-submission of 11/00430/F

## 1. Site Description and Proposal

- 1.1 The site is situated at the address known as Stable Block Corner which is located within the wider triangular site immediately to the north of the junction between Farnborough Road and the A423 Southam Road and approximately 600m north of the village of Mollington. Access to the site in question is via the northern most access to the site from Farnborough Road. The area is locally designated as an Area of High Landscape Value.
- 1.2 The application seeks permission for the construction of a single storey day room measuring approximately 10.5m x 7.5m and standing at 4.3m to the ridge. The day room would be clad in brickwork under an interlocking concrete tile roof and would be fenestrated on the front, rear and south west elevations.
- 1.3 Planning Permission was granted for the use of this particular part of the site as a residential caravan site for two Gypsy families in 2009 (planning ref: 09/0622/F).
- 1.4 The building is proposed to be situated adjacent to the north west boundary hedge at right angles to an existing day room on the land which relates to the other gypsy family on the site.
- 1.5 The proposed red line for the application includes land which is not authorised for use as gypsy residency and as such an amended plan is required prior to the determination of the application.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a site notice attached to a road sign and the Farnborough Road/Southam Road junction. The final date for comment was 12 January 2012.
- 2.2 Two letters of representation have been received which raise the following issues (see Public Access for full content):
  - Environmental eye-sore
  - Creeping expansion
  - Detrimental visual impact
  - New buildings not normally allowed on agricultural land
  - No statutory requirement for a day room
  - How can CDC ensure not used for accommodation?

- Conditions are ineffectual/failure to enforce
- What extra drainage is proposed?
- Object to any further development
- Why is CDC not providing other gypsy sites?

### 3. Consultations

- 3.1
- **Mollington Parish Council** objects strongly to application for the following reasons (see Public Access for full content)
    - Several outstanding conditions
    - Enforcement yet to take place
    - Several commercial vehicles on site
    - New mobile home has recently entered the site
    - Well over the maximum permitted touring caravans
    - Several HGV containers
    - Significant amount of hedgerow removed
    - Site clearly visible from both the Farnborough and Southam road not just in the winter months.
    - Site is in an Area of High Landscape Value.
    - Compare this site with other caravan sites in the vicinity.
    - Planning Committee Members should visit the site.
    - Errors with Design and Access Statement
    - No statutory requirement for a day room
    - No building should be allowed the site.
    - Draft policy has led people to believe that the system is unfair and has led to tension and undermined community cohesion.
    - Unwillingness by CDC to enforce conditions
    - Application could be viewed as an attempt to build before Circular 01/2006 is replaced.
    - Site becoming increasingly intrusive in what was a pleasant rural setting.
    - To allow further development would be inappropriate.
  - **OCC Highways** raises no objections to the proposal subject to the use remaining ancillary and as proposed
  - **CDC Landscape Officer** states that the field boundary hedge on the NW side of the site in the direction of Farnborough is rather thin at the base during winter so there will be some visibility as you approach from that direction. No additional impact from the approach off the A423 or the A423. The door is close to the post and rail fence - there should be some hardstanding shown around the entrance. Additional planting to reinforce the base of the existing hedge is recommended.

### 4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPG13: Transport
- 4.2 South East Plan  
Policy CC1 (Sustainable Development) and C4 (Landscape and Countryside Management)

- 4.3 Adopted Cherwell Local Plan  
Policies C13 (AHLV) and C28 (Standards of layout, design and external appearance)

## 5. Appraisal

- 5.1 The key considerations for assessment, which are set out below, are:

Principle  
Visual Impact/Area of High Landscape Value  
Highway Safety

### 5.2 Principle

- 5.2.1 With regard to the principle of the proposed day room, the authorised use of the land on which it is proposed is for a residential caravan site for gypsy families. In which case, any development ancillary to such a use could be considered to be acceptable in principle, subject to all other material planning considerations.
- 5.2.2 Whilst the specific requirements of a gypsy and traveller site is not covered in National or Local Policy (which make reference to the need for gypsy sites and their location), the Communities and Local Government (CLG) Good Practice Guide for Designing Gypsy and Traveller Sites has been published to concentrate on more specific issues relating to Gypsy and Traveller sites, which are referred to more generally in PPS3: Housing. The Good Practice Guide states that it is essential for an amenity building to be provided on each pitch and include, as a minimum a hot and cold water supply; an electricity supply; a separate toilet and hand wash basin, a bath/shower room, a kitchen and dining area.
- 5.2.3 The requirement for an amenity room in relation to each gypsy pitch therefore is recognised by national government, and with regard to the specific merits of the scheme, these are discussed below.

### 5.3 Visual Amenity/Area of High Landscape Value

- 5.3.1 The site is not particularly visible in longer distant views on approach to the site from both directions on the Southam and Farnborough Roads. There is sufficient natural screening on all sides of the site to obscure such views.
- 5.3.2 In shorter distant views, the site becomes more apparent from the west (from the Farnborough Road) and from the east (from the Southam Road). Views of the static and touring caravans, the stable block, fencing and vehicles can be seen through the existing boundary treatments from the adjacent highways. And whilst the site does present a different character area to the wider rural setting and area of High Landscape Value within which it is located, the use of parts of the site as residential use for gypsy families is authorised together with the siting of static and touring caravans.
- 5.3.3 Reference has been made by the Parish Council and third parties to the fact that previous conditions have not been complied with which includes the siting of the caravans and a landscaping scheme to reinforce existing planting, which were imposed to protect the visual amenities of the area. The Council is currently taking

formal action against these breaches of condition in order to rectify these matters. It would be unreasonable for the Council to refuse to deal with this application based on the fact that there are breaches of condition on the site.

5.3.4 The proposed building would be situated adjacent to the existing north western boundary hedge and within relatively close proximity to the existing stable block (albeit a recently erected close boarded fence divides the two). The proposed location for the building is within the authorised part of the site for gypsy residency and is in accordance with the guidance set out in the CLG Good Practice Guide. The building is low rise with a relatively small footprint (not significantly greater than the former stable block on the site, the authorised use for which is as ancillary accommodation in conjunction with the use of the site by another gypsy family) and would be in keeping, visually with the residential use of the site. In its proposed location it would not be situated in the most visible parts of the site from the road and would be seen within the context of the authorised use. As such it is not considered that the building would cause harm to visual amenity and nor would it be detrimental to the wider area which is recognised locally as one of High Landscape Value. For these reasons, HPPDM is satisfied that the proposed amenity room complies with Policy C4 of the South East Plan and Policies C13 and C28 of the adopted Cherwell Local Plan.

#### 5.4 Highway Safety

5.4.1 The construction of an ancillary day room, the function of which would be to provide additional facilities on the site for the residents who live there, would, by definition not result in increased vehicular movements to and from the site. The Local Highway Authority raises no objections to the proposal subject to the use remaining ancillary and as proposed.

5.4.2 For these reasons I am satisfied that the application complies with PPG13: Transport.

#### 5.5 Consultation Responses and Third Party Representations

5.5.1 The comments made against the application by the Parish Council and third parties are noted and either addressed above or responded to below:

5.5.2 The Council is fully aware of the concerns relating to the visual impact of the site upon the surrounding area and is currently taking formal action to address the breached conditions which are in place to secure further planting and the siting of the caravans in order to reduce the impact of the site on the wider area.

5.5.3 Planning permission has been granted to use parts of the site for gypsy residency and as such it is no longer in agricultural use, therefore the normal policies of constraint on agricultural land (other than for agricultural buildings) do not apply.

5.5.4 The proposed development is for a day room, which by its very nature is ancillary accommodation to the existing residential use on the site. Therefore if this application is approved there would be no planning permission for the building to be used as a separate unit of accommodation. Use of the building as such would be unauthorised.

- 5.5.5 HPPDM is fully aware of the breaches of condition on the site and the HPPDM has instructed that enforcement action against these breaches be taken and this is currently underway.
- 5.5.6 A drainage scheme has previously been approved. No details are submitted with this application as to how the building would be linked to the approved drainage scheme, therefore a condition requiring the details of the drainage scheme for the building is recommended below.
- 5.5.7 Third parties are within their rights to object to any further development on the site, however the Council must give full consideration to any application submitted which will be assessed on its own merits.
- 5.5.8 Other Gypsy sites are available around the District and the provision for pitches has recently been expanded (with planning permission).
- 5.5.9 All breaches of condition are being addressed through formal channels (number of caravans permitted, commercial vehicles in excess of 3.5tonnes, HGV containers).
- 5.5.10 HPPDM notes the Parish Council's views about the draft policy and their wish for Members to view the site prior to a decision being made.

## **6. Recommendation: Approval**

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.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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-TD-4a and 1073-TD-7a and 1073-TD-3a.

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. S.C. 4.21aa (RC19aa)

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

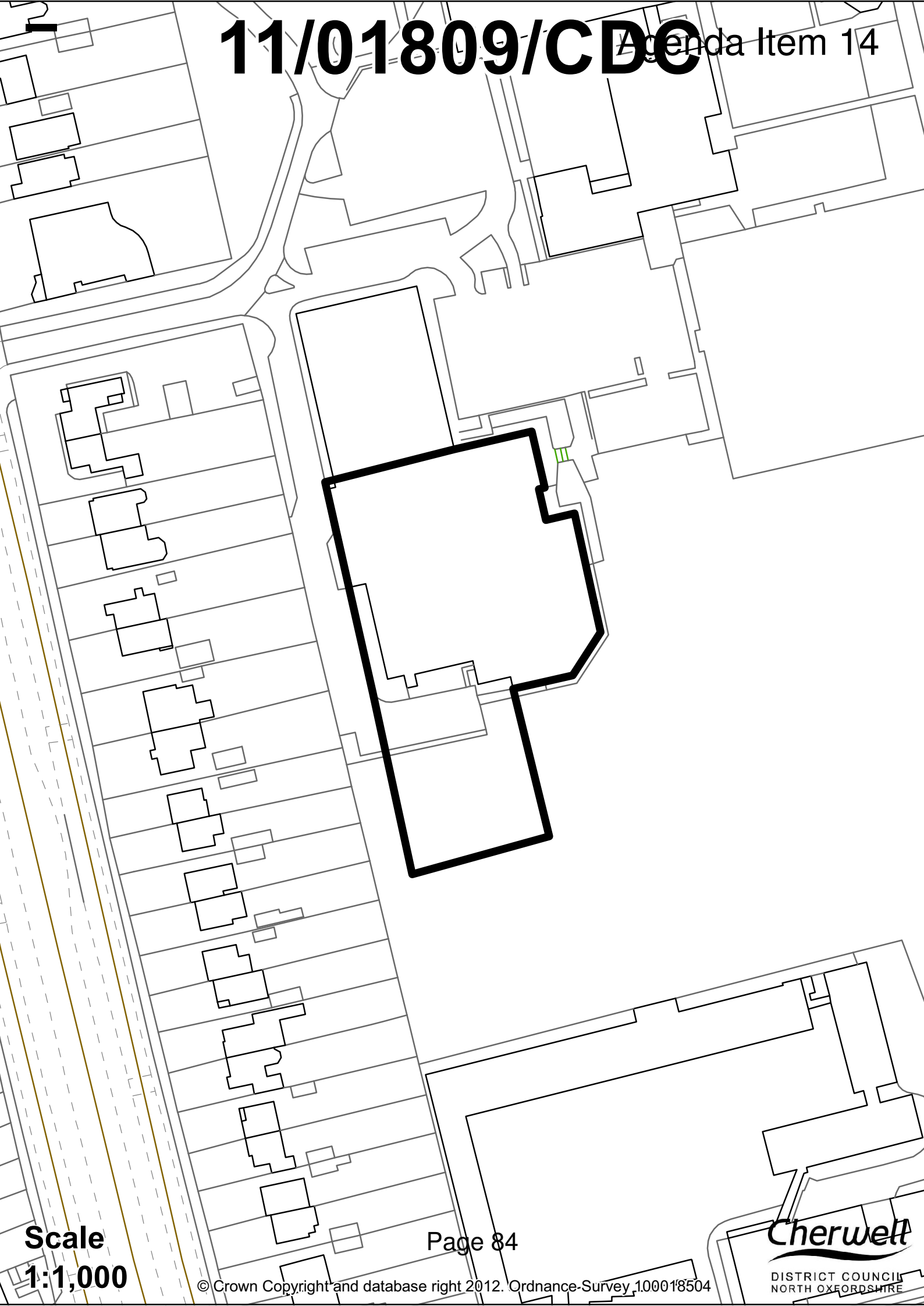
**The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable in principle and on its**

planning merits as the proposal would not cause harm to visual amenity, the area of High Landscape Value and is acceptable in terms of its design and external appearance. Furthermore it would not be a risk to highway safety or convenience. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS3: Housing, PPG13: Transport, Policies CC1 and C4 of the South East Plan 2009 and Policies C13 and C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

**CONTACT OFFICER: Jane Dunkin**

**TELEPHONE NO: 01295 221815**

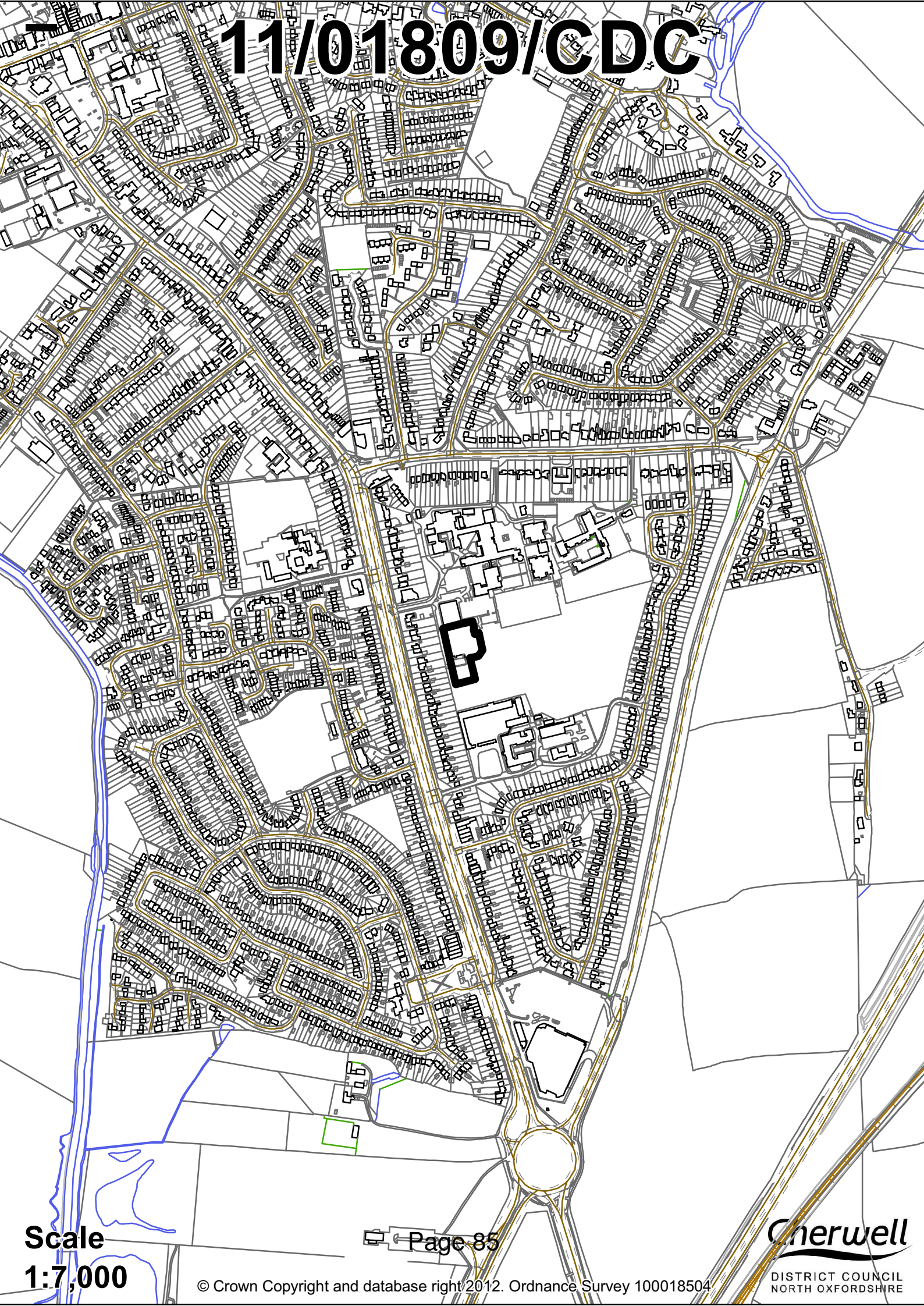




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**Oxford**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE



<b>Application</b> 11/01809/CDC	<b>No:</b>	<b>Ward:</b> Gosford Eaton	<b>Yarnton, and Water</b>	<b>Date</b> 01/12/2011	<b>Valid:</b>
<b>Applicant:</b>	Cherwell District Council				
<b>Site Address:</b>	Kidlington and Gosford Sports Centre, Oxford Road, Kidlington, Oxfordshire, OX5 2NU				

**Proposal:** Installation of 415 PV panels on roof

## 1. Site Description and Proposal

- 1.1 Kidlington and Gosford Sports Centre is situated to the east of the Oxford Road to the rear of houses fronting the Oxford Road and is accessed via the service road, which runs along side the main Oxford Road in Kidlington. The site shares an access with Gosford Hill School, which is just to the north of the sports centre. To the south is the Thames Valley Police Headquarters. The site is outside a designated conservation area and there are no listed buildings within proximity. The site is within 2km of the Rushey Meadows SSSI and may have some archaeological interest; however there are no other site constraints.
- 1.2 This application seeks planning permission to install 415 PV panels (240w each) onto the roof of the sports centre, which would be positioned on the west elevation of the sports centre. The panels would be arranged in three separate blocks. The estimated annual energy generation would be 81MWh and the estimated annual carbon saving would be 43 tonnes. Each panel measures 1640mm X 992mm and would have a minimal projection from the roof slope of the sports centre. The proposed panels are dark grey on a dark grey mounting, which is the most appropriate colour as it allows the optimum amount of energy to be produced.
- 1.3 Planning history  
07/01456/F (Permitted) Demolition of sports hall and use of site for car parking. Refurbishment of sports centre including new pool hall roof and construction of new sports hall

## 2. Application Publicity

- 2.1 The application has been advertised by way of a site notice. The final date for comment is the 19 January 2012.
- 2.2 No third party comments have been received to date.

## 3. Consultations

- 3.1 No comments received from Gosford and Water Eaton Parish Council to date
- 3.2 No comments received from Kidlington Parish Council to date

- 3.3 CDC Ecology – The roof where the solar panels are to be located are not suitable for use by bats and therefore no comments to make
- 3.4 OCC Archaeology – Unlikely to be any impact, however the possibility should be borne in mind

## **4. Relevant Planning Policies**

- 4.1 **National Planning Guidance**  
PPS1: Delivering Sustainable Development and Climate Change Supplement  
PPS22: Renewable Energy  
  
Draft National Planning Policy Framework – July 2011
- 4.2 **The South East Plan 2009**  
Policies: BE1, CC2, NRM16
- 4.3 **Adopted Cherwell Local Plan**  
Policies: C28, C30

## **5. Appraisal**

- 5.1 The key issues for consideration are:  
Principle of the development  
Impact upon visual amenity  
Impact upon the residential amenity of neighbouring properties
- 5.2 Principle of the development  
With regard to the principle of the development, PPS22: Renewable Energy states the Governments intentions to reduce carbon emissions and suggests that renewable energy projects can make an important contribution to reducing carbon emissions and increase reliance on renewable energy sources. PPS22 advises that small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meet energy needs both locally and nationally. The Climate Change supplement to PPS1 similarly contains the Government's intentions to reduce climate change and carbon emissions and gives some guidance on how the planning system can contribute to these targets. As such, and given that this solar array will contribute to renewable energy targets and therefore to reducing carbon emissions helping the Council to reduce their carbon footprint, I consider that the proposal is acceptable in principle.  
The optimum orientation for solar panels is south and shadowing needs to be avoided as this reduces the performance of the PV systems. On the Kidlington and Gosford Sports Centre there are few roof slopes facing directly south that would provide enough space for the amount of solar panels proposed and so the west elevation has been chosen, which should still allow the panels to work efficiently.
- 5.3 Visual amenity  
The sports centre is situated to the rear of the properties which front onto the Oxford Road and so it is not a prominent feature in the street scene. It is therefore considered that the proposed solar panels would not be prominent in the street scene as only glimpses would be possible from the Oxford Road. Views would be

gained from within the site itself, however the sports centre has a modern appearance and the proposed solar panels also represent a modern feature. As such, it is considered that the proposed panels would sit comfortably on the building and are unlikely to cause significant harm to the visual amenity of the area. The proposal is considered to comply with policy C28 of the adopted Cherwell Local Plan.

5.4 Neighbour amenity

The proposed solar panels, due to their positioning would cause no harm to the residential amenity of neighbouring properties by loss of light, over dominance or loss of privacy. The panels would be clearly visible from the neighbouring properties and so their outlook would change to some degree, however as described above given the modern appearance of the building, it is not considered that the positioning of the panels would cause harm in this regard. The proposed solar panels should not cause harm by reason of noise or disturbance or by any reflection or glare due to their low reflective properties. As such, the proposal is considered to comply with policy C30 of the adopted Cherwell Local Plan.

5.5 Other matters

The proposal raises no highway safety implications. The comments of the Council's Ecologist are noted. The comments of the County Archaeologist are noted, however due to the fact that there would be no ground disturbance; it is not considered necessary to include a planning note in relation to this matter.

5.6 Conclusion

Given the above assessment, it is considered that the proposal is acceptable in principle and would cause no serious harm to the visual amenity of the area or the residential amenity of neighbouring properties. As such, the proposal is considered to be acceptable and to comply with the above mentioned policies.

## **6. Recommendation**

### **Approval; subject to the following conditions:**

1. 1.4A (RC2) [Full permission: Duration limit (3 years)]
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: application forms, design and access and planning statement for the installation of roof mounted PV system, solar panel technical information, site location plan and drawing number NA/101 Rev R01  
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.

### **Planning notes**

S1 – Post permission changes

T1 – Third party interests

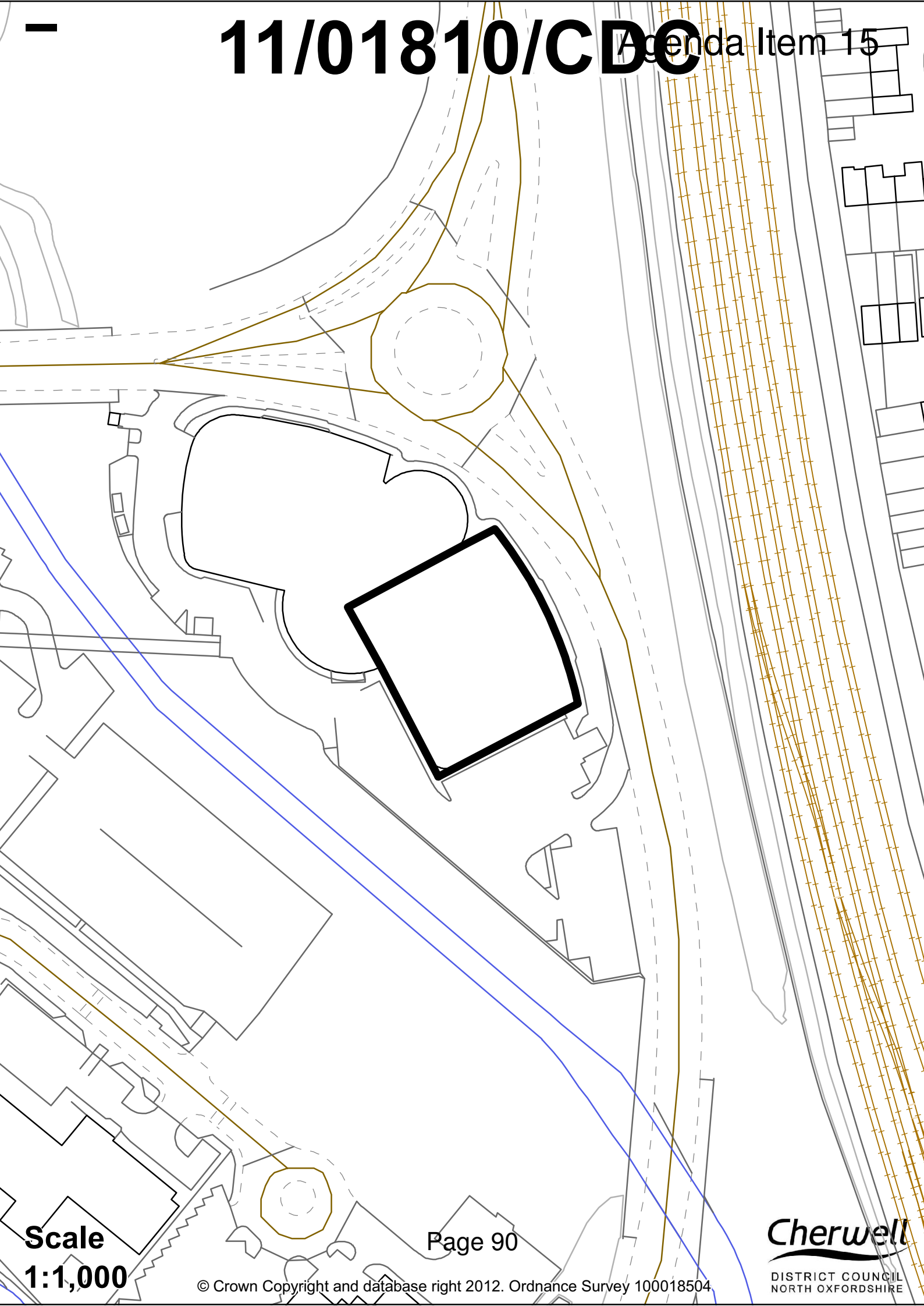
### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

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 makes an important contribution to the use of renewable energy sources without having a significant adverse impact on the visual amenity of the area. Additionally it has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. As such the proposal is in accordance with PPS1: Delivering Sustainable Development, PPS1: Climate Change Supplement, PPS22: Renewable Energy, Policies BE1, CC2 and NRM16 of The South East Plan and Policies C28 and C30 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 Ford**

**TELEPHONE NO: 01295 221823**

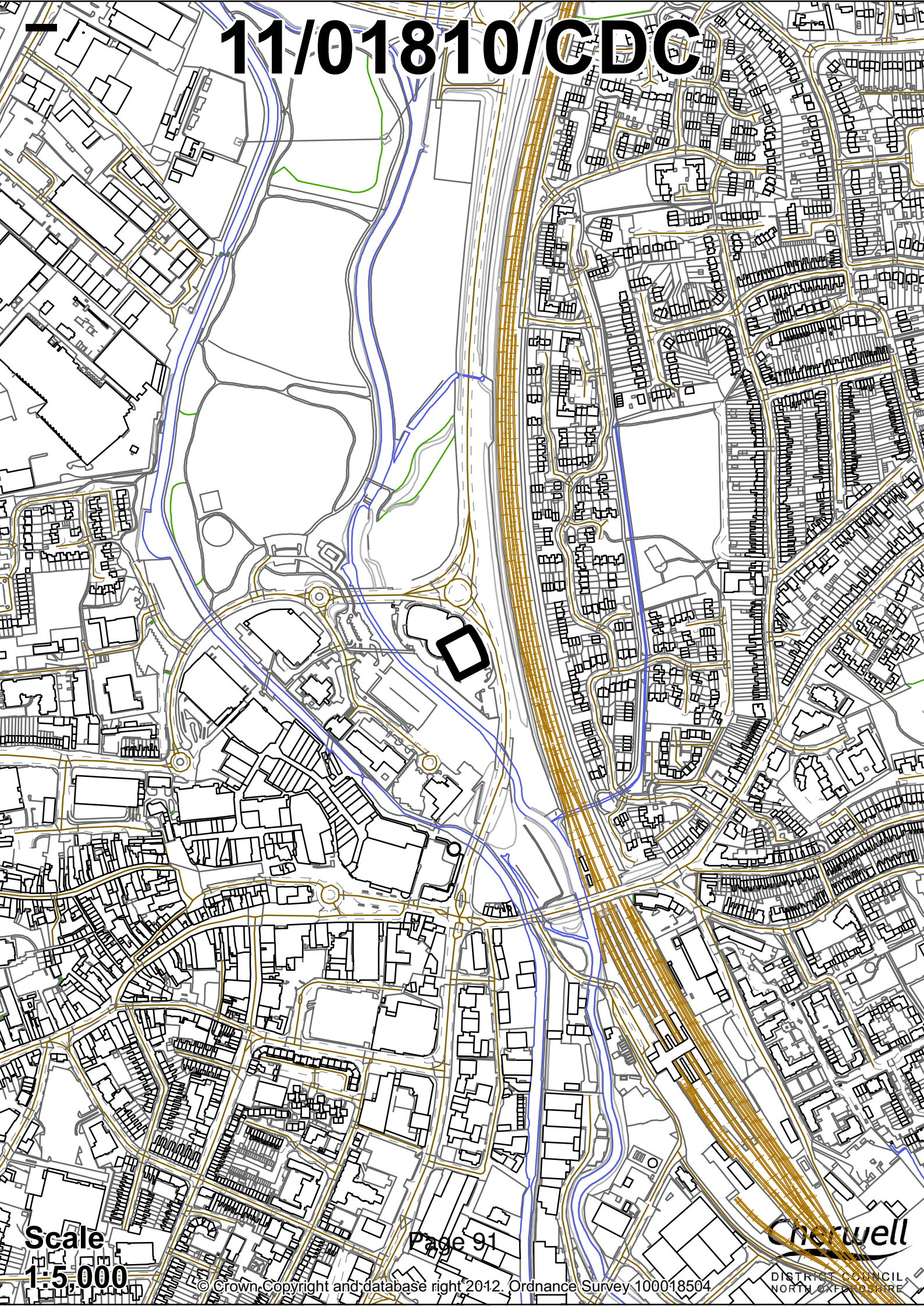


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11/01810/CDC



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**Cherwell**



<b>Application No:</b> 11/01810/CDC	<b>Ward:</b> Banbury Grimsbury and Castle	<b>Date:</b> 01/12/2011	<b>Valid:</b>
<b>Applicant:</b>	Cherwell District Council		
<b>Site Address:</b>	Spiceball Leisure Centre, Cherwell Drive, Banbury OX16 2BW		

**Proposal:** Installation of 240 solar PV panels on existing building roof

## 1. Site Description and Proposal

- 1.1 The application site is the Spiceball Leisure Centre off Cherwell Drive, a purpose built indoor leisure facility. The site lies on the junction of Concorde Avenue/Cherwell Drive and is a large flat roofed modern development that comprises two rectangular wings centred off the main circular atrium.
- 1.2 The proposal is for the installation of solar panels on the flat roof slope on the southern wing. The development proposes 240 solar panels on this roof and is one of a number of similar schemes for Council buildings across the district.
- 1.3 The application is before the Committee as the Council has an interest in the land and buildings.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and site notice. The final date for comments is 12 January 2012.
- 2.2 No third party contributions were received.

## 3. Consultations

- 3.1 Banbury Town Council – No objections raised but comment that access should be provided for any ongoing maintenance.

## 4. Relevant Planning Policies

- 4.1 National Policy Guidance:  
PPS1: Delivering Sustainable Development  
Climate Change Supplement to PPS1
- 4.2 Regional Policy in the South East Plan 2009:  
CC1 – Sustainable Development  
CC2 – Climate Change  
BE1 – Management for an Urban Renaissance
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:  
Policy C28 – Layout, design and external appearance to be compatible with the character of the context of a development proposal

## 5. Appraisal

- 5.1 The key issues for consideration in this application are the visual impact of the proposals, the suitability of the scheme in the context of the site, and the environmental impact of the proposal.
- 5.2 The proposed solar panels will have limited visual impact, given the context in which they are located; the existing wing on which they will be located faces southwards and has a flat roof. Public views will be limited given the height of the building. The impact on the character and appearance of the area will also be minimal given the overall height of the building and the panels will be sited as to minimise their appearance behind an existing parapet.
- 5.3 Their installation will assist in delivering the objectives for sustainable development and climate change mitigation set out in PPS1, its supplements and the relevant policies in the South East Plan.
- 5.4 As such, the proposal is considered to comply with all relevant national, regional and local policies and is recommended for approval.

## 6. Recommendation

### Approval, 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.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing NA/101 Rev RO1

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government Policy contained in PPS1.

### Planning Notes

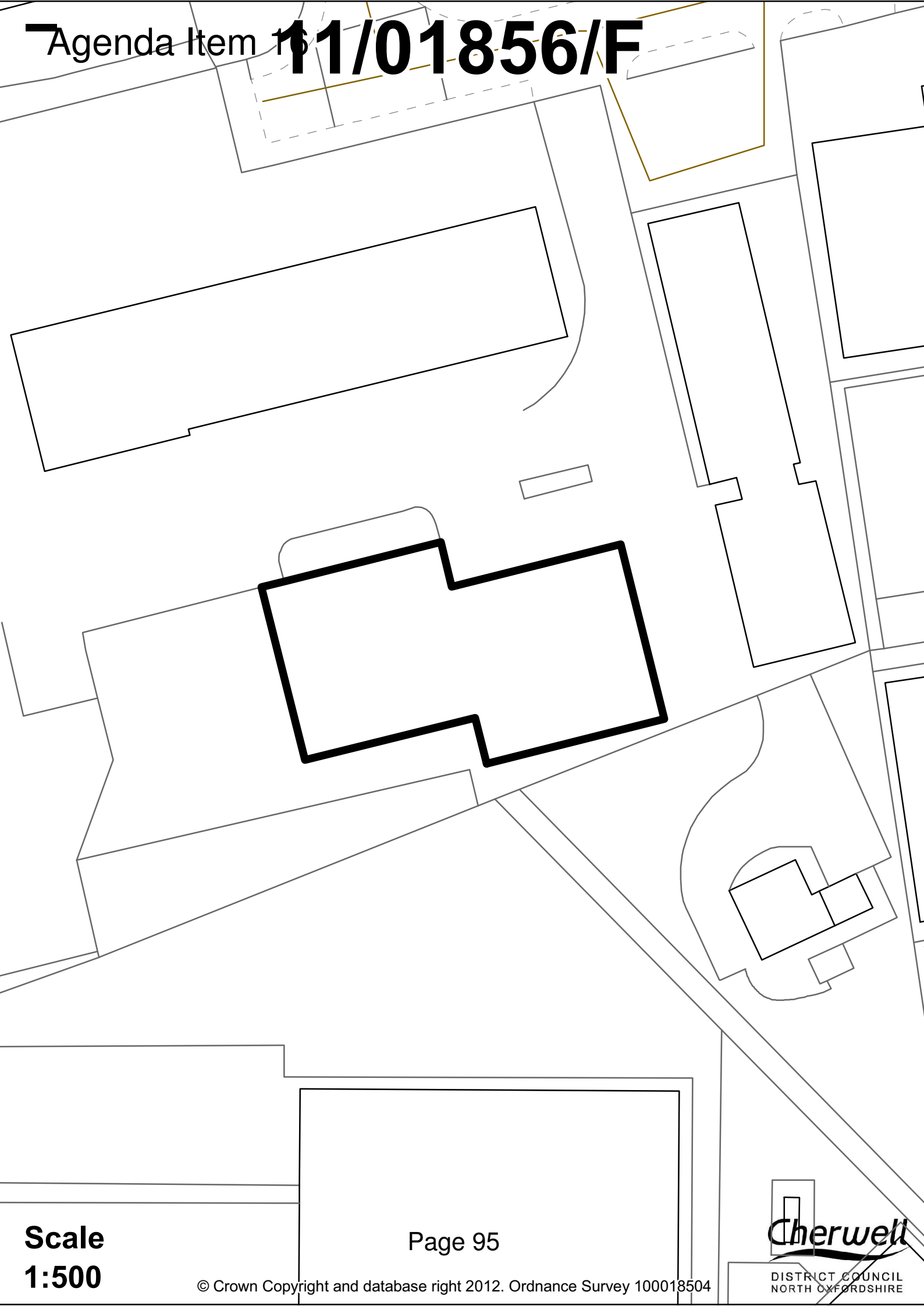
Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

**Summary of Reasons for the Grant of Planning Permission and Relevant Development Plan Policies**

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed development is appropriate in its context and will not unduly impact on amenity or the appearance of the area. The delivery of sustainable and renewable energy solutions is in line with government policy direction set out in PPS1 – Delivering Sustainable Development and the Planning and Climate Change Supplement to PPS1. The proposal also accords with Policies BE1, CC1 and CC2 of the South East Plan 2009 and Policy 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.

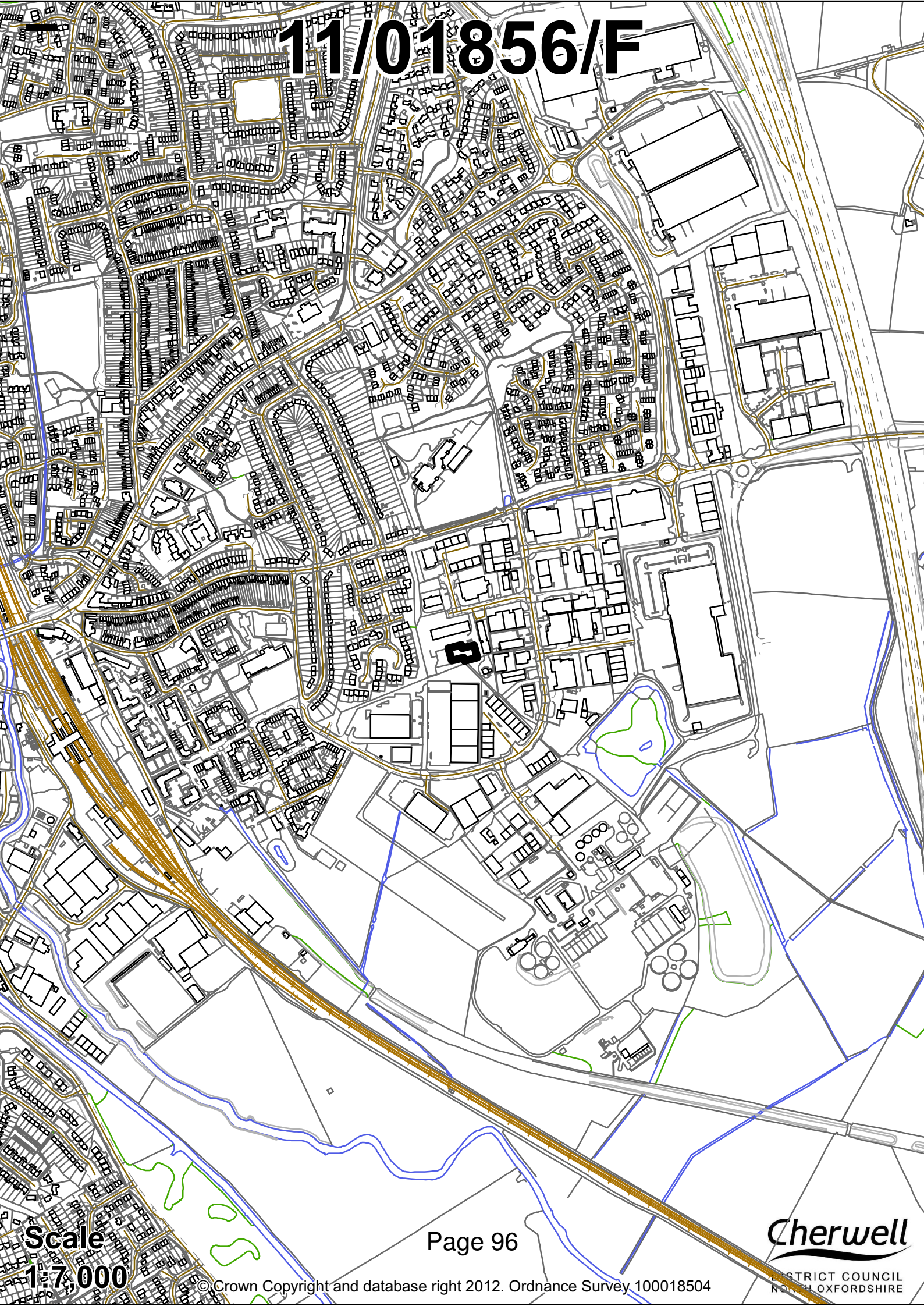
**CONTACT OFFICER: Graham Wyatt**

**TELEPHONE NO: 01295 221811**





# 11/01856/F



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<b>Application</b> 11/01856/F	<b>No:</b>	<b>Ward:</b> Banbury Grimsbury and Castle	<b>Date</b> 19/12/2011	<b>Valid:</b>
<b>Applicant:</b>	Applied Sustainable Energy Ltd			
<b>Site Address:</b>	Thorpe Lane Depot, Thorpe Lane, Banbury			

**Proposal:** Installation of roof mounted solar panels

## 1. Site Description and Proposal

- 1.1 The application site is the District Council depot within the Thorpe Lane industrial area. The building is a metal-sheet clad industrial unit typical of an estate of this type, and has an existing solar installation granted consent in 2010.
- 1.2 The proposal is for an additional installation of solar panels which will lead to almost the entire roof being covered in solar panels. This is one of a number of similar schemes for Council buildings across the district.
- 1.3 The application is before the Committee as the Council has an interest in the land and buildings.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and site notice. The final date for comments is 26 January 2012.
- 2.2 No third party contributions were received.

## 3. Consultations

- 3.1 Banbury Town Council – no comments received. Any comments received before the Committee meeting will be reported.

## 4. Relevant Planning Policies

- 4.1 National Policy Guidance:  
PPS1: Delivering Sustainable Development  
Climate Change Supplement to PPS1
- 4.2 Regional Policy in the South East Plan 2009:  
CC1 – Sustainable Development  
CC2 – Climate Change  
BE1 – Management for an Urban Renaissance
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:  
Policy C28 – Layout, design and external appearance to be compatible with the character of the context of a development proposal

## 5. Appraisal

- 5.1 The key issues for consideration in this application are the visual impact of the proposals, the suitability of the scheme in the context of the site, and the environmental impact of the proposal.
- 5.2 The proposed solar panels will have limited visual impact, given the business/industrial context in which they are located.
- 5.3 Their installation will assist in delivering the objectives for sustainable development and climate change mitigation set out in PPS1, its' supplements and the relevant policies in the South East Plan.
- 5.4 As such, the proposal is considered to comply with all relevant national, regional and local policies and is recommended for approval.

## 6. Recommendation

**Approval, subject to the satisfactory expiry of the consultation period and the following conditions;**

- 1) SC 1\_4A (Time for implementation)
- 2) That the development shall be carried out strictly in accordance with the plans and documents submitted with the application and the materials and finishing details included therein.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with government guidance in PPS1 – Delivering Sustainable Development.

### **Planning Notes**

- 1) T1 – Third party rights

### **Summary of Reasons for the Grant of Planning Permission and Relevant Development Plan Policies**

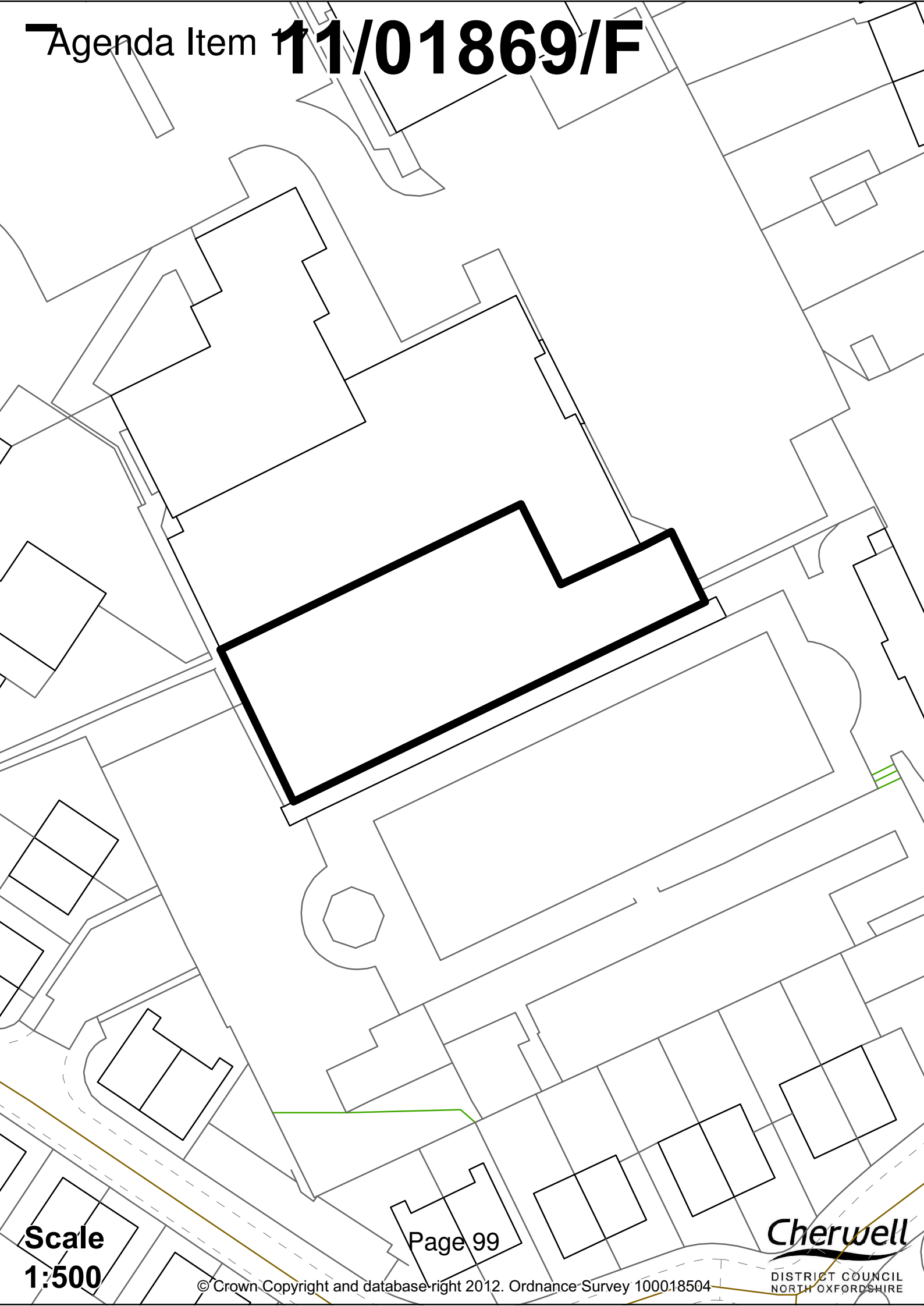
The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed development is appropriate in its context and will not unduly impact on amenity or the appearance of the area. The delivery of sustainable and renewable energy solutions is in line with government policy direction set out in PPS1 – Delivering Sustainable Development and the Planning and Climate Change Supplement to PPS1. The proposal also accords with Policies BE1, CC1 and CC2 of the South East Plan 2009 and Policy 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: Simon Dean**

**TELEPHONE NO: 01295 221814**



# Agenda Item 11/01869/F



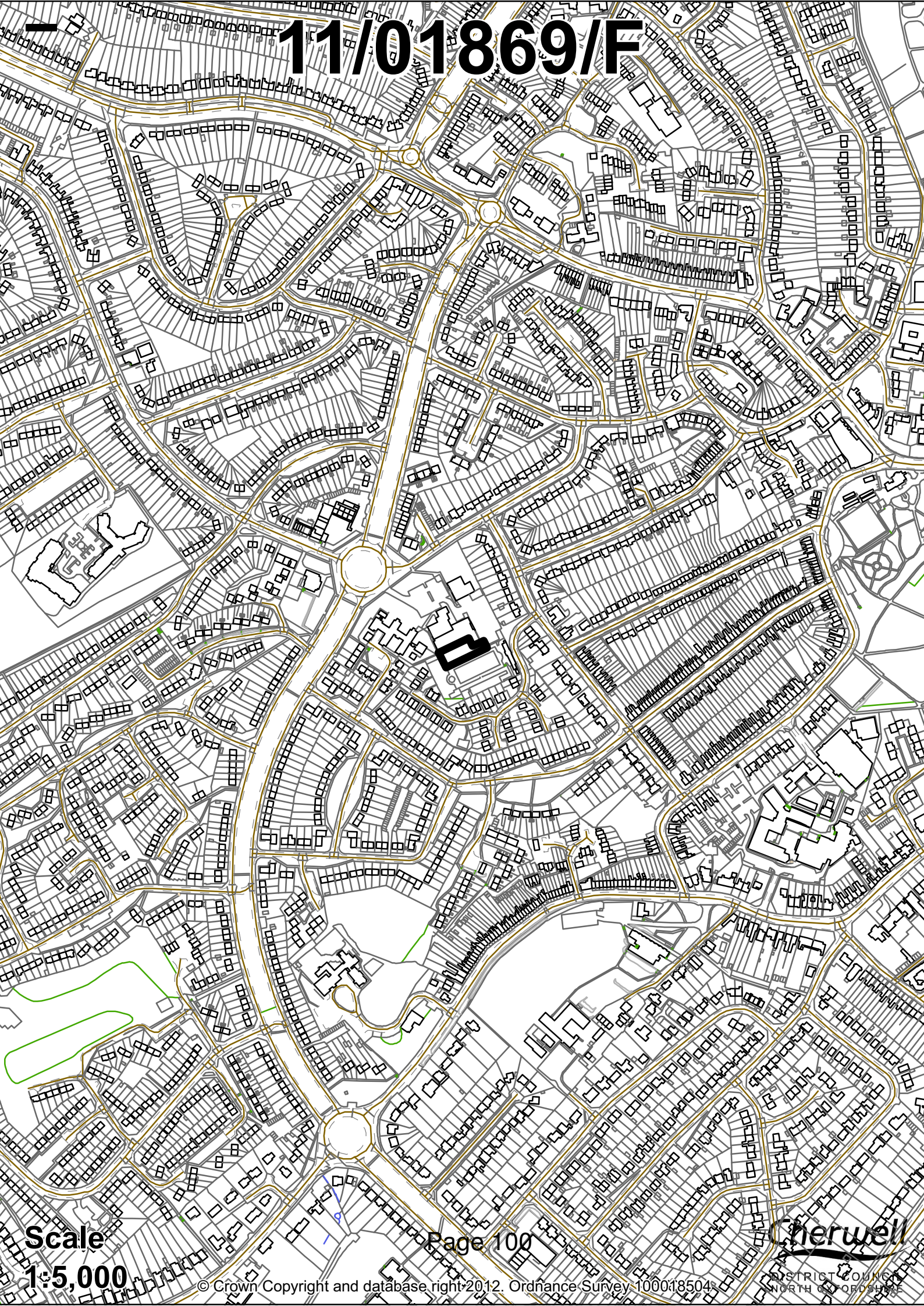
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**Cherwell**



11/01869/F



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Page 100

Cherwell



<b>Application No:</b> 11/01869/F	<b>Ward:</b> Neithrop	<b>Banbury</b>	<b>Date</b> 19/12/2011	<b>Valid:</b>
<b>Applicant:</b>	Applied Sustainable Energy Ltd			
<b>Site Address:</b>	Woodgreen Leisure and Community Centre, Woodgreen Avenue, Banbury			

**Proposal:** Installation of roof mounted solar panels

## 1. Site Description and Proposal

- 1.1 The application site is the Woodgreen Leisure and Community Centre off Woodgreen Avenue, a purpose built indoor leisure and outdoor pool facility, with a large shallow pitched South facing roof, fronting onto the pool and the rear of houses on Poolside Close.
- 1.2 The proposal is for the installation of solar panels on the roof slope facing the pool (the Southern elevation). This is one of a number of similar schemes for Council buildings across the district.
- 1.3 The application is before the Committee as the Council has an interest in the land and buildings.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and site notice. The final date for comments is 26 January 2012.
- 2.2 No third party contributions were received.

## 3. Consultations

- 3.1 Banbury Town Council – no comments received. Any comments received before the Committee meeting will be reported.

## 4. Relevant Planning Policies

- 4.1 National Policy Guidance:  
PPS1: Delivering Sustainable Development  
Climate Change Supplement to PPS1
- 4.2 Regional Policy in the South East Plan 2009:  
CC1 – Sustainable Development  
CC2 – Climate Change  
BE1 – Management for an Urban Renaissance
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:  
Policy C28 – Layout, design and external appearance to be compatible with the character of the context of a development proposal

## 5. Appraisal

- 5.1 The key issues for consideration in this application are the visual impact of the proposals, the suitability of the scheme in the context of the site, and the environmental impact of the proposal.
- 5.2 The proposed solar panels will have limited visual impact, given the context in which they are located; the existing pool side roof is grey-profiled sheeting, and public views will be limited to those from within the pool and pool area, and to longer distance views from the houses in Poolside Close. It should also be noted that the new County Council building (on the site of the former youth club), in the car park to the North of this site, has a substantial number of solar panels in a similar orientation.
- 5.3 Their installation will assist in delivering the objectives for sustainable development and climate change mitigation set out in PPS1, its' supplements and the relevant policies in the South East Plan.
- 5.4 As such, the proposal is considered to comply with all relevant national, regional and local policies and is recommended for approval.

## **6. Recommendation**

**Approval, subject to the satisfactory expiry of the consultation period and the following conditions;**

- 1) SC 1\_4A (Time for implementation)
- 2) That the development shall be carried out strictly in accordance with the plans and documents submitted with the application and the materials and finishing details included therein.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with government guidance in PPS1 – Delivering Sustainable Development.

### **Planning Notes**

- 1) T1 – Third party rights

### **Summary of Reasons for the Grant of Planning Permission and Relevant Development Plan Policies**

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed development is appropriate in its context and will not unduly impact on amenity or the appearance of the area. The delivery of sustainable and renewable energy solutions is in line with government policy direction set out in PPS1 – Delivering Sustainable Development and the Planning and Climate Change Supplement to PPS1. The proposal also accords with Policies BE1, CC1 and CC2 of the South East Plan 2009 and Policy 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: Simon Dean**

**TELEPHONE NO: 01295 221814**

# Agenda Item 18

## Planning Committee

### Decisions Subject to Various Requirements – Progress Report

26 January 2012

#### Report of Head of Public Protection & 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 – see elsewhere on this agenda
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
10/01667/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
11/00722/F	St. Georges Barracks, Arncott
(11.8.11)	Subject to submission of unilateral undertaking re monitoring fees
11/01530/F	42 South Bar Street, Banbury
(1.12.11)	Subject to obligation to secure financial contributions to outdoor sports facilities and other off-site infrastructure
11/00524/F	Cherwell Valley MSA, Ardley
(6.10.11)	Awaiting confirmation of appropriateness of the

	intended condition concerning radar interference
11/01356/F (3.11.11)	Land SW of The Mead Woodstock Rd. Yarnton Subject to submission of ecological survey, departure procedures
11/01255/F (5.1.12)	Marina proposal, Land N of Cropredy Subject to receipt of satisfactory method statement re protected species
11/01369/F (5.1.12)	OCVC (south site), Broughton Rd. Banbury Subject to legal agreement re public art and comments of local drainage authority
11.01484/F (5.1.12)	Phase 3, Oxford Spires Business Park, Langford Lane, Kidlington Subject to Env.Agency comments and receipt of Unilateral Undertaking

### **Implications**

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<b>Financial:</b>	There are no additional financial implications arising for the Council from this report. Comments checked by Karen Muir, Corporate System Accountant 01295 221559
<b>Legal:</b>	There are no additional legal implications arising for the Council from accepting this monitoring report. Comments checked by Nigel Bell, Team Leader Planning and Litigation 01295 221687
<b>Risk Management:</b>	This is a monitoring report where no additional action is proposed. As such there are no risks arising from accept the recommendation. Comments checked by Nigel Bell, Team Leader Planning and 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

# Agenda Item 19

## Planning Committee

### Appeals Progress Report

26 January 2012

### Report of Head of Public Protection & 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
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#### 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 **11/01293/F- 24 Old Chapel Close, Kidlington-** appeal by Mr Michael Ling against the refusal of planning permission for the installation of a window – Householder Written Reps
- 1.2 **11/01409/OUT – OS parcel 4100 adjoining and south of Milton Road Adderbury-** appeal by Berkeley Homes (Oxford & Chiltern) Ltd against the non-determination of the planning application within the prescribed period of 13 weeks (29 Dec 2011) – Inquiry



## Forthcoming Public Inquiries and Hearings between 26 January 2012 and 23 February 2012

2.1 None

### Results

3.1 None

### 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