

**Committee:** Planning Committee  
**Date:** Thursday 23 February 2012  
**Time:** 4.00 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

### Membership

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

### Substitutes

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

## AGENDA

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

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

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

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

### **4. Urgent Business**

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

### **5. Minutes (Pages 1 - 15)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 26 January 2012.

## **Planning Applications**

- |   |                     |
|---|---------------------|
| <b>6. Hornton Grounds Quarry (Pages 18 - 22)</b>  | <b>12/00056/CM</b>  |
| <b>7. Former Upton Dairy, Upton Estate, Stratford Road, Shenington (Pages 23 - 30)</b>            | <b>11/01641/F</b>   |
| <b>8. Land Between 22 and 23A Harts Close, Kidlington (Pages 31 - 37)</b>                         | <b>11/01785/OUT</b> |
| <b>9. Stable Block Corner, Farnborough Road, Mollington (Pages 38 - 45)</b>                       | <b>11/01808/F</b>   |
| <b>10. 140 Oxford Road, Kidlington (Pages 46 - 51)</b>  | <b>11/01816/F</b>   |
| <b>11. Smiths, Bloxham Road Caravan Site, Bloxham Road, Milton (Pages 52 - 70)</b>                | <b>11/01863/F</b>   |
| <b>12. 9 Sandell Close Banbury (Pages 71 - 74)</b>  | <b>11/01919/F</b>   |
| <b>13. Bicester &amp; Ploughley Sports Centre, Queens Avenue, Bicester (Pages 75 - 79)</b>        | <b>12/00012/F</b>   |
| <b>14. OS Parcel 4100 Adjoining and South of Milton Road, Adderbury (Pages 80 - 99)</b>           | <b>12/00026/OUT</b> |
| <b>15. Paragon Fleet Solutions, Heyford Park, Camp Road (Pages 100 - 118)</b>                     | <b>12/00040/F</b>   |
| <b>16. Ardley Composting Site, Ashgrove Farm, Middleton Stoney Road, Ardley (Pages 119 - 122)</b> | <b>12/00145/CM</b>  |

## **Tree Preservation Orders**

### **17. Various Trees, Hall Close, North Aston (Pages 123 - 131)**

Report of Head of Public Protection and Development Management

#### **Summary**

To seek the confirmation Tree Preservation Order no 15-11 with 2 (two) objections relating to various tree at Hall Close, North Aston (copy plan attached as Annex 1)

#### **Recommendations**

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order 15/2011 at the site of Hall Close, North Aston without modification in the interest of public amenity.

### **18. Open Space Greenwood & Shakespeare Drive, Bicester (Pages 132 - 135)**

Report of Head of Public Protection and Development Management

#### **Summary**

To seek the confirmation of an unopposed Tree Preservation Order (16/2010 Open Space, Greenwood & Shakespeare Drive, Bicester. relating to an 'Area' Order containing multiple mixed species of broadleaf tree (copy plan attached as Appendix 1).

#### **Recommendations**

The Planning Committee is recommended to:

- (1) Confirm the Order without modification

### **19. Rowarth House, Little Lane, Horley (Pages 136 - 139)**

Report of Head of Public Protection and Development Management

#### **Summary**

To seek the confirmation of an unopposed Tree Preservation Order (no. 17/ 2011) relating to a Yew tree (copy plan attached as Appendix 1) at Rowarth House, Little Lane, Horley.

#### **Recommendations**

The Planning Committee is recommended to:

- (1) Confirm the Order without modification

20. **Stonebrook House, Williamscott** (Pages 140 - 143)

Report of Public Protection and Development Management

**Summary**

To seek the confirmation of an unopposed Tree Preservation Order No 18/2011 'Stonebrook House, Williamscott, **with modification** relating to 5 No Poplar trees (copy plan attached as Appendix 1) at the same address.

**Recommendations**

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order No 18/2011 with modification following consideration of the information contained within the report.

21. **Aldous Drive, Bloxham** (Pages 144 - 147)

Report of Head of Public Protection and Development Management

**Summary**

To seek the confirmation Tree Preservation Order no 20-11 with no objections relating to a tree at Aldous Drive, Bloxham (copy plan attached as Annex 1)

**Recommendations**

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order 20/2011 at the site of Aldous Drive, Bloxham without modification in the interest of public amenity.

22. **16 & 18 Bucknell Road, Bicester** (Pages 148 - 152)

Report of Head of Public Protection and Development Manager

**Summary**

To seek the confirmation of an unopposed Tree Preservation Order (no 21/ 2011) relating to 2 No beech trees (copy plan attached as Appendix 1) at 16 & 18 Bucknell Road, Bicester.

**Recommendations**

The Planning Committee is recommended to:

- (1) Confirm the Order without modification

## **Review and Monitoring Reports**

### **23. Decisions Subject to Various Requirements (Pages 153 - 156)**

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.

### **24. Appeals Progress Report (Pages 157 - 160)**

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.

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

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

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

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

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation: "That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act."

**26. OS Parcel 4100 Adjoining and South of Milton Road, Adderbury (Pages 161 - 164)**

Report of Head of Public Protection and Development

**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 15 February 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 26 January 2012 at 4.00 pm

- Present: Councillor Rose Stratford (Chairman)  
Councillor Alastair Milne Home (Vice-Chairman)
- Councillor Ken Atack  
Councillor Fred Blackwell  
Councillor Colin Clarke  
Councillor Tim Emptage  
Councillor Michael Gibbard  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor George Parish  
Councillor D M Pickford  
Councillor G A Reynolds  
Councillor Trevor Stevens  
Councillor Lawrie Stratford
- Substitute Members: Councillor Barry Wood (In place of Councillor Mrs Catherine Fulljames)
- Apologies for absence: Councillor Mrs Catherine Fulljames
- Officers: Bob Duxbury, Development Control Team Leader  
Nigel Bell, Team Leader - Planning and Litigation  
Natasha Clark, Team Leader, Democratic and Elections  
Aaron Hetherington, Democratic and Elections Officer

#### 150 **Declarations of Interest**

Members declared interests in the following agenda items:

#### **8. Bodicote House, White Post Road, Bodicote.**

Councillor Barry Wood, Prejudicial, as a member of Executive.

Councillor D M Pickford, Prejudicial, as a member of Executive and a member of the Accommodation Board.



Councillor G A Reynolds, Prejudicial, as a member of Executive.

Councillor James Macnamara, Prejudicial, as a member of Executive and as Lead Member for Environment.

Councillor Ken Atack, Prejudicial, as a member of Executive.

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

**9. Bodicote House, White Post Road, Bodicote.**

Councillor Barry Wood, Prejudicial, as a member of Executive.

Councillor D M Pickford, Prejudicial, as a member of Executive and a member of the Accommodation Board.

Councillor G A Reynolds, Prejudicial, as a member of Executive.

Councillor James Macnamara, Prejudicial, as a member of Executive and as Lead Member for Environment.

Councillor Ken Atack, Prejudicial, as a member of Executive.

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

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

**14. Kidlington and Gosford Sports Centre, Oxford Road, Kidlington, Oxfordshire, OX5 2NU.**

Councillor Barry Wood, Prejudicial, as a member of Executive.

Councillor D M Pickford, Prejudicial, as a member of Executive.

Councillor G A Reynolds, Prejudicial, as a member of Executive.

Councillor James Macnamara, Prejudicial, as a member of Executive and as Lead Member for Environment.

Councillor Ken Atack, Prejudicial, as a member of Executive.

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

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

**15. Spiceball Leisure Centre, Cherwell Drive, Banbury OX16 2BW.**

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

Councillor Barry Wood, Prejudicial, as a member of Executive.

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

Councillor D M Pickford, Prejudicial, as a member of Executive.

Councillor G A Reynolds, Prejudicial, as a member of Executive.

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

Councillor James Macnamara, Prejudicial, as a member of Executive and as Lead Member for Environment.

Councillor Ken Atack, Prejudicial, as a member of Executive.

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

**16. Thorpe Lane Depot, Thorpe Lane, Banbury.**

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

Councillor Barry Wood, Prejudicial, as a member of Executive.

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

Councillor D M Pickford, Prejudicial, as a member of Executive.

Councillor G A Reynolds, Prejudicial, as a member of Executive.

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

Councillor James Macnamara, Prejudicial, as a member of Executive and as Lead Member for Environment.

Councillor Ken Atack, Prejudicial, as a member of Executive.

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

**17. Woodgreen Leisure and Community Centre, Woodgreen Avenue, Banbury.**

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

Councillor Barry Wood, Prejudicial, as a member of Executive.

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

Councillor G A Reynolds, Prejudicial, as a member of Executive.

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

Councillor James Macnamara, Prejudicial, as a member of Executive and as Lead Member for Environment.

Councillor Ken Atack, Prejudicial, as a member of Executive.

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

(Where a prejudicial interest was declared, the Member left the room for the duration of the item.)

151 **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.

152 **Urgent Business**

There was no urgent business.

153 **Minutes**

The Minutes of the meeting held on 5 January 2012 were agreed as a correct record and signed by the Chairman.

154 **Oxhay Farm, Oxhay Hill, Cropredy, Banbury, Oxon, OX17 1DR**

The Chairman advised the Committee that the application had been withdrawn by applicant

155 **OS Parcel 1310 South of Paddington Cottage, Milton Road, Bloxham**

The Committee considered a report for the variation of Condition 2 of planning application 09/01811/F – Amended details for Plot 6.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 11/00096/F be approved subject to the following conditions:

- (1) 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

- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.

- (9) That 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.
- (10) 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."
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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.

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

- (19) 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.
- (20) 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.

156

**The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley, Oxon, OX33 1AY**

The Committee considered a report for an application which sought the removal of a condition applied to an outline planning permission granted in December 2006 (application 06/01927/OUT).

In introducing the report, the Development Control Team Leader advised the Committee that immediately prior to the meeting he had received an email from Councillor Hallchurch, the local ward member, to which was attached a letter from the applicant. With the agreement of the Committee, the letter was read out.

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

**Resolved**

That application 11/01664/F be refused 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.

157 **Oxford Office Village, Langford Lane, Kidlington**

The Committee considered an application for a three storey structure containing a service area, workshop and car parking area. The application related to the final undeveloped area of the Oxford Office Village development.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 11/01732/F be approved subject to:

- (a) the receipt of the completed unilateral undertaking and no objections being raised by London Oxford Airport.
- (b) 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) 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.
- (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.
- (8) Prior to commencement of development a construction travel plan is to be submitted to and approved in writing by the Local Planning Authority.
- (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.
- (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.
- (11) No removal of trees or scrub to take place between the months of March to July inclusive.
- (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.
- (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.

- (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.
- (15) 6.4AB Commercial: No Extensions

158 **Grange Farm, Godington**

The committee considered a report for the proposed erection of a tennis court.

In introducing the report, the Development Control Team Leader read an email from the applicant that had been sent to all Committee members prior to the meeting as not all members had seen the email.

In considering the application, some members of the committee spoke in support of the application and made reference to the fact the proposed development would not be out of keeping with the existing development and there would be no adverse environmental impact. Members suggested that the proposal could contribute to a rise in tourism in the area. Members also noted that there was a shortage of tennis courts in the area.

Councillor Wood proposed that the application be approved. Councillor Hughes seconded the recommendation.

In reaching their decision, the committee considered the officers' report, written update and presentation.

**Resolved**

That the application 11/01765/F be approved subject to the following conditions:

- (1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Plan no. DAJ/2809 B (i)gn, DAJ/2809 A(i)gn and fencing plan.

- (3) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- (4) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- (5) No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

159

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

The Committee considered an application which sought permission for the erection of day-room. The application was a re-submission of application 11/00430/F.

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

**Resolved**

That consideration of application 11/01808/F be deferred for a site visit.

160

**Bodicote House, White Post Road, Bodicote**

The Committee considered a report 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). The application was before the Committee as the Council had an interest in the land and buildings.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 11/01623/F be approved 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.
- (3) Submission and approval of a method statement for the protection of the trees during the installation works

161 **Bodicote House, White Post Road, Bodicote**

The Committee considered a report 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). The application was before the Committee as the Council had an interest in the land and buildings.

The Committee was satisfied with the evidence presented and considered that that the devolvement would not cause undue harm to the listed building and therefore the proposal should be passed to the Secretary of State for his consideration.

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

**Resolved**

That the Planning Committee consider that the development would not cause undue harm to the listed building and that application 11/01624/LB should be referred to the Secretary of State for consideration with 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.

162 **Kidlington and Gosford Sports Centre, Oxford Road, Kidlington, Oxfordshire, OX5 2NU**

The Committee considered a report which sought planning permission to install 415 PV panels (240w each) onto the roof of the Kidlington and Gosford

Sports Centre, which would be positioned on the west elevation of the sports centre.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 11/01809/CDC be approved 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

163 **Spiceball Leisure Centre, Cherwell Drive, Banbury OX16 2BW**

The Committee considered an application which sought permission for the installation of 240 solar panels on the flat roof slope on the southern wing of the Spiceball Leisure Centre, Banbury.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 11/01810/CDC be approved subject to the following conditions:

- (1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- (2) Except where otherwise stipulated by 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

164 **Thorpe Lane Depot, Thorpe Lane, Banbury**

The Committee considered an application which sought permission for the additional installation of solar panels on the roof of Thorpe Lane Depot, Banbury.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 11/01856/F be approved subject to the following conditions:

- (1) SC1\_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.

165

**Woodgreen Leisure and Community Centre, Woodgreen Avenue, Banbury**

The Committee considered an application which sought permission for the installation of solar panels on the roof slope facing the pool (the Southern elevation) of Woodgreen Leisure and Community Centre, Banbury. The application was before the Committee as the Council had an interest in the land and buildings.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 11/01869/F be approved subject to the following conditions:

- (a) the satisfactory expiry of the consultation period.
- (b) 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.

166

**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.

167 **Appeals Progress Report**

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

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 5.00 pm

Chairman:

Date:

### PLANNING COMMITTEE

23 February 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.

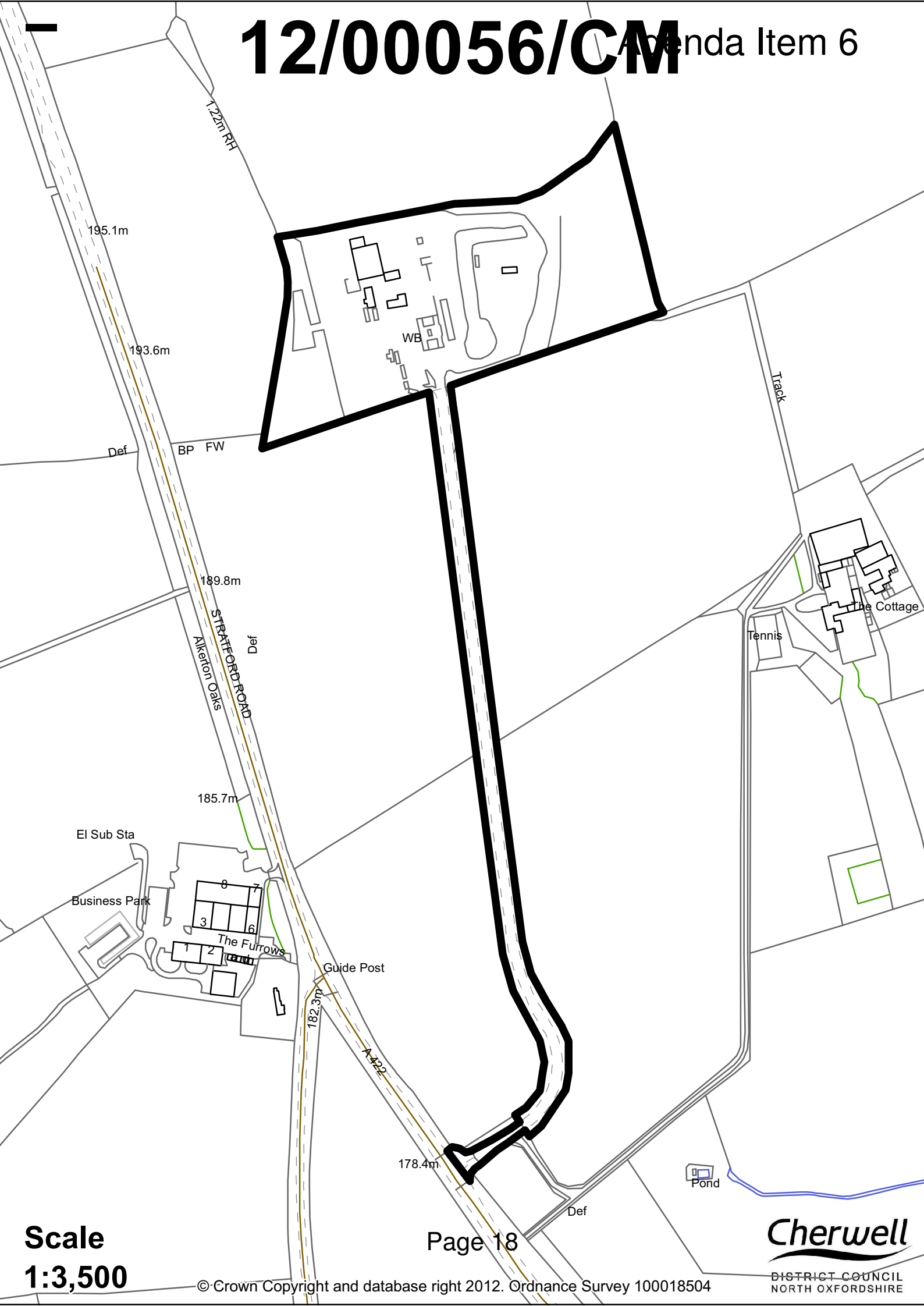
#### **Background Papers**

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

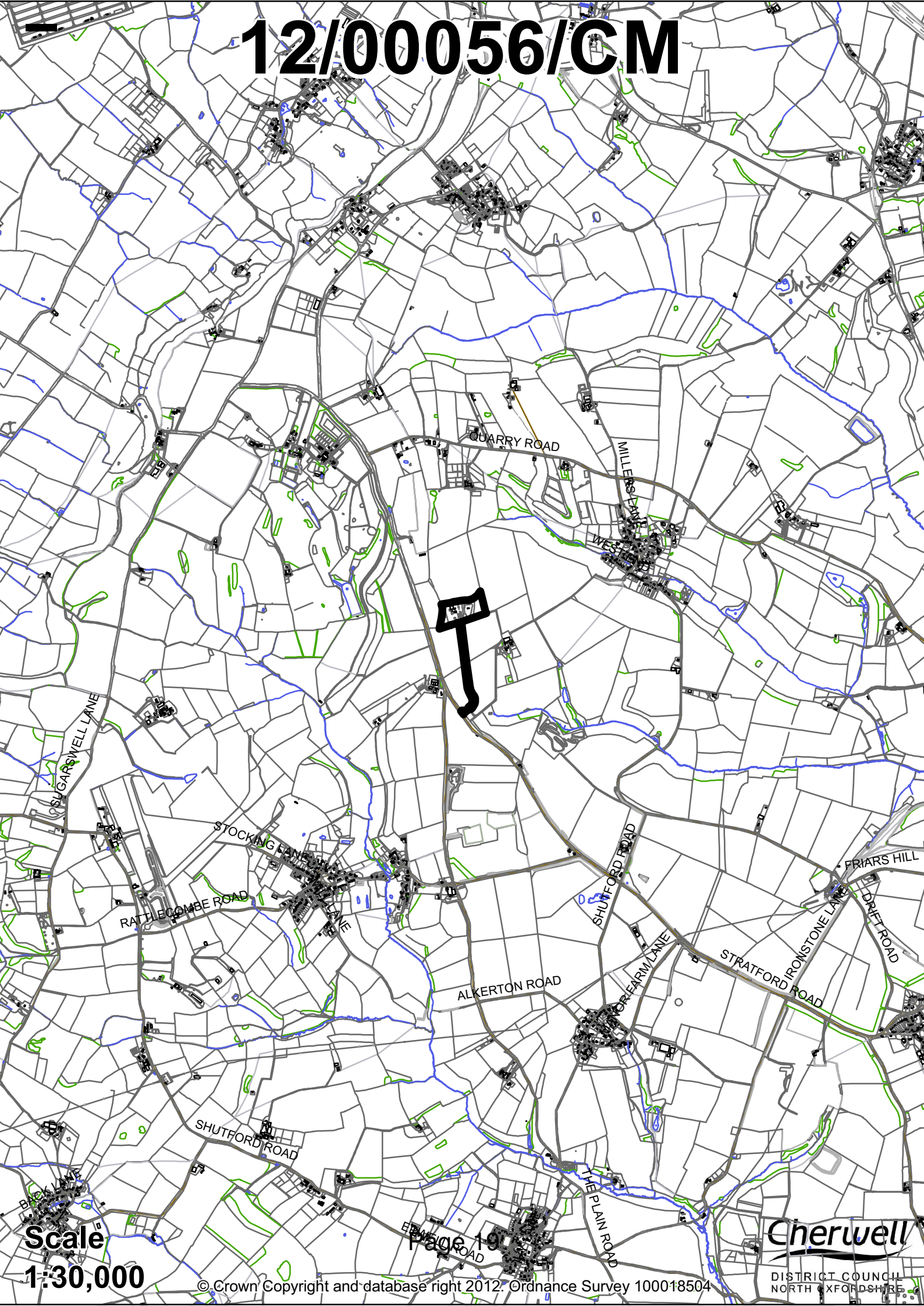
	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
6	Hornton Grounds Quarry	12/00056/CM	Wroxton	That the Oxfordshire County Council be advised that this Council has no objections to the proposal	Simon Dean
7	Former Upton Dairy, Upton Estate, Stratford Road, Shenington	11/01641/F	Wroxton	Approval	Simon Dean
8	Land Between 22 and 23A Harts Close, Kidlington	11/01785/OUT	Kidlington South	Refusal	Paul Ihringer
9	Stable Block Corner, Farnborough Road, Mollington	11/01808/F	Cropredy	Approval	Jane Dunkin
10	140 Oxford Road, Kidlington	11/01816/F	Kidlington South	Approval	Paul Ihringer
11	Smiths, Bloxham Road Caravan Site Bloxham Road, Milton	11/01863/F	Adderbury	Approval	Tracey Morrissey
12	9 Sandell Close Banbury	11/01919/F	Banbury Easington	Approval	Shona King
13	Bicester & Ploughley Sports Centre Queens Avenue, Bicester	12/00012/F	Bicester West	Approval	Rebecca Horley
14	OS Parcel 4100 Adjoining and South of Milton Road, Adderbury	12/00026/OUT	Adderbury	Refusal	Caroline Roche
15	Paragon Fleet Solutions, Heyford Park, Camp Road	12/00040/F	The Astons and Heyfords	Refusal	Andrew Lewis
16	Ardley Composting Site, Ashgrove Farm, Middleton Stoney Road, Ardley	12/00145/CM	Ardley with Fewcott	It is recommended that Oxfordshire County Council is advised that this Council raise no objections to the proposal	Graham Wyatt





**Scale**  
**1:3,500**

# 12/00056/CM



Scale  
1:30,000

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**Cherwell**

<b>Application 12/00056/CM</b>	<b>No:</b>	<b>Ward: Wroxton</b>	<b>Date Valid: 17/01/12</b>
<b>Applicant:</b>	Marshalls Mono Ltd		
<b>Site Address:</b>	Hornton Grounds Quarry		

**Proposal:** Vary conditions 1, 2 and 5 of existing Planning Permission Ref: 06/01117/CM and Condition 80 of existing Planning Permission Ref: 06/01119/CM to allow the following; Replacement of existing substandard portable building with an improved timber panelled building for staff use; Extension of time for the retention of the stone cutting/dressing buildings and conservation yard from 31 December 2013 to 31 December 2023 with subsequent restoration of the site by 31 December 2024; Increase in the amount of stone imported to the site from 4,000 tonnes pa. (OCC ref. MW.0011/12).

## 1. Site Description and Proposal

- 1.1 This consultation from the County Council relates to consents granted for the use of the stone dressing and finishing yard within the former quarry area at Hornton Grounds Quarry. The site is accessed from the A422 (Stratford Road) and is isolated from residential properties. The existing buildings and operations on the site are largely screened from the public domain by existing bunding across the site and the distance from the nearest public vantage point.
- 1.2 The site is currently used for the cutting, dressing and processing of block stone for use in the construction industry and contains a saw shed, storage area and smaller masons-shelters. The stone worked on the site is imported, largely from the quarry at Great Tew by HGV using the local road network.
- 1.3 The proposal currently before the County Council for determination is for the variation of conditions attached to two extant consents to enable the following;
  - replacement of an existing pre-fabricated building with another for staff welfare use
  - the continued use (for an additional ten years) of the stone yard and buildings beyond the current end-date of 2013
  - an increase in the importation of stone for processing from 4000 tonnes/year to 12000 tonnes/year

## 2. Application Publicity

- 2.1 As this application is a County Matter, all publicity has been undertaken by Oxfordshire County Council.

## 3. Consultations

- 3.1 As this matter is a County Matter, all formal consultations have been undertaken by Oxfordshire County Council.

## 4. Relevant Planning Policies

- 4.1 PPS1: Delivering Sustainable Development  
PPS4: Planning for Sustainable Economic Development  
PPS7: Sustainable Development in Rural Areas  
PPS9: Biodiversity and Geological Conservation  
PPS10: Sustainable Waste Management  
PPG13: Transport
- 4.2 The South East Plan: Policies BE1, CO4, waste policies
- 4.3 Adopted Cherwell Local Plan: Policies GB1, C7

## 5. Appraisal

- 5.1 As the proposal is for the variation of the extant consents for three distinct elements of development, these will be addressed in turn. Broadly however, the proposal stands to be considered against the impact of the variation on the original intentions of the conditions, and the impact of the continued development on the character and amenities of the area and highway safety.
- 5.2 The first element of the proposal, the replacement of the existing pre-fabricated building with a similar sized replacement building is to be considered against the visual impact of the proposal on the locally designated Area of High Landscape Value and the wider countryside. The immediate context of the site is already characterised by buildings of a similar scale, nature and function, associated with the former quarrying use and the current processing use. Furthermore within the last twelve months, consent has been granted for the erection of agricultural buildings to the immediate North of this site. Taking this into consideration, the replacement building is considered acceptable.
- 5.3 The second element of the scheme is the continued use of stone yard and the existing buildings on the site. This element is also to be considered against the visual impact of the proposal on the locally designated Area of High Landscape Value and the wider countryside. Again, as in 5.2 above, the yard and buildings are already in this use, and the continuation of this use will not cause any harm to the character or amenity of the area.
- 5.4 The final element of the scheme, the increase in the amount of imported stone from 4000 to 12000 tonnes per year is the key issue in this consultation as it makes the wider site viable and is the reason for the other elements of the proposal.
- 5.5 It is clearly not for the District Council to comment on the acceptability of the proposal in highway safety or convenience terms, as the County Council is the Highway Authority. However, it is appropriate to consider the impact on the surrounding villages and area as a result of a three-fold increase in the amount of stone imported to the site for processing.
- 5.6 The application includes a Transport Statement which sets out that the proposal would lead to six more HGV movements per day (3 trips). The statement also notes that the access to the site and immediate highway network is of a suitable scale and design for traffic movements of this type, having been built to serve the previous quarrying operation. The Transport Statement also notes that the proposed

additional HGV movements would bring the total vehicle movements to 3.5% of the total associated with the [now-ceased] quarrying activity on the site.

- 5.7 The impact of the increase in the scale of operations on this site, and the extension of the use must be balanced against the economic impacts of the scheme. At present 18 staff are employed on site, with 12 more off-site jobs (in servicing and associated trades) dependent on this use. The application sets out that as a result of the closure of other similar local enterprises, and the increase in demand for natural stone products within the local construction industry, the applicants intend to take on 6 apprentice masons, increasing the number of on-site jobs to 24.
- 5.8 In conclusion, it is considered that whilst this proposal may lead to an increase in disturbance arising from a greater number of HGV movements, this harm is outweighed by the economic benefits of the continued use of the site. The isolated nature of the site and the relatively low actual number of vehicle movements also mitigate any increased impact arising from the development. The use and its associated impact on the landscape are well-established, and in the current economic circumstances, the retention of 18 jobs and the possible provision of 6 further jobs weigh significantly in favour of the proposals.
- 5.9 It is therefore recommended that this Council offer no objections to the County Council, as set out below.

## **6. Recommendation**

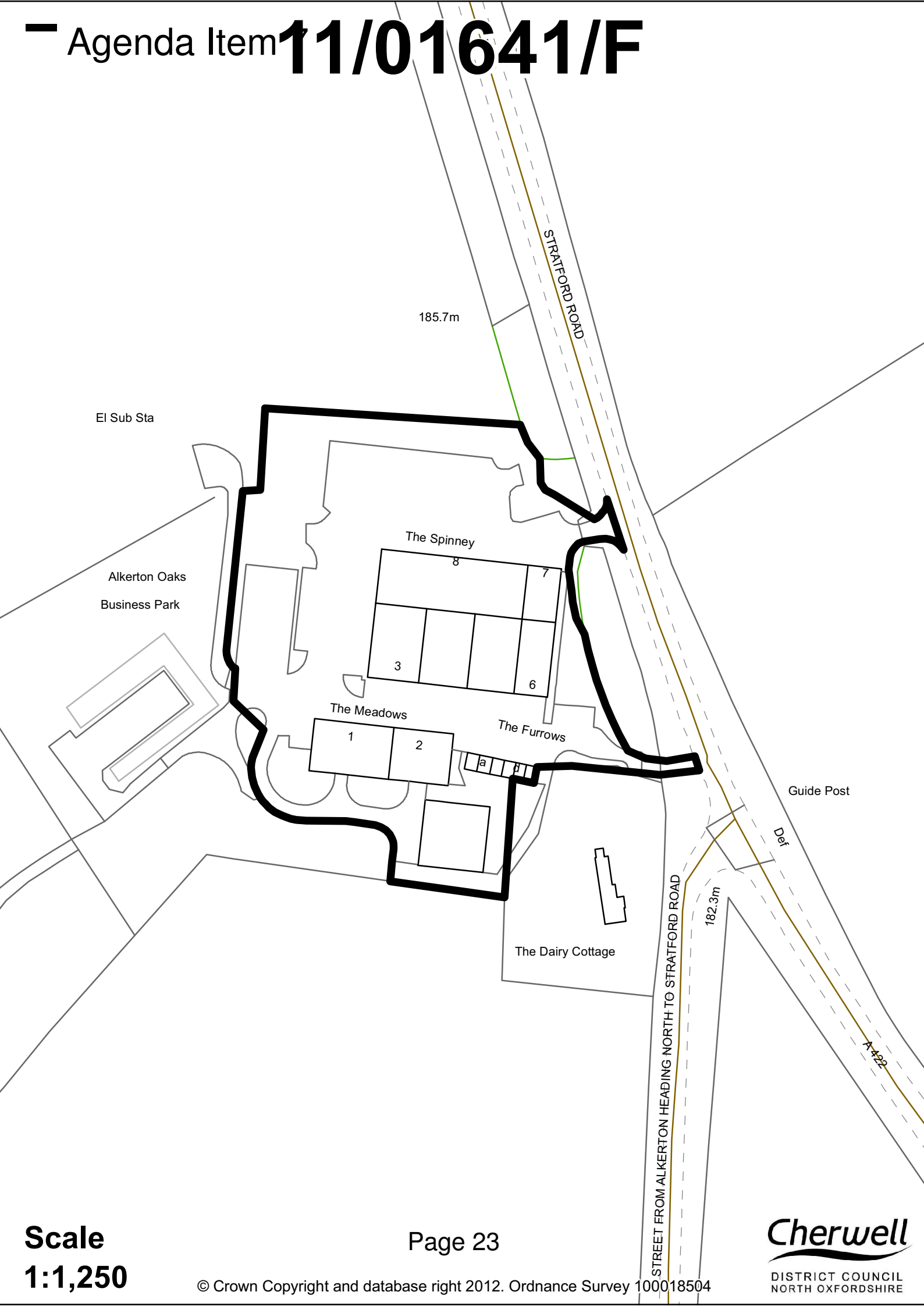
That the Oxfordshire County Council be advised that this Council has no objections to the proposal, subject to the imposition of suitable conditions to control environmental impact relating to traffic, noise and dust associated with the continuing use of the site; and providing the County Council is satisfied with the proposal in highway safety and convenience terms.

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

**CONTACT OFFICER: Simon Dean**

**TELEPHONE NO: 01295 221814**

# Agenda Item 11/01641/F



Scale  
1:1,250

# 11/01641/F



<b>Application No:</b> 11/01641/F	<b>Ward:</b> Wroxton	<b>Date Valid:</b> 07/11/11
<b>Applicant:</b>	The Trustees of the Bearstead 1986 Settlement	
<b>Site Address:</b>	Former Upton Dairy, Upton Estate, Stratford Road, Shenington	

**Proposal:** Erection of one storage unit (B8 use), one business unit (B1, B2 and B8 use), associated car parking and landscaping

## 1. Site Description and Proposal

### 1.1

The application site is the former Upton Dairy on the northern edge of the district, accessed from the A422 Stratford Road. The site sits on an elevated plateau, with the levels dropping away to the West from the rear of the site. The site is within the designated Area of High Landscape Value.

1.2 The site has been developed into a business park with a mixture of B1/B2/B8 uses under a consent issued in 2008 (08/00054/F). The scheme was amended in 2010 to alter the design and layout of one of the units.

1.3 One of the originally consented units remains un-built, and there is a large concrete silage clamp on the Western edge of the site. The as-yet un-built unit (Building 3) is sited on the Northern edge of the site. The silage clamp is a tall, three-sided concrete structure on the Western edge of the site. It is a remainder from the former agricultural use of the site and is currently used for external storage. The silage clamp is prominent in the site and clearly visible from the West. The appearance of this structure is somewhat incongruous given its unfinished concrete appearance, contrasting with the timber and sheeting clad buildings elsewhere on the site.

1.4 The proposal is for an alteration to the layout and design of the approved 'Building 3' and the conversion of the silage clamp to a B8 storage unit by roofing and cladding the existing structure.

## 2. Application Publicity

2.1 The application has been advertised by way of a press notice and site notices. The final date for comments was 15 December 2011.

2.2 Three letters of support were received for the scheme from existing and prospective tenants of the site.

## 3. Consultations

### 3.1

Shenington with Alkerton Parish Council – object to the scheme, considering that the increase in employment numbers is not specified; there will be an increase in light, noise and environmental pollution; the landscaping is deficient; there has been no consideration of the setting of the Conservation Area or Listed Buildings; the materials are inappropriate and the site is unsustainable in transport terms.



- 3.2 County Highways – no significant impact in terms of highway safety, convenience or capacity; no objections, subject to conditions. Notes that the Green Travel Plan approved pursuant to the original conditions for the development is sufficient in scope and depth for the additional development proposed in this scheme.
- 3.3 County Drainage – no objections, subject to the implementation of a sustainable drainage scheme.

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

- 4.1 National Policy Guidance:  
PPS1: Delivering Sustainable Development  
PPS4: Planning for Sustainable Economic Growth  
PPS5: Planning for the Historic Environment  
PPG13: Transport
- 4.2 Regional Policy in the South East Plan 2009:  
CC1 – Sustainable Development  
BE6 – Management of the Historic Environment  
T4 - Parking
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:  
C7 – Landscape conservation  
C13 – Areas of High Landscape Value  
C28 – Layout, design and external appearance  
EMP4 – Employment generating development in the rural areas

#### **5. Appraisal**

- 5.1 The main issues for consideration in this application are;
- principle of development
  - highway safety and convenience
  - visual amenity and landscape impact
- 5.2 The acceptability of the principle of this development must be split into two elements; firstly the acceptability of the amendments to Building 3 and secondly, the acceptability of the conversion of the silage clamp to a B8 use.
- 5.3 The alterations to Building 3 are considered to be acceptable; the use and scale of the site remains within the approved and part-implemented parameters of the 2008 permission. The design and appearance of the proposed replacement building also matches the existing units in terms of finishing materials and appearance.
- 5.4 The conversion of the silage clamp to B8 use is a more complex issue as that structure was not originally part of the overall scheme. The silage clamp is on the edge of the site, and prominent in the longer views of the site from the west. However it must also be borne in mind that the structure has remained in situ since the original conversion of the site. The proposed conversion of the silage clamp to a B8 unit involves the cladding and insulating of the existing building, to give an appearance similar to the other buildings on the site (a brick plinth, with timber boarding giving way to profiled sheeting) and then the roofing in materials similar to the rest of the buildings on the site. As a result, it is considered that the conversion of the silage clamp to a B8 unit is acceptable in terms of landscape impact, visual amenity and impact on the designated landscape as it represents an improvement

to the appearance of the Western edge of the site.

- 5.5 . The County Council, in their role as Highway Authority are satisfied that the scheme is acceptable in terms of highway safety and capacity with this increase in floorspace. They have also noted that the Green Travel Plan approved for the 2008 scheme is sufficient in scope and depth to address transport sustainability issues arising from this increase to the scale of the development. The concerns of the Parish Council with regard to the transport sustainability of the site are noted but the County Council is satisfied with the proposals set out in the already approved Green Travel Plan in this regard.
- 5.6 The conversion of the silage clamp does represent an extension to this employment site within the otherwise open countryside. An extension of this sort is however expressly permitted by the terms of Policy EMP4 of the adopted Cherwell Local Plan. This policy sets out that proposals for employment generating development will be permitted where it is within an existing acceptable employment site and where the development can be carried out without undue detriment to the appearance and character of the rural landscape or harming the amenity of that rural landscape.
- 5.7 Assessing the scheme with reference to the requirements of EMP4 leads on to consideration of the scheme in terms of the comments of the Parish Council. Taking their objections in turn, the proposal is considered acceptable in terms of the level of employment and sustainability; Building 3 is in effect already approved, and the provision of the B8 unit is unlikely to lead to a significant increase in employment at the site. Turning to the issue of noise, light and environmental pollution, the proposal is also considered acceptable. The lighting proposed in this scheme is in line with the approved lighting strategy for the rest of the site, and conditions restricting noise-generating activities are recommended for this consent in line with the previous consents on the site. With regard to environmental pollution, the only new element of use proposed in this application is the additional B8 element, which is not a use likely to cause environmental harm. The landscaping to the site has already been approved and implemented through the original approval of the scheme to develop the site. The buildings proposed in this scheme are within the 'envelope' of the previous landscaping scheme and as a result, further landscaping is not considered necessary. The owners of the site have also planted 4000 additional trees to further reduce the impact of the site on the wider landscape. The finishing materials for the buildings are the same as those already in use on the other buildings on the site and are also therefore acceptable. The cladding of the converted silage clamp with similar materials is considered to offer an improvement to the appearance of the site.
- 5.8 In conclusion, the scheme is considered to be acceptable in terms of its impact on visual amenity and in terms of its landscape impact. The proposal is not considered to cause harm to the locally designated Area of High Landscape Value as it represents only a minor increase in the size and scale of the existing use. The use of matching finishing and design details further reduces any increased impact of the wider site.
- 5.9 As a result of the acceptability of the scheme in landscape impact and amenity terms, the proposal is therefore considered acceptable in terms of Policy EMP4 of the adopted Cherwell Local Plan 1996 and is considered to accord with the direction of PPS4.

## 6. Recommendation

### **Approval, subject to the imposition of the following conditions;**

- 1) SC 1\_4A (Time limit for implementation)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents and the materials and finishing details included therein;
  - i. drawing 012 Rev P3 (submitted with the application)
  - ii. drawing 013 Rev P2 (submitted with the application)
  - iii. drawing 014 Rev P2 (submitted with the application)
  - iv. drawing 015 Rev P3 (submitted with the application)
  - v. drawing 116 Rev P2 (submitted with the application)
  - vi. drawing U4.5-002 – External Lighting Plan and the Dextra Avalon Wallpack data-sheet (received on 12 January 2012)
  - vii. the details set out in the Application Forms and Design & Access Statement (submitted with the application)

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

- 3) That the transport impact of the development hereby approved shall be mitigated against by adherence to the Workplace Travel Plan for the site, dated September 2010, approved under application reference 10/00228/DISC on 21 October 2010.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with PPS1 – Delivering Sustainable Development and PPG13 - Transport.

- 4) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the submitted details and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details therein 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.

- 5) That 'The Heath' building shall be used only for purposes falling within Class B8; specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy BE1 of the South East Plan 2009 and Policies C28 and C31 of the adopted Cherwell Local Plan.

- 6) That no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan.

- 7) That no plant, air compressor or air extraction equipment shall be installed on the site or

in the buildings without prior written consent of the Local Planning Authority.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from noise and smells in accordance with Policy ENV1 of the adopted Cherwell Local Plan.

- 8) The existing trees along the eastern boundary of the site shall be retained and properly maintained and that any tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 9) That, notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, the approved building shall not be extended without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with PPS1 – Delivering Sustainable Development, PPG13 – Transport, and Policy C28 of the adopted Cherwell Local Plan.

- 10) Notwithstanding the provisions of section 55 (2) (a) (i) of the Town and Country Planning Act 1990 and Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with PPS1 – Delivering Sustainable Development, PPG13 – Transport, and Policy C28 of the adopted Cherwell Local Plan.

- 11) That the development shall be carried out in accordance with the contaminated land phased risk assessment and mitigation strategy approved by this authority on 11 February 2010, under submission reference 09/01861/DISC.

Reason - To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ENV12 of the adopted Cherwell Local Plan.

#### **Planning Notes**

- 1) T1 – Third party rights

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

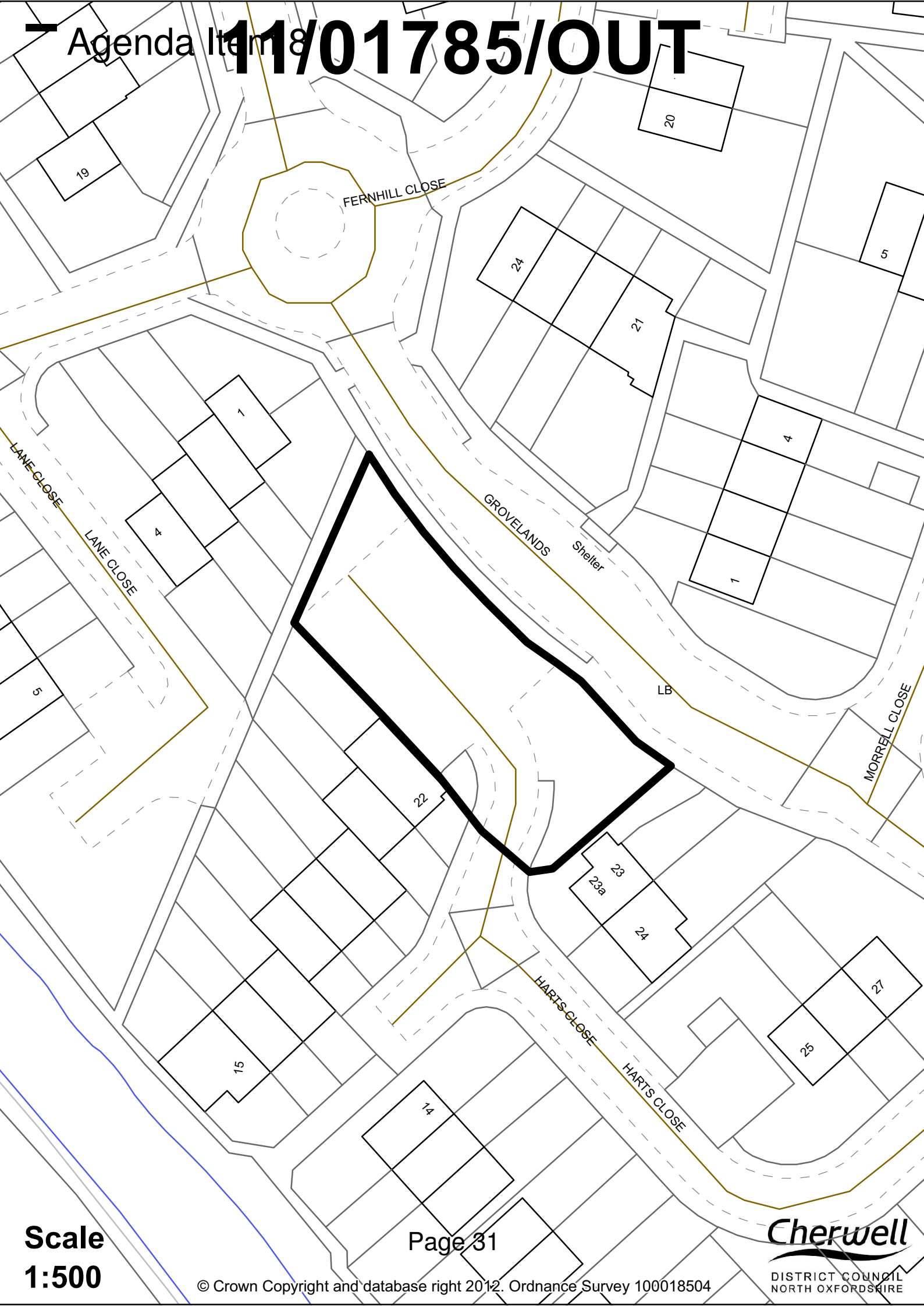
The Council, as local planning authority, has determined this application in accordance with

the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal represents an extension to an existing employment site and causes no increased harm to the character or appearance of the open countryside. Furthermore, the proposal is considered acceptable in terms of its visual impact, impact on highway safety and convenience and causes no harm to the setting of any designated heritage assets. As such the proposal is in accordance with government guidance contained in PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth, PPS5: Planning for the Historic Environment and PPG13: Transport; in addition, the proposal complies with Policies BE1, CC1 and T4 of the South East Plan 2009 and Policies C7, C13, C28 and EMP4 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**

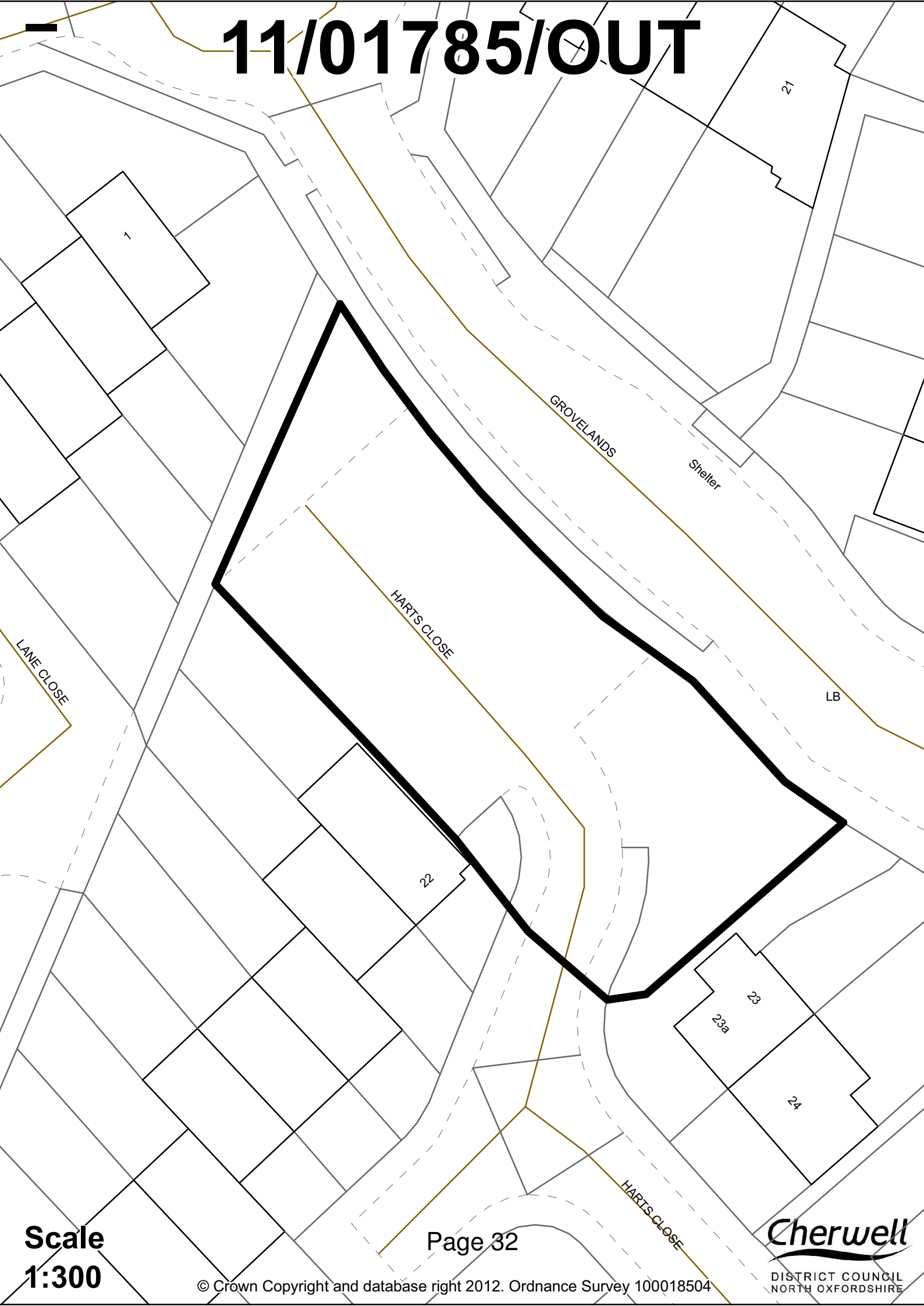
**TELEPHONE NO: 01295 221814**

# Agenda Item 8 **11/01785/OUT**



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**1:500**

# 11/01785/OUT



**Scale**  
**1:300**

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application No:</b> 11/01785/OUT	<b>Ward: Kidlington</b>	<b>Date Valid: 25/11/11</b>
<b>Applicant:</b>	Oxford City Council	
<b>Site Address:</b>	Land Between 22 and 23A Harts Close, Kidlington	

**Proposal:** Erection of 3 no. 3 bed and 2 no. 1 bed properties and associated parking

## 1. Site Description and Proposal

- 1.1 Harts Close forms part of a large 1970s development on the western side of Kidlington (NE.816/72 and RM.NE.816/72 (4) refer). The cul de sac is accessed off one of the main spine roads serving the estate, Grovelands, and was originally made up of 27 semi detached/terraced properties. In the last ten years another two dwellings have been added following the extension and sub-division of numbers 15 and 23. The western boundary of the Close abuts the Oxford Canal.
- 1.2 The application site is a rectangular piece of land in the northern corner of the site - the majority of which is used as an unmarked 18 bay car park. There is a small play area near the entrance to the car park which abuts the boundary with 23A Harts Close.
- 1.3 Oxford City Council are seeking outline planning permission for the erection of a terrace of three new dwellings (3 bed) on the existing car park and a separate building comprising two flats (1 bed) on the land currently occupied by the play area. The layout plan shows the proposed properties being served by eight parking spaces centrally positioned between the two housing elements.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notice. Although the final date for comment was the 6<sup>th</sup> January 2012, because of problems with the Public Access system, Officers have been asked to show leniency with late correspondence.

Correspondence from fifteen people has been received, including an email from a local Parish Councillor. The following issues were raised:

Material planning comments:

- Development will result create parking problems for existing residents
- Highway safety
- Object to loss play facility - nowhere else for children to play in the vicinity
- Loss of privacy

Non material comments:

- Disturbance to residents and local wildlife caused by future contractors
- Application poorly advertised
- Site notice not easy to read



Deeds to property state that application land will be used for garaging  
Covenant on land protecting land  
Affect resale value of property  
Loss of open view

### **3. Consultations**

- 3.1 Kidlington Parish Council raises no objections subject to the provision of alternative play equipment elsewhere in Kidlington
- 3.2 The Environmental Protection Officer raises no objection subject to condition
- 3.3 OCC Highways Liaison Officer provided the following comments:

*“The applicant has failed to provide information which substantiates the change of use from a car parking area to residential. In which case it is considered that the parking area is required for use as such and therefore that it's loss will result in vehicles parking and manoeuvring on the public highway to the detriment of the safety and convenience of other road users.”*

- 3.4 OCC Drainage Officer raises no objections subject to condition

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

- 4.1 PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPG13: Transport  
PPG17: Planning for Open Space, Sport and Recreation  
PPS23: Planning and Pollution Control
- 4.2 Policies BE1, NRM5, S1 and T4 of the South East Plan 2009
- 4.3 Policies ENV1, C28 and C30 of the adopted Cherwell Local Plan
- 4.4 Policies H15, TR5, TR11, R7, D1 and D6 of the Non-Statutory Cherwell Local Plan 2011

### **5. Appraisal**

- 5.1 The principle of residential development in Kidlington is assessed against Policy H15 of the Non-Statutory Cherwell Local Plan 2011 (NSCLP). Policies H9 and H10 of the adopted Cherwell Local Plan were not saved following a review of the Plan by the Secretary of State in 2007. Kidlington's category 1 village status limits development to infilling, minor development comprising small groups of dwellings on sites within the built up limits and conversions of non-residential buildings in accordance with Policy H22 (NSCLP). There is little substantive difference between the non-stat Policy and Policies H9 and H10 of the CLP.
- 5.2 Government guidance, as set out in PPS3, promotes residential development in

locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. When assessing applications, LPAs are required to ensure that developers provide good mix of well designed houses that use land effectively and efficiently. More fundamentally, Paragraph 69 of PPS3 necessitates that LPAs assess the suitability of sites for housing.

- 5.3 If the application site had no existing approved use it would be reasonable to conclude that this site represented a suitable development plot. However, as alluded to above, the majority of the land in question is used as a car park with a smaller section employed as a children's play area. The layout plan for Harts Close, approved in 1977, confirms this land use designation. The parking area on this plan demonstrates that there is room to accommodate 18 vehicles (the play area is annotated with the letters T.P. (Toddlers Play)).
- 5.4 Rather surprisingly the City Council did not correct their agent's description of the site which reads as follows:

*"The site currently consists of a vacant area of hardstanding and a small grassed area which contains a swing."*

This oversight meant that no consideration was given to the loss of the car park and the toddler play area in the Planning, Design and Access Statement.

- 5.5 A number of local residents commented that, despite its age, the play area equipment is well used by local children. It was also generally asserted and that the parking area was not only still in use, but also provided an important turning area for delivery vehicles. Indeed, there are seven houses on the Close that have no other off-street parking provision and other properties that are reliant on these spaces to meet the requisite parking standard. The Case Officer therefore sought clarification from the City Council as to how they could justify the loss of both municipal facilities.
- 5.6 Despite a number of requests made through the agent, regrettably no further information or revision to the scheme has been forthcoming.
- 5.7 Parking standards as set out in Appendix B of the Non-Statutory Cherwell Local Plan 2011 (NSCLP) identifies Harts Close as Type 2 area which requires that dwellings should provide one parking space for a single bed dwelling and two spaces for two/three bed dwellings. Whilst the proposed scheme complies with the parking standard. The loss of the parking area means that not only will seven existing dwelling be without an off-street parking space there would also be no provision for any visitor parking. Without any additional supporting information to justify the loss of the car park, it is unsurprising that that the Local Highways Officer has recommended refusal. The development, which could not be redesigned in order to provide the required number of additional spaces, does not accord with Government guidance contained within PPG13 and Policies TR5 and TR11 of the Non-Statutory Local Cherwell Local Plan 2011. For reference, the relevant Policies (TR2 and TR5) in the adopted Cherwell Local Plan were not saved following the review of Council policy by the Secretary of State in 1997.
- 5.8 As for the play area, it is apparent from the objections received that despite the need for replacement equipment (the City Council is responsible for its up-keep) it is still well used by local children. PPG17: Planning for Open Space, Sport and

Recreation clearly states that open spaces should be afforded protection from redevelopment. The relevant paragraphs from PPG17 are set out below:

Paragraph 11 begins as follows:

*Open space and sports and recreational facilities that are of high quality, or of particular value to a local community, should be recognised and given protection by local authorities through appropriate policies in plans. Areas of particular quality may include:*

*i. small areas of open space in urban areas that provide an important local amenity and offer recreational and play opportunities;*

Paragraph 12 begins as follows:

*Local authorities should:*

*i. avoid any erosion of recreational function and maintain or enhance the character of open spaces;*

*ii. ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment;*

In addition to the guidance above, PPS3 also recognises the importance of catering for the needs of children. Paragraph 17 states:

*Particularly where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space.*

- 5.9 Although Policy R11 of the CLP which guarded against the loss of recreational areas was not saved by the Secretary of State in 2007, the provisions of that policy are largely replicated in Policy R7 of the NSCLP. The supporting text in paragraph 7.49 of the NSCLP states that alternative uses for such sites will only be permitted in exceptional circumstances. It goes on to state that:

*When assessing such proposals the Council will also wish to be satisfied that a suitable alternative site, of equivalent community benefit, for recreation will be provided to maintain an adequate provision of recreation facilities for the settlement concerned. The quality, quantity and accessibility of the proposed replacement facility will be taken into consideration in determining whether the alternative site is of equivalent community benefit.*

- 5.10 As with the parking provision, it is unfortunate that the City Council have not attempted to provide a justification for the loss of the play area or indeed offer some form of mitigation e.g. find an alternative site and/or provide additional funding for other local play areas.

- 5.11 The City Council quite clearly have not complied with the guidance set out in paragraph 10 of PPG17 which reads as follows:

*Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly*

*shown the open space or the buildings and land to be surplus to requirements.*

- 5.12 Although all matters are reserved, it is worth noting that given the limitations of the site, it is unlikely that the layout could be significantly revised to accommodate the description of development proposed. The terrace of properties, without any other consideration being taken into account, is deemed to be acceptable in design terms and would not have a detrimental effect on the amenities of any of the neighbouring residents. The same, however, could not be said for the proposed flats which would, in the opinion of the HPP&DM, have an overbearing impact on the occupiers of 23A Harts Close. This part of the development does not, therefore, accord with Policy C30 of the CLP.
- 5.13 Based on the assessment above the HPP&DM recommends this application for refusal as it fails to comply with Government guidance contained within PPS1: Delivering Sustainable Development, PPS3: Housing, PPG13: Transport and PPG17: Planning for Open Space, Sport and Recreation and Policies BE1, S1 and T4 of the South East Plan 2009 and Policy C30 of the adopted Cherwell Local Plan and Policies H15, TR5, TR11, R7 and D6 of the Non-Statutory Cherwell Local Plan 2011.

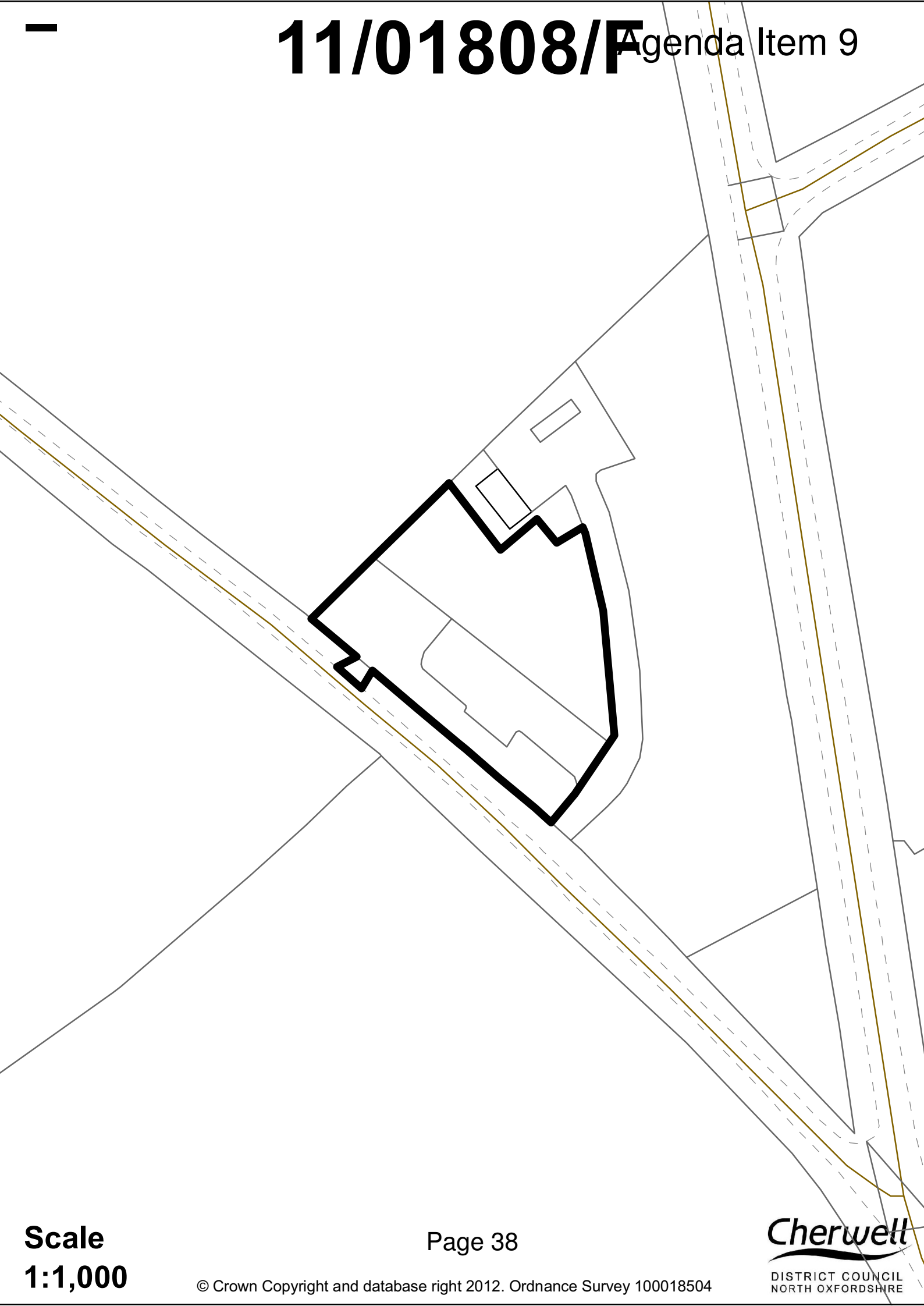
## **6. Recommendation**

### **Refusal, for the following reasons:**

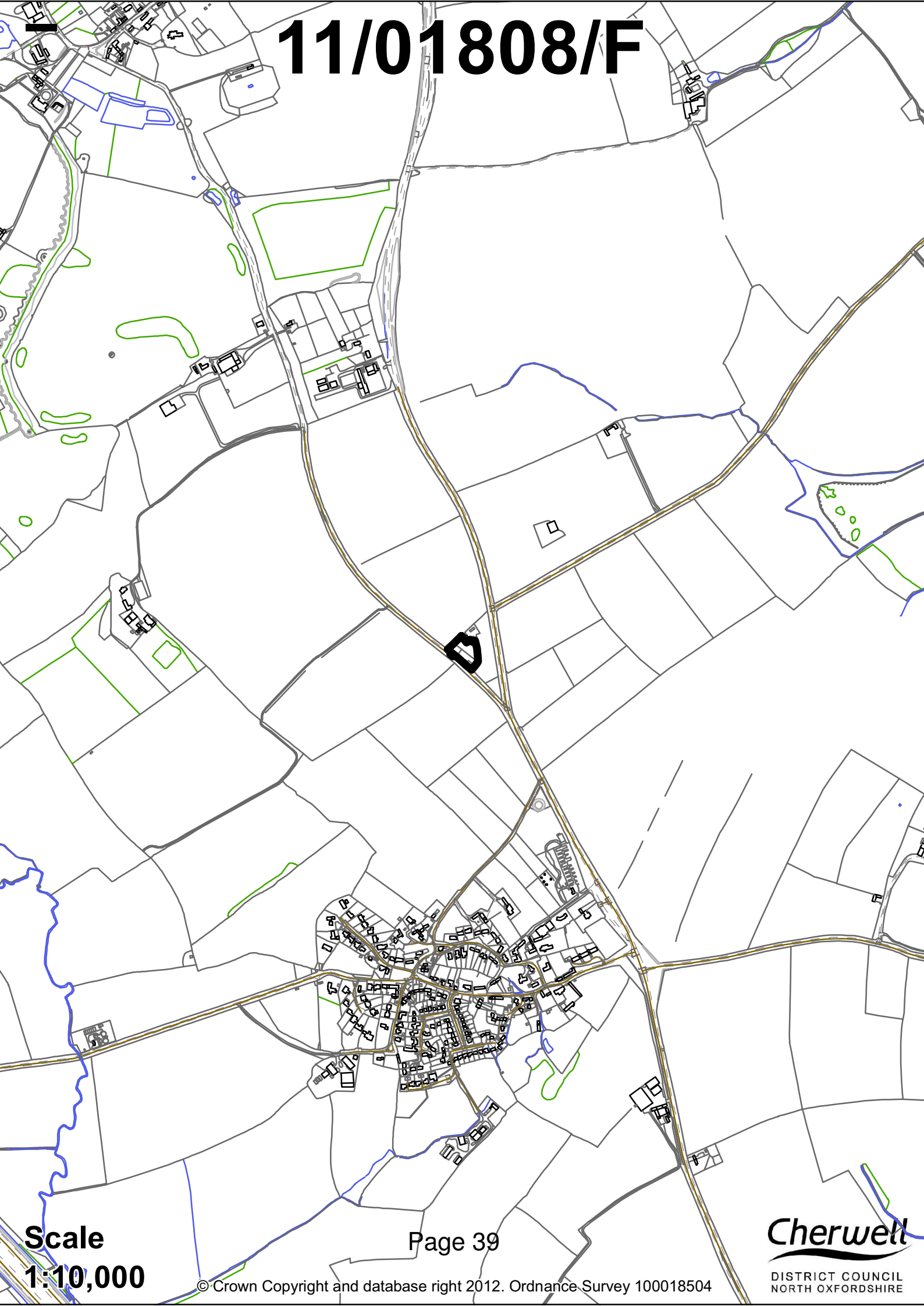
- 1. The applicant has failed to provide information which would justify the change of use of the existing car park for residential purposes. Therefore, it is considered that the parking area is required for use as such and therefore that it's loss will result in vehicles parking and manoeuvring on the public highway to the detriment of the safety and convenience of other road users. The development therefore does not accord with Government guidance contained within PPG13: Transport and Policies TR5 and TR11 of the Non-Statutory Local Cherwell Local Plan 2011.**
- 2. The proposed development will result in the loss of a children's play area. Without an acceptable justification, the development therefore runs contrary to Government guidance contained within PPS3: Housing and PPG17: Planning for Open Space, Sport and Recreation and Policy S1 of the South East Plan 2009 and Policy R7 of the Non-Statutory Local Cherwell Local Plan 2011.**
- 3. The applicant has failed to demonstrate that it is possible to accommodate the proposed development within the application site without harming the amenities of the neighbouring residents with particular regard to 23A Harts Close. The development therefore does accord with Government guidance contained within PPS3: Housing, Policy BE1 of the South East Plan 2009 and saved Policy C30 of the adopted Cherwell Local Plan.**

**CONTACT OFFICER: Paul Ihringer**

**TELEPHONE NO: 01295 221817**



# 11/01808/F



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**1:10,000**

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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)

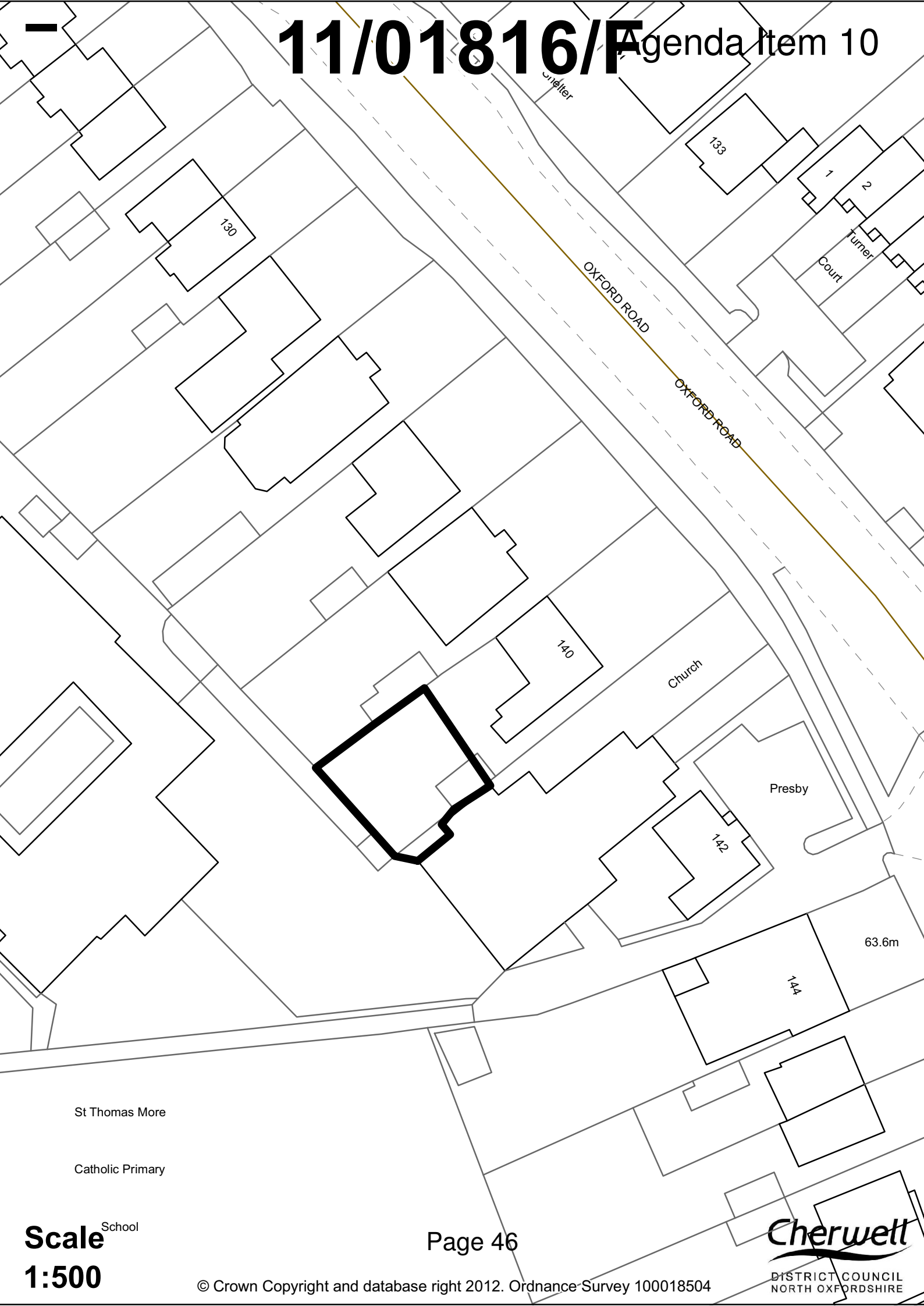
### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

**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**

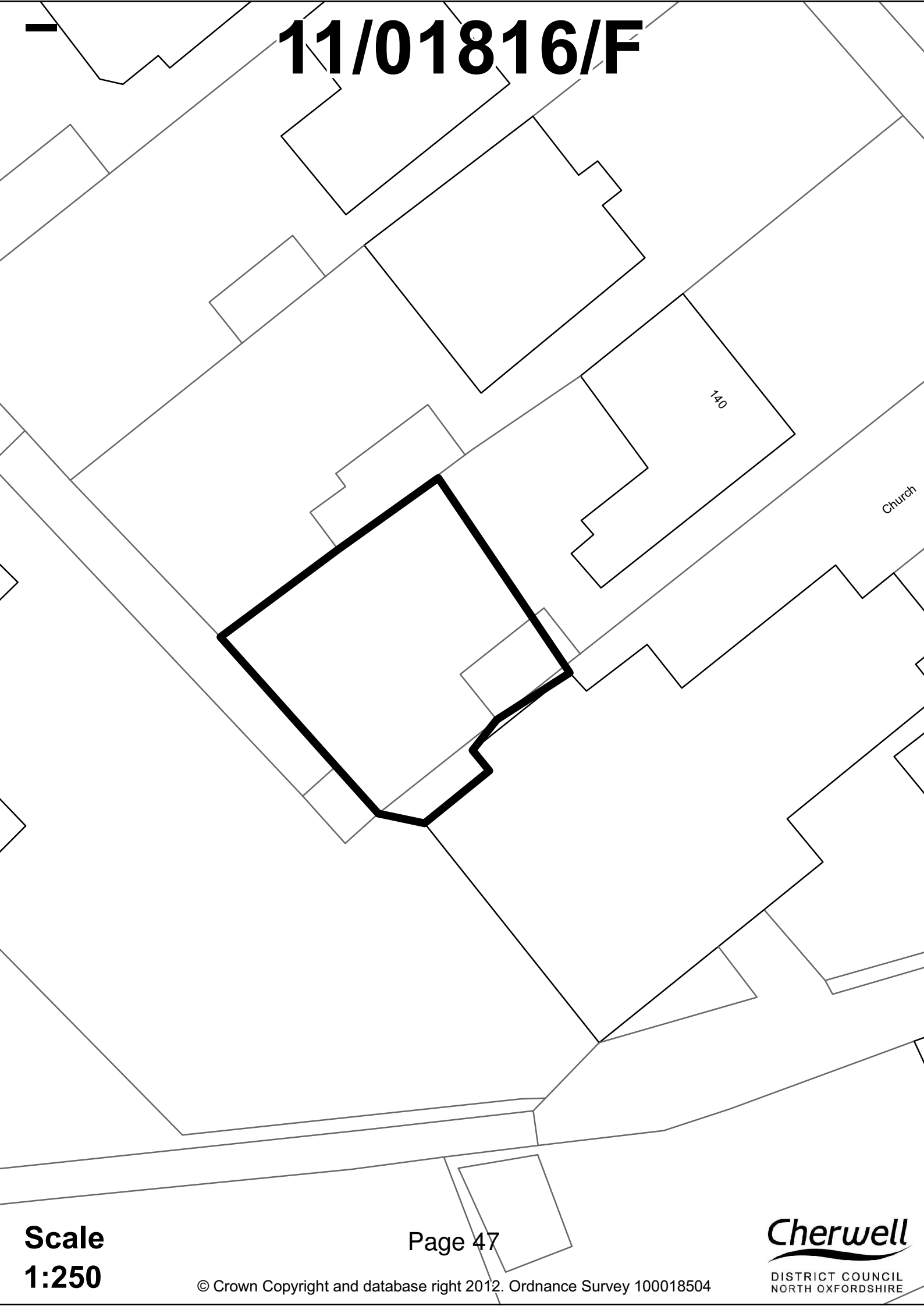


St Thomas More

Catholic Primary

**Scale** <sup>School</sup>  
**1:500**

# 11/01816/F



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

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<b>Application No: 11/01816/F</b>	<b>Ward: Kidlington</b>	<b>Date Valid: 16/11/11</b>
<b>Applicant:</b>	St. Thomas More Parish BRCDTR	
<b>Site Address:</b>	140 Oxford Road, Kidlington	

**Proposal:** Single storey extension with access ramp to adjacent church

## 1. Site Description and Proposal

- 1.1 Kidlington's Catholic Church, St. Thomas More, which was constructed in the 1960s (NE.41/67 refers), is located on the village's main thoroughfare and is surrounded by housing on either side. The church has eight dedicated parking spaces to the front of the adjacent presbytery. To the rear of the church and other housing on Oxford Road is the Thomas More Catholic Primary School, which obviously has strong ties with the church.
- 1.2 Sometime in the late 1990s the church acquired 140 Oxford Road, the adjacent hipped bungalow to the northwest of the church. Planning permission was refused in 1998 (98/00089/F) to convert 140 Oxford Road into a parish meeting room with a parking area to the front. It was resisted on the grounds of the adverse impact the development would have on the occupiers of 138 Oxford Road (neighbouring bungalow) in terms of noise and disturbance and highway safety. A subsequent application submitted the following year, 99/00211/F, had the parking area deleted from the proposal. Notwithstanding this revision, it was resisted on similar grounds. 140 Oxford Road, still a residential dwelling, currently remains vacant.
- 1.3 Planning permission is currently being sought to erect a single storey structure (13m x 10m and a ridge height of 4.5m) in the rear of the garden which would be linked, via a flat roofed lobby and store area (7.5m x 2.4m), to the church. Most of the space, in the main body of the extension, will be open plan with other smaller sections being partitioned to form a meeting room, kitchen and for toilet facilities. In a statement of justification the parish authority states that the hall will be used for children's liturgy, after Masses tea/coffee, a Youth Group, RCIA, Bereavement and Retired Peoples Groups.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notice. The final date for comment was the 6<sup>th</sup> January 2012.

1 letter has been received. The following issues were raised:

Material planning comments:

- Previous history of refusal on the site
- Overdevelopment
- Out of keeping
- Highway safety

Lack of parking  
Noise pollution  
Loss of privacy  
Loss of light  
Concern over what the building will be used for  
Drainage

Non material comments:

140 Oxford Road should not have been left empty given housing shortage  
Ability of drainage system to cope  
Potential of alarms going off by accident (problem with school)  
Devalue property  
Children health issues

### **3. Consultations**

- 3.1 Kidlington Parish Council raises no objections to the application
- 3.2 The Anti-Social Behaviour Manager raises no objection subject to condition
- 3.3 OCC Highways Liaison Officer raises no objections subject to condition.
- 3.4 OCC Drainage Officer raises no objections subject to condition

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

- 4.1 PPS1: Delivering Sustainable Development  
PPG13: Transport
- 4.2 Policies BE1 and T4 of the South East Plan 2009
- 4.3 Policies ENV1, C28 and C31 of the adopted Cherwell Local Plan

### **5. Appraisal**

- 5.1 The key issue in this case is the impact the development will have on the neighbouring residents most notably the current occupiers of 138 Oxford Road.
- 5.2 Although, as has been argued by the neighbours, this is a relatively large development it is important to put the proposal in to context. The applicant could, should it so choose, erect a large building within the rear garden up to a height of 4m without the need for planning permission. The only other restrictive provisos would be that the building should not cover 50% of the property's curtilage and be within 2m of any boundary, It could then seek permission for a link to the church which would be unreasonable to resist on overdevelopment / loss of light grounds.
- 5.3 Whilst the proposed structure has a large footprint it does not contravene the 50% limit - for clarity the land to the front of the 140 Oxford Road forms part of the calculation. Although the proposed building is 1 metre from the boundary with 138 Oxford Road and has a height of 4.5m, the impact would, in the opinion of the



HPP&DM, be little different to a building with a 4m ridge closer to the boundary with 138 Oxford Road that would still comply with the permitted development legislation.

- 5.4 Furthermore, despite the fact that the occupiers of 138 Oxford Road will experience a limited loss of light, the extension will be viewed against the backdrop of the much larger church when viewed from their garden. So although the HPP&DM has some sympathy for the neighbours' objection regarding the scale of the development, the HPP&DM is convinced that it would not be possible to sustain a reason for refusal, based on these on these grounds, at appeal.
- 5.5 Of more concern in this case is the introduction of a non-residential activity into this environment. During brief pre-application discussions with a representative of the church, it was stressed that the impact on the neighbouring residents would have to be minimised. Having a very shallow pitched roof and keeping the elevations facing 140 Oxford Road and the garden of 138 Oxford Road blank goes a long way to achieving this goal - a point acknowledged by the Council's Anti-Social Behaviour Manager (ASBM). Indeed, the ASBM concluded that providing that the hall was not equipped with amplified sound, he was happy that the neighbouring residents would not be unduly disturbed. The development is therefore considered to comply with Policies ENV1 and C31 of the adopted Cherwell Local Plan (CLP).
- 5.6 Having addressed the size of the hall and its impact on the neighbouring residents, it is important to acknowledge that the actual design of the hall is not controversial, the blank elevations and shallow pitch, somewhat unfortunate features, are not significant flaws and are justified in this particular instance. It should also be remembered that the building will be largely obscured from the public domain by the church and the surrounding housing. The development is therefore considered to accord with Policy C28 of the CLP.
- 5.7 The Highways Officer is of the opinion that any additional pressure on parking will be limited as the hall will be used in conjunction with church services or when the church is not in use. The Highways Officer is satisfied that the existing parking provision to the front of the presbytery will suffice.
- 5.8 As for highway safety, the Highways Officer concluded that the existing access on to the service road does not pose any particular concerns. Accident data for this part of Kidlington reveals that all the road incidents that have occurred in the past ten years (all minor) were down to driver error rather any physical or geometric issues. The Highways Officer finishes his report by stating that although the area around the school can be *'intensively used during school 'in' and 'out' periods'* when greater care is needed, these busy times are unlikely to coincide with church activity. Based on the Highways Officer's assessment, it is concluded that this proposal complies Government guidance contained within PPG13.
- 5.9 Based on the assessment above, the HPP&DM is satisfied that the development complies with Government guidance contained within PPS1: Delivering Sustainable Development and PPG13: Transport and Policies BE1 and T4 of the South East Plan 2009 and saved Policies ENV1, C28 and C31 of the adopted Cherwell Local Plan. This application was brought before Committee at the request of the local Member.

## 6. Recommendation

Approval, subject to the following conditions:

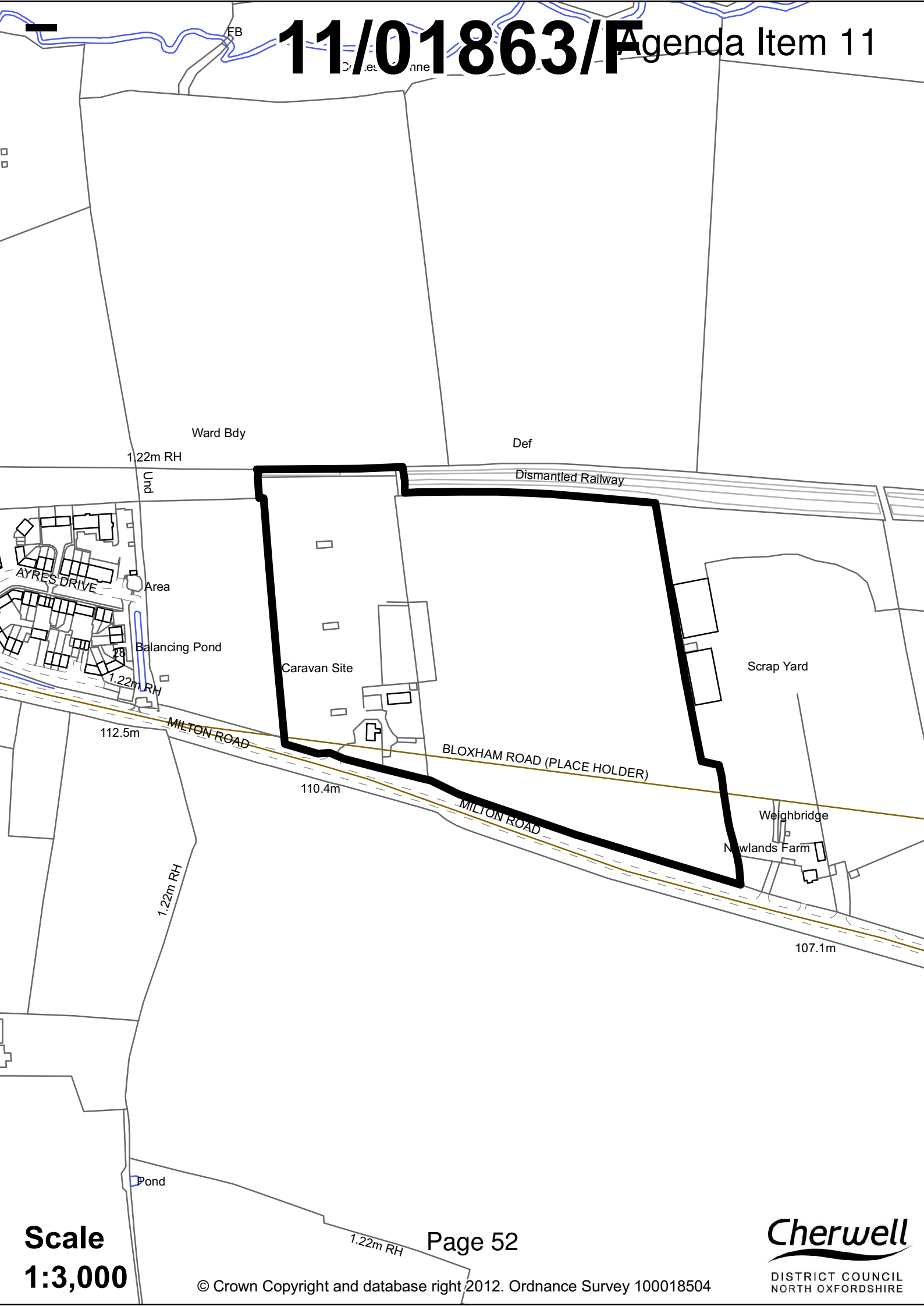
1. **1.4A - Full Permission: Duration Limit (3 years) (RC2)**
2. **Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved plans: 1123 001; 1123 002; 1123 003 B; and 1123 004 D**  
  
**Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with PPS1: Delivering Sustainable Development.**
3. **SC 2.6AA - Materials to Match**
4. **That no amplified sound equipment shall be operated or used in the building hereby approved.**  
  
**Reason - In order to safeguard the amenities of the area and to comply with Policy BE1 of the South East Plan 2009 and Policies C31 and ENV1 of the adopted Cherwell Local Plan.**
5. **The use of the building hereby approved shall be limited to the activity as set out in the Statement of Justification which formed Appendix 1 of the Applicant's design and Access Statement.**  
  
**Reason - In order to safeguard the amenities of the area and to comply with Policy BE1 of the South East Plan 2009 and Policies C31 and ENV1 of the adopted Cherwell Local Plan.**

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

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed extension to the church is of a design, size and style that is appropriate and will not unduly impact on the neighbouring properties or compromise highway safety. As such the proposal is in accordance with Government guidance contained within PPS1: Delivering Sustainable Development and PPG13: Transport and Policies BE1 and T4 of the South East Plan 2009 and Policies ENV1, C28 and C31 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**



Scale  
1:3,000

# 11/01863/F



<b>Application No: 11/01863/F</b>	<b>Ward: Adderbury</b>	<b>Date Valid: 13.12.11</b>
<b>Applicant:</b>	Smiths of Bloxham	
<b>Site Address:</b>	Smiths, Bloxham Road Caravan Site Bloxham Road Milton	

**Proposal:** Use and continued use of site as a gypsy and traveller site to provide 36 no. household pitches with associated landscaping, landscape bund, amenity/play area, dayrooms, access road, hardstanding and parking areas.

## 1. Site Description and Proposal

- 1.1 This application relates to an existing gypsy and traveller site situated on the Milton Road, Bloxham, approximately 1.5km from the centre of the village and 100m from the recent Milton Road residential development on the south-eastern edge of the village. The site is roughly rectangular in shape measuring some 3.64ha and is bounded to the south Milton Road and to the north by the disused railway with open land to either side, but immediately adjacent The Smiths of Bloxham scrap yard on the eastern boundary. A public right of way runs along the northern boundary.
- 1.2 The site is currently divided into roughly two halves. The western half is currently a caravan park and has three permanent brick buildings (toilet/amenity blocks) and a bungalow occupied by the applicant's family member. There is a tarmac access loop round the middle of the site, but the rest is gravelled. The north western corner of the site extends into an area of the old railway embankment and has been lowered by about 1m in order to create a flat area for the caravans. The caravan park is bounded by hedges on all sides, the height of these hedges varies between 3m to the south and 5m to the west and east and around 10m to the north of the paddock.
- 1.3 The eastern half of the site is currently used as a paddock, abuts the scrap yard and has a separate gated access.
- 1.4 Planning permission is sought for the above proposed development, which essentially seeks to regularise the existing use of the site and also provides an opportunity to enhance the living conditions of the existing residents by enlarging and enclosing the pitches (post and wire and hedge) and providing a play area/amenity land and better toilet/wash facilities. A foul drainage system would be constructed and new refuse/recycling facilities provided. The proposal also includes an extension to the site of approximately 60m to the east that will increase the number of pitches from 20 to 36. These pitches and layout of the site comprises the following:
- 12 no. park homes with 2 no. parking space and site for touring caravan (some existing residents have expressed a wish to live in a park home

rather than a static or touring caravan)

- 16 no. static caravans/mobile homes with 2 no. parking space and site for touring caravan.
- 8 no. touring caravans with associated parking space
- 16 no. day room blocks in pairs or single to static mobile home pitches
- 1 no. toilet/shower block for use by touring caravans
- 4 no. refuse bin/recycling bin stores
- formal play/amenity area
- associated landscape belts and 2.5m high landscaped bund adjacent the scrap yard to the east.
- Access road linking the existing loop to the enlarged site, utilising the existing vehicular access off the Milton Road.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of a site notices. The final date for comments was 2<sup>nd</sup> February 2012. No third party comments have been received.

## **3. Consultations**

- 3.1 Milton Parish Council – No objection in principle but the following concerns have been raised in respect to increased traffic on the Milton Road, the additional pressure for places put on the local schools, and the increase in the need for adequate health care facilities.
- Bloxham has recently undergone tremendous development both on the Bloxham Road (A361) and also the Milton Road. With the extension of the camp site, which will nearly double the site inhabitants and bring more children to the village of Bloxham and their need for local education and health care. Bloxham Primary school is over subscribed as it currently stands and no known intension of it being extended to facilitate all these children
  - An extension of the site to increase numbers should be viewed in the same way as extending any residential use onto adjoining land. If it were at the edge of a settlement and a good planning case could be made for extending the boundaries of that settlement, then that would appear sensible. However here this is in open countryside away from the settlement boundary. Indeed the proposed extension is actually proposed in the opposite direction to the existing settlement of Bloxham, taking an urban use further into the countryside. An extension of the site does not seem to overcome objections that a suitable site could be

found at the boundary of a settlement elsewhere in the district.

- Essentially this is a proposal for affordable homes for local families. This is exactly what has just been built a few fields to the west within Bloxham Parish. Had the proposer wanted to create more room for travellers the site could have been put there rather than selling that recently developed site for residential development. Unlikely that planning permission would be gained for an extension to the site were it to be for standard residential development for affordable homes and there seems no reason why a special case should be made.
- There is clearly concern that an extensification of this use on this site could result in the joining up of Bloxham to the caravan site, and/or the caravan site to the waste recycling centre. Further urbanisation in this location may move the extension of Bloxham inexorably along the Milton Road. If this is a planning decision then it should be discussed as such as part of an overall plan for Bloxham, not piecemeal site by site, and the local inhabitants should be given the opportunity to discuss such a planning move.
- The working population of the present site community all work away from the site and have due to its location have to drive on all occasions. Further all shopping has to be done by car as do access to schools. There is no regular bus service along the Milton Road. Again a site at reasonable walking distance from a settlement would be more suitable to take extra travelling people or would not edge of Banbury be a better place to put such additional traveller space?
- The adjacent field lying to the west of the Caravan Park be required to remain as an open field and that the track shown across it not be open to regular use, (currently used during the Steam Fair for and access). The western boundary hedge of the above field, being the Parish Boundary hedge should be reconstituted with the current gaps replanted and current shrub/tree planting along the western boundary of the Caravan Site be reinforced.

3.2 Bloxham Parish Council – No objection.

3.3 Oxfordshire County Council (Highways) – No objection. The site has been there since 1983, and is therefore well established. The access has good visibility and there is no reason to believe approval of this application will raise any significant highway safety concerns.

3.4 Oxfordshire & Buckinghamshire Gypsy & Traveller Services – raises issues over the visibility of the access, need for the toilet/utility room to be disabled compliant and the amount of children likely to attend the nearby school. The landscaping along the highway should be defensive planting to allow privacy for residents.

3.5 Oxfordshire County Council (Drainage) - All roof water and surface water from

hardstandings should drain to soakaways, be SUDs compliant and not enter onto the highway drainage system.

- 3.6 Oxfordshire County Council (Minerals & Waste) - The proposal includes the deposit of waste from the adjacent waste transfer station so as to raise the land and create a landscaping bund. If minded to approve the planning application, suggested conditions seek to limit the deposit of waste to the approved area; to ensure that any wastes deposited on the land arise from the adjacent waste transfer station and are not imported onto the land; to ensure that recyclable waste is not landfilled; and finally that the development is completed in a timely manner.
- 3.7 Ecologist – It doesn't look as if any mature trees with bat potential are to be removed as part of the site expansion, just some sections of hedgerow. Any permission should be conditional that no removal of trees, scrub or hedgerows to take place between between the months of March to August inclusive. (Reason: nesting birds are protected from harm and disturbance under the Wildlife & Countryside Act 1981 (as amended))
- 3.8 Head of Strategic Planning and the Economy - This is an existing site and its loss would have a significant, detrimental effect on the district's supply of pitches. There are presently no identified sites that could provide alternative accommodation. The additional pitches would contribute to a need over the Core Strategy plan period that is likely to be higher than that identified in the 2006 GTAA. The grant of permission would assist the Council in meeting the proposed requirements of the draft PPS and presents a rare opportunity to improve the living environment of an existing site for residents. I understand that at present there is no formal play or amenity area, pitches generally do not have their own defined curtilage space or washing facilities and there is no mains sewerage. I am therefore of the view that the proposed development is required from a housing needs perspective.
- A full assessment of the unmet housing need and comments made in this respect from HSP&E is detailed in the context of the appraisal.
- 3.9 Anti-Social Behaviour Manager – makes no observations
- 3.10 Thames Water – no objection but suggest informatives be provided to applicant.

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

4.1 National Policy Guidance:

PPS1: Delivering Sustainable Development and Climate Change Supplement

PPS3: Housing

PPS7: Sustainable development in rural areas



PPS9: Biodiversity and Geological Conservation

PPG10: Planning and Waste Management

PPG13: Transport

PPG18: Enforcing Planning Control

PPG23: Planning and Pollution Control

PPG24: Planning and Noise

Draft National Planning Policy Framework – July 2011

ODPM Circular 01/2006 – Planning for gypsy and traveller caravan sites  
(Circular 1/06)

Managing unauthorised camping (October 1998)

Guidance on managing unauthorised camping (Feb 2004)

Guide to effective use of enforcement powers Part 1: Unauthorised  
encampments (February 2006)

Government's Draft guidance 'Planning for Traveller Sites': consultation (April  
2011)

Government's publication 'Designing Gypsy and Traveller sites – good practice  
guide' May 2008

Human Rights Act 1998

Housing Act 2004

The Equality Act 2010

#### 4.2 Regional Policy in the South East Plan 2009:

CC7: Infrastructure and implementation

C4: Landscape and Countryside Management

H4 : Type and size of new housing

NRM2: Water quality

NRM5: Conservation and improvement of biodiversity

T4: Parking

Paras 7.27 – 7.30 – provision for gypsies and travellers : interim statement

Local Policy in the Adopted Cherwell Local Plan 1996:

C1: Nature conservation

C4: Ecology – habitat creation

C7: Landscape conservation

C8: Sporadic development

C13: Area of High Landscape Value

C14: Trees and landscaping

C28: Layout, design and external appearance to be compatible with the character of the context of a development proposal

ENV7: Water quality

ENV12: Contaminated land

#### Draft Core Strategy

H8: Travelling communities

## **5. Appraisal**

- 5.1 The main issues for consideration in this application are;
- History
  - Policy context
  - Layout and amenity
  - Access, parking and highway safety
  - Ecology

5.2 History

Planning permission was originally granted for the caravan park under CHN.186/83, which essentially gave temporary 25 year consent to the site, which expired in June 2008. Another application (CHN.651/85) was granted consent to vary three of the previous conditions. These permissions restricted its use to the siting of 40 caravans (including a mobile home) while there were only two toilet blocks provided on site and the siting of 54 caravans (including a mobile home) at any time when three toilet blocks were provided (which currently are).

- 5.3 Assuming the common, approximate average of two caravans per household pitch, the equivalent number of pitches on the site would be between 20 and 27 depending on the number of toilet blocks provided. The district's supply position presently assumes that the site provides 20 pitches, but this is being reviewed as part of work on the Needs Study.

5.4 The unauthorised use of the site came to light whilst the case officer dealt with the Hampton Gay/Islip gypsy appeal (10/00839/F). Since then the applicants, their agent and the case officer in conjunction with colleagues in Strategic Planning, have been in discussions to regularise the use and also negotiating an extension to the site to provide additional pitches and an enhancement of the existing.

5.5 Policy Context

This application must be determined in line with the development plan unless other material considerations indicate otherwise; the main policy considerations for an application of this sort are set out in Section 4 above. The material considerations in gypsy and traveller cases include the following:

- Gypsy status
- Policy
- Housing Needs – quantitative assessment of the need for additional traveller sites
- Site specific issues – previous planning history of site, accessibility/sustainability, character and harm to landscape, impact on residential amenities, highway safety and access criteria  
Personal circumstances – local needs, education, family, health, work connections and Human Rights Act Article 8, Protocol 1 and Article 14.

5.6 The gypsy status of the residents of the caravan park is not disputed.

5.7 **PPS3: Housing**

The Government guidance contained in PPS3 sets out policies designed to achieve affordability and supply of housing in all communities, including rural areas. Paragraph 21 echoes the advice in Circular 01/2006 to ensure that Local Planning Authorities should have regard to ‘the diverse range of requirements across the area, including the need to accommodate Gypsies and Travellers’.

5.8 **Housing needs**

The Housing Act 2004 and ODPM circular 1/2006 on *Planning for Gypsy and Traveller Caravan Sites* require local authorities to assess and make provision for the accommodation needs of Gypsies and Travellers. PPS3 requires LPAs to plan for a mix of housing including having regard to the need to accommodate Gypsies and Travellers. A draft PPS on *Planning for Traveller Sites* (2011), intended to replace circular 1/2006, proposes a continuation of the requirement to assess (in the light of historical demand) and meet local needs. It states that LPAs will be required to establish locally set targets, identify specific sites that will enable continuous delivery for at least 15 years from the date of adoption of the plan and to identify sufficient specific deliverable sites to deliver site need in the first five years. A new Gypsy and

Traveller Housing Needs Study has recently been commissioned to assess the level of need.

- 5.9 The district presently has a total of 51 pitches including 8 recently approved on appeal (10/00839/F) near Islip. On 3 November 2011, the Planning Committee conditionally resolved to grant planning permission (11/01356/F) for 3 pitches for a temporary period of 3 years on land off Woodstock Road, Yarnton. If permission is issued, the number of pitches would increase to 54. This is 6 more than the district had in 2006 (48).
- 5.10 On the basis that the district has 54 pitches in total (including 20 on this site), the grant of permission would increase the number of pitches by 16 to 70. If planning permission were not to be granted total supply would fall by 20 pitches to 34. This would be 14 less than the position in 2006.
- 5.11 Although the level of need that will be identified by the new Needs Study cannot be predicted, it is likely that household growth and 'concealed need' (for example, overcrowding) will create a requirement for new pitches. The draft PPS refers to an objective of increasing the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.
- 5.12 A Gypsy and Traveller Accommodation Needs Assessment (GTAA) was produced in 2006 by consultants (Tribal) for all authorities in the Thames Valley area. Cherwell's need (corrected) was identified as being 12 additional permanent pitches on top of the 48 existing pitches. However, the study only calculated needs to 2011 and the draft PPS suggests that as least 15 years supply should be planned for.
- 5.13 This is an existing site and its loss would have a significant, detrimental effect on the district's supply of pitches. There are presently no identified sites that could provide alternative accommodation. The additional pitches would contribute to a need over the Core Strategy plan period that is likely to be higher than that identified in the 2006 GTAA. The grant of permission would assist the Council in meeting the proposed requirements of the draft PPS and presents a rare opportunity to improve the living environment of an existing site for residents. At present there is no formal play or amenity area, pitches generally do not have their own defined curtilage space or washing facilities and there is no mains sewerage. The HPP&DM therefore agrees with the view of the HSP&E that the proposed development is required from a housing needs perspective.
- 5.14 **Site Specific – Accessibility/Sustainability**
- Circular 01/2006 states that issues of sustainability are important and that in planning for new sites, LPAs should first consider locations in or near existing settlements with access to local services, e.g. shops, doctors and schools. It also states that rural settings, where not subject to special planning constraints, are acceptable locations in principle and that in assessing the suitability of sites, LPAs should be realistic about the availability, or likely availability, of

alternatives to the car in accessing local services. It requires sites to respect the scale of, and not dominate, the nearest settled community and avoid placing undue pressure on local infrastructure. The draft PPS states, among other proposals, that LPAs should relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density.

5.15 The Draft Core Strategy (policy H8) proposes a sequential approach to site identification beginning with sites within 3km road distance of the built-up limits of Banbury, Bicester and 'Type A' villages including Bloxham. In assessing the suitability of site it requires a number of criteria to be considered mostly related to accessibility to key services, environmental impact and achieving a satisfactory living environment.

5.16 The site is approximately 90 metres from the built-up edge of Bloxham and less than 2km by road to the centre of the village. Bloxham is the district's largest village (other than Kidlington) with a population of over 3,000. It has a good range of services and facilities including schools, shops, post office, takeaway, church, garage, recreation ground, play area, doctor's, dentist and a bus service. The comments made by Milton Parish Council are duly noted in this respect, however the HPP&DM agrees with the HSP&E that the site is in an acceptable location for a Gypsy and Traveller site in terms of access to services and facilities and travelling distances.

5.17 CLG's Good Practice Guide (2008) on Designing Gypsy and Traveller Sites advises that there is no one ideal size of site or number of pitches but that the experience of site managers and residents suggests that a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage

<http://www.communities.gov.uk/publications/housing/designinggypsiesites>).

Although in this case there would be a total of 36 pitches, this is an existing site and its physical environment and living conditions should improve as a result of the proposals. From a policy perspective, the HPP&DM agrees with the HSP&E that the proposed extension is unlikely to result in the site being out of scale with Bloxham village and that the existing site is in an acceptable location for a gypsy and traveller site in terms of access to services and facilities.

#### 5.18 **Character and harm to landscape**

The site is within an Area of High Landscape Value and outside the built up limits of the settlement therefore adopted Policy C13 applies and together with the guidance contained in PPS7, essentially due consideration of the character and potential harm to the rural landscape must be given. The existing caravan site is completely enclosed by hedgerow, albeit in some sections it is not as dense as others, however, the extension to the east towards the scrap yard will be in the adjoining field, this is not as well screened from the Milton Road. The proposal includes a comprehensive landscaping of the adjoining field in the form of a 2.5m high landscape bund adjacent to the scrap yard and a landscape belt along the Milton Road. The bund will comprise 8,500m<sup>3</sup> of soil from the site and subsoil and topsoil from the adjacent scrap yard, with native

planting on top, OCC as Minerals and Waste authority consider that the use of soil from the scrap yard to be acceptable subject to restrictive conditions.

5.19 The HPP&DM considers that the harm caused to the rural landscape by the 60m extension of the site, will be minimal and any visual harm will be mitigated by the proposed landscaping of the site and is therefore acceptable and complies with the landscape policies.

5.20 Layout and amenity

The proposed layout demonstrates that 36 no. pitches can be accommodated on the site with sufficient parking with new access road linking the existing and that a new play area and amenity can be provided on site to enhance the facilities for the residents along with new amenity/day rooms and Part M compliant toilet/wash facilities for the touring caravan users. The layout generally accords with the guidance contained in the Government's publication 'Designing Gypsy and Traveller sites – good practice guide'.

5.21 In terms of amenity for neighbouring residential properties, the nearest properties are approximately 100m to the west, the site has been established for the last 25 years, there are no enforcement issues relating to the site.. There is not considered to be any harm on the amenities of any neighbouring property from the existing and proposed extension of the site and the HPP&MD considers that the proposal accords with Policy C30 of the adopted Cherwell Local Plan.

5.22 Access, parking and highway safety

PPG13 and Policy TR4 of the South East Plan 2009 seeks to ensure standards of road safety and parking provision are maintained. The site is accessed off the Milton Road and utilises an existing well established access. Notwithstanding the concerns of the Parish Council and the Gypsy & Traveller Liaison Officer, the acceptability of the access and parking provision has been confirmed by the local highway authority, which raise no objection. The proposal therefore accords with PPG13 and Policy T4 of the South East Plan 2009.

5.23 Personal circumstances

*Article 8 and 14 of the European Convention on Human Rights and the Equality Act 2010*

The existing site is an acceptable and allocated gypsy and traveller site, and has been for the past 25 years; the families in occupation at the site are quite likely to have had the site as their base for that duration. Under Article 8 there is a positive obligation to facilitate the gypsy way of life. The Article 8 rights of the existing residents of the site are clearly engaged. They occupy the site as their home and are likely to face eviction if the application is refused which could lead to a roadside existence and make access to education and health care more difficult.

- 5.24 The Equality Act 2010 places a general equality duty on decision makers in respect of planning permission. Gypsies and Travellers are believed to experience the worst health and education status of any disadvantaged group in England. The Council has a duty to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people of different racial groups. Article 14 requires that Convention rights shall be secured without discrimination on any ground including race.
- 5.25 Ecology
- Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”
- 5.26 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard to the purpose of conserving (including restoring / enhancing) biodiversity” and;
- Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.
- 5.27 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.28 Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:
- 1) is the development needed for **public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature** (development).

- 2) Is there any **satisfactory alternative**?
- 3) Is there **adequate mitigation** being provided to maintain the conservation status of the population of the species?

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

5.29 Therefore where planning permission is required and protected species are likely to be found to be present at the site or surrounding area, Regulation 9(5) of Conservation Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council's Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.

5.30 In respect of planning applications and the Council discharging of its legal duties, case law has shown that:

- 1) if it is clear/perhaps very likely that **Natural England will not grant a licence** then the Council should refuse planning permission
- 2) if it is likely that **Natural England will grant the licence** then the Council may grant planning permission
- 3) if it is **unclear/uncertain** whether Natural England will grant a licence then the Council must refuse planning permission (Morge has clarified Woolley)

*[R (Morge) v Hampshire County Council – June 2010 Court of Appeal case]*  
*[R (Woolley) v Cheshire East Borough Council – May 2009 High Court case]*

**NB: Natural England will not consider a licence application until planning permission has been granted on a site, therefore if a criminal offence is likely to be committed; it is in the applicant's interest to deal with the 3 derogation tests at the planning application stage.**

5.31 In respect to the application site, a Phase I Ecology survey has been undertaken and no protected species have been found, however, in accordance with the advice from the Council's Ecologist, the hedgerow which is to be removed, should not be done so during the bird nesting season.

5.32 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be



present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with PPS9 and Policy C2 of the adopted Cherwell Local Plan.

5.33 Developer contributions

The draft Supplementary Planning Document (SPD) relating to the requirement for financial contributions towards infrastructure or service requirements was considered by the Council's Executive Committee on 23 May 2011 and was approved as interim guidance for development control purposes. Further consultation will take place in the near future.

5.34 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National planning policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost, of all or part of the additional infrastructure/service provision that would not have been necessary but for their development. Planning Obligations are the mechanism used to secure these measures. Consequently residential planning applications providing 10+ dwellings, registered on or after 15 August 2011 are affected by this draft SPD.

5.35 It is considered that the development will give rise to infrastructure or service requirements and therefore is liable for planning obligations. Financial contribution of £280,000 towards general infrastructure related items, facilities or measures which will mitigate the effect of the development would therefore be sought.

5.36 However, the applicant's have advised that the present site runs at a loss, but it continued as it is a long standing use and meets a local and district need. All pitches are leased and the development cost of the proposal is likely to amount to £450,000. The viability of the site is therefore an issue if the SPD financial contribution is pursued. The HPP&MD considers that given that this is an existing acceptable gypsy and traveller site and that it is a rare opportunity to enhance the facilities for the existing residents and provide additional pitches that will contribute to the district's supply of pitches the financial contribution in this particular case is not being pursued furthermore its loss would have a significant detrimental effect on the district's supply of pitches, which is a material consideration.

5.37 Conclusions

Taking the above considerations into account as well as the development plan and national policy and government guidance, the HPP&MD considers that the proposal retains and extends an acceptable gypsy and traveller site in a sustainable location that makes a significant contribution to the districts supply of pitches and would not give rise to any highway safety issues, unacceptable harm the character of the rural landscape, to residential amenity, visual

amenity or ecology. The proposal is therefore acceptable and complies with the relevant development plan policies.

## 6. Recommendation

### Approval, subject to the imposition of the following conditions;

- 1) SC 1\_4A (Time limit for implementation)
- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.

Reason - This consent is only granted in view of the special circumstances and needs of the travelling community, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent, in accordance with the advice within ODPM Circular 01/2006.

- 3) No commercial activities shall take place on the land; including the storage of materials and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason - In order to safeguard the amenities of the area and in the interests of highway safety in accordance with Policy C28 of the adopted Cherwell Local Plan and PPG13: Transport.

- 4) No more than 64 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 12 shall be park homes and 16 shall be static caravans or mobile homes) shall be stationed on the site at any time.

Reason – To enable the Local Planning Authority to retain control over the occupancy of the site, in order to safeguard the visual amenities and character of the area and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan and PPS7: Sustainable development in rural areas

- 5) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the documents submitted with the application and the following drawings: amended site location plan received 30.01.12 and 2228/01, 03A and 04 received with the application

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

- 6) That prior to the commencement of the development a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority, the scheme shall include:
  - (a) full details of the landscape bund, which shall include; the dimensions of the landscape bund (height, shape, width at base, length); the depth of top-soils to support any planting; a planting scheme for the bund; and proposals for the long-term landscape maintenance.

- (b) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas
- (c) the reinforcement of the existing hedges along the northern and western boundaries by additional planting and shall include details of the proposed tree and shrub planting including their species, number, sizes and positions
- (d) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (e) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 7) That the bund and 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 – To ensure that the development is completed in a timely manner and 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) No wastes other than inert non recyclable waste arising from the Waste Transfer Station adjacent to the land shall be used in the construction of the landscape bund.

Reason - to ensure that any wastes deposited on the land arise from the adjacent waste transfer station and are not imported onto the land to ensure that recyclable waste is not landfilled and to comply with PPG10: Planning and Waste Management

- 9) That prior to the commencement of the development samples of the materials to be used in the construction of the external surfaces of the day rooms, toilet blocks and bin stores hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 10) The development hereby permitted shall be carried out in accordance with the recommendations set out in Extended Phase 1 Habitat Survey of the Caravan Park, Milton Road, Bloxham by Martin Ecology dated August 2011 unless otherwise agreed in

writing by the Local Planning Authority and that there will be no removal of trees, scrub or hedgerows between the months of March to August inclusive

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, Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

- 11) That, before the development is first occupied the access drive and parking areas shall be constructed, surfaced, laid and marked out, drained to SuDs compliance 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.

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) A Local Area of Play (LAP) shall be provided in accordance with the Council's adopted policy. Details of the siting and design of the LAP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter it shall be provided in accordance with the approved details prior to the occupation of any dwelling.

Reason - To ensure the provision of appropriate play facilities to serve the development and comply with Policy CC7 of the South East Plan 2009 and Policy R12 of the adopted Cherwell Local Plan.

### **Planning Notes**

1. The applicant is advised that the deposit of waste on land in the manner proposed will be subject to environmental permitting. The Environment Agency administers the necessary permits or can, in certain circumstances, register exemptions to use waste in small scale constructions. You can read the specifications of this here [http://www.environment-agency.gov.uk/static/documents/Business/U1\\_Use\\_of\\_Waste\\_in\\_Construction.pdf](http://www.environment-agency.gov.uk/static/documents/Business/U1_Use_of_Waste_in_Construction.pdf). Further advice is available directly from the Environment Agency. Tel : 08708 506506.
2. Thames Water has advised that there is a large water mains adjacent to the proposed development. Thames Water will not allow any building within 5m of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone no. 0845 850 2777 for further information.
3. Thames Water has also advised that they will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The applicant should take account of this minimum pressure in the design of the proposed development.
4. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking

advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

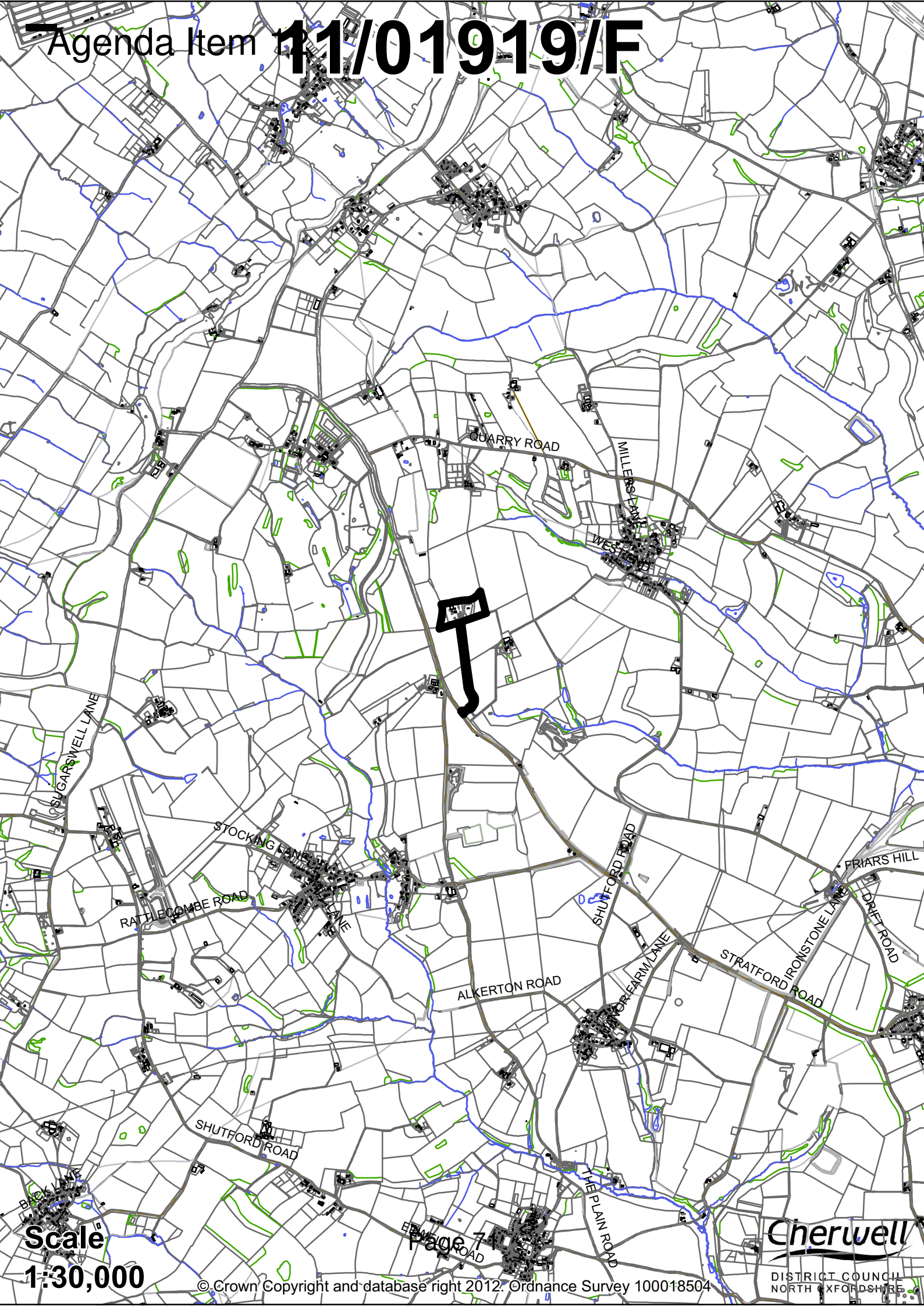
#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

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 retains and extends an acceptable gypsy and traveller site in a sustainable location that makes a significant contribution to the districts supply of pitches and would not give rise to any highway safety issues, unacceptable harm the character of the rural landscape, to residential amenity, visual amenity or ecology. As such the proposal is in accordance with government guidance contained in PPS1, PPS3, PPS7, PPS9, PPG10, PPG13, PPG18, PPG23 and PPG24 and Policies CC7, H4, NRM2, NRM5 and T4 of the South East Plan 2009 and Policies C1, C4, C7, C8, C13, C14, C28, C30, ENV7 and ENV12 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: Tracey Morrissey**

**TELEPHONE NO: 01295 221812**

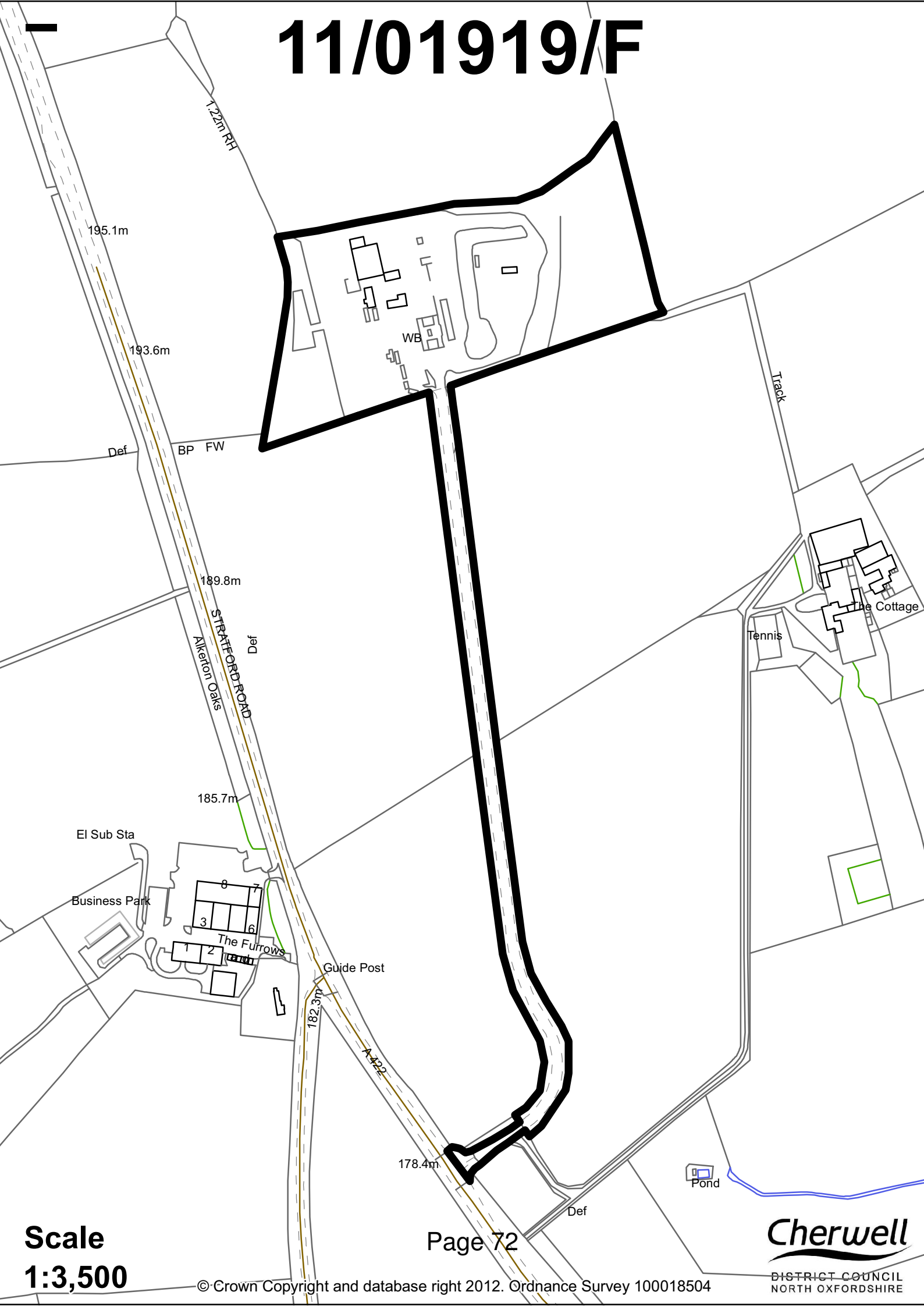
# Agenda Item 11/01919/F



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# 11/01919/F



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<b>Application No:</b> 11/01919/F	<b>Ward:Banbury</b> <b>Easington</b>	<b>Date Valid: 23.12.11</b>
<b>Applicant:</b>	Mr and Mrs N Addison	
<b>Site Address:</b>	9 Sandell Close Banbury	

**Proposal:** Single storey side and rear extensions

## 1. Site Description and Proposal

- 1.1 The site is located within a housing estate in Banbury and slopes steeply up from the highway. The dwelling is a bungalow which is constructed from brick with a tiled roof.
- 1.2 The proposal is to construct a single storey extension to the rear and side of the dwelling to provide a larger living room and kitchen and to create a dining room and utility room. The extension is to measure approximately 2.3m deep, 10.3m wide and at its highest point approximately 4.7m high.
- 1.3 The applicants are members of staff and therefore the application is brought to Members for determination.

## 2. Application Publicity

The application has been advertised by way of a site notice attached to a lamp post opposite the site. The final date for comment was 3 February 2012. No representations have been received from third parties as a result of this publicity to date.

## 3. Consultations

- 3.1 Banbury Town Council: No objection

## 4. Relevant Planning Policies

- 4.1 South East Plan  
Policy CC6 (Sustainable Communities and Character of the Environment)
- 4.2 Adopted Cherwell Local Plan  
Policies C28 (Standards of layout, design and external appearance) and C30 (design and standards of amenity and privacy)

## 5. Appraisal

- 5.1 The key considerations for assessment, which are set out below, include the impact on the visual amenities of the area and on the neighbouring properties:

### Impact on visual amenity

The works will be visible in public views due to the relationship with the adjacent properties. However the extensions are of an acceptable design and will not detract



from the character of the area.

Impact on neighbouring amenity

The location and size of the extensions and the relationship of the site to neighbouring properties means that there will be no unacceptable neighbour impact in terms of loss of light, overshadowing, loss of privacy or other detrimental effect on amenity.

**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, and drawings numbered 2226/01 and 02.

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.

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

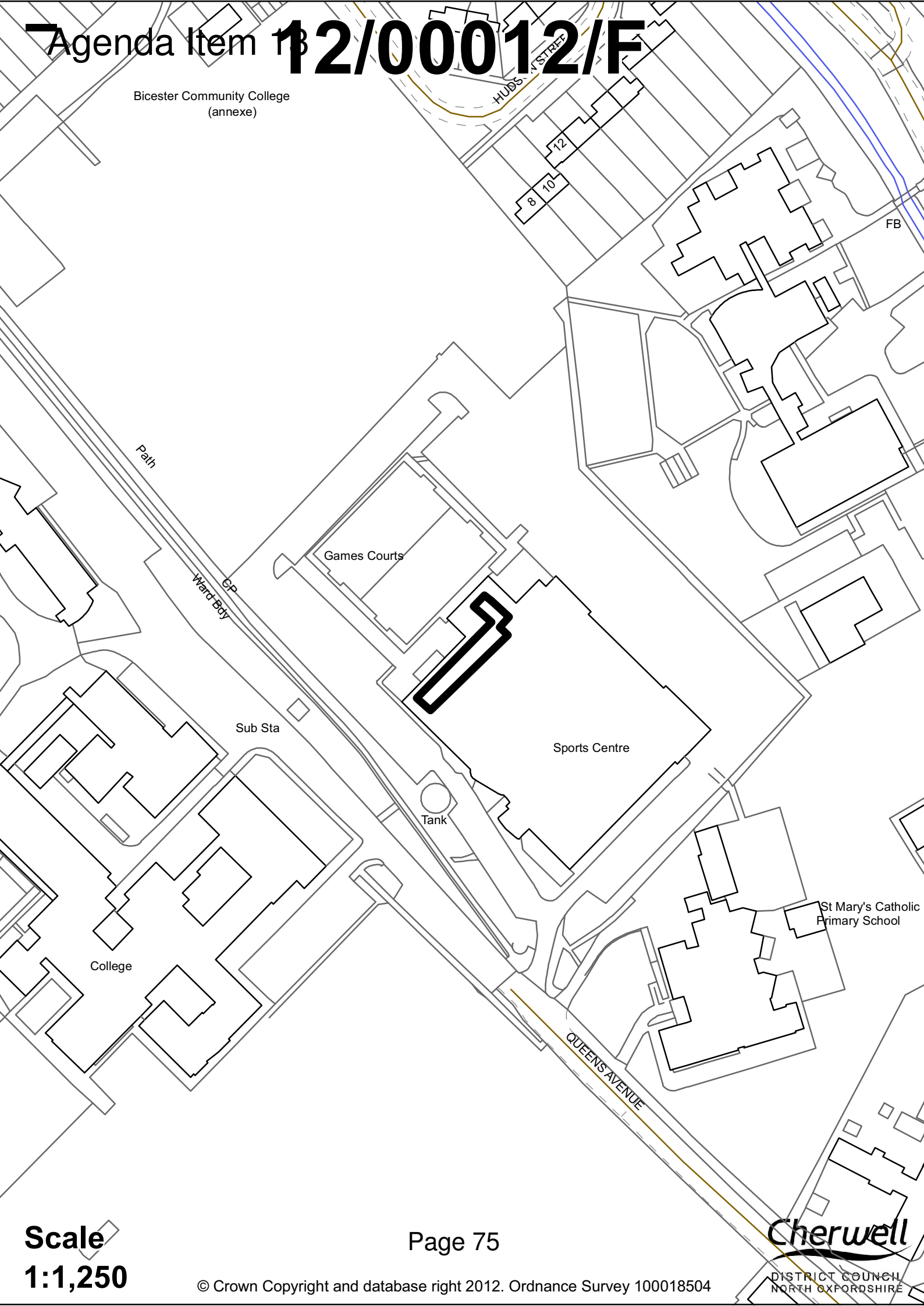
The Council, as local planning authority, has determined this application in accordance with the relevant development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of its surroundings and has no undue adverse impact upon the residential amenities of neighbouring properties nor upon highway safety. As such the proposal is in accordance with Policy CC6 of the South East Plan 2009 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: Shona King**

**TELEPHONE NO: 01295 221643**

# Agenda Item 12/00012/F

Bicester Community College  
(annexe)



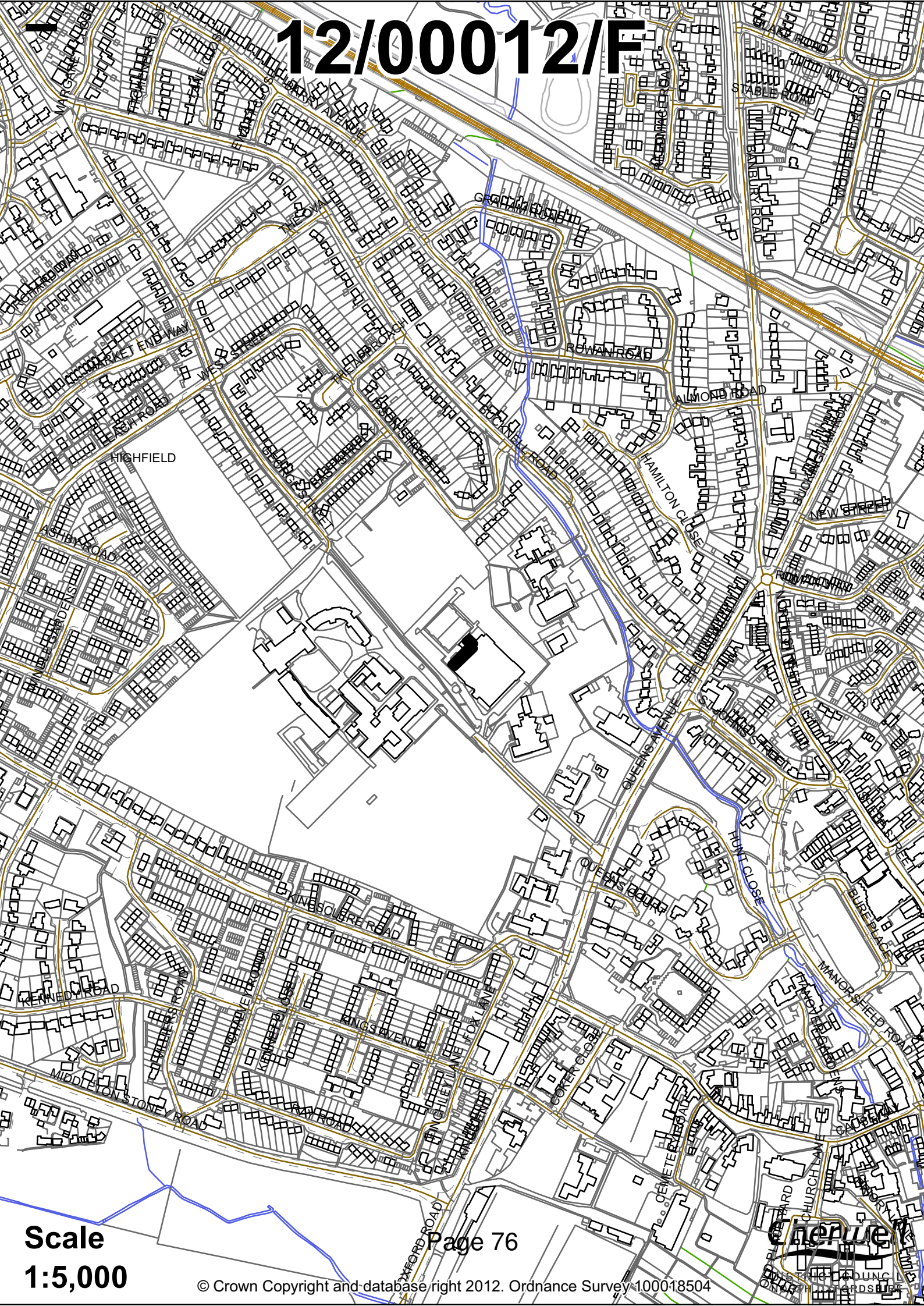
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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# 12/00012/F



HIGHFIELD

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<b>Application No:</b> 12/00012/F	<b>Ward:</b> Bicester West	<b>Date Valid:</b> 25/01/2012
<b>Applicant:</b>	Applied Sustainable Energy Ltd Mr Hugh Taylor Langford Locks, Kidlington, Oxford	
<b>Site Address:</b>	Bicester & Ploughley Sports Centre Queens Avenue, Bicester	

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

## 1. Site Description and Proposal

- 1.1 Bicester and Ploughley Sports Centre is centrally sited adjacent to Bicester Community College, St. Mary's Catholic Primary School, Brookside Primary School and associated playing fields. The Sports Centre is accessed off a road some 200m from the main entrance off Queens Avenue on its north east side. This vehicular access road is also a public footpath.
- 1.2 The leisure centre building is quite extensive and the solar panels are proposed to be located on a flat roofed part central to the complex and overlooking the tennis courts and all weather pitches to the north west. Being a flat roof, the solar panels will need to be supported on mounting frames at an angle of 13 degrees. The top edge of the panel will be 480mm from the roof surface, the lower part being raised by 270mm.
- 1.3 The layout of the panels on the flat roof comprises 2 No groups of panels arranged in 14 rows of 3 panels and 3 rows of 6 panels respectively. The panels have a dark glass finish with a non-reflective coating to increase light absorption and minimise glare.

## 2. Application Publicity

- 2.1 The application has been advertised by site notice and press notice. The final date for comment is 23 February 2012. At the time of writing, no consultation responses had been received representing third party interests.

## 3. Consultations

- 3.1 Bicester Town Council – Comments awaited.

## 4. Policy Considerations

National Policy Guidance	PPS1 - Delivering Sustainable Development Supplement to PPS1 – Planning & Climate Change PPS22: Renewable Energy
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South East Plan 2009 Policies	Cross Cutting – CC2 – Climate Change Management of the Built Environment - BE1 - Management for an urban renaissance Natural Resource Management – NRM16 – Renewable Energy Development Criteria
Adopted Cherwell Local Plan 1996 saved policies	C28 – Design, layout etc standards
Non-Statutory Cherwell Local Plan 2011	Conserving & Enhancing the Environment Policy EN21 - Energy
Cherwell Local Development Framework (LDF) Draft Core Strategy 2010	Policies seek to mitigate and adapt to climate change and ensure sustainable construction methods. SD3 – Assessing Renewable Energy Proposals

## 5. Appraisal

- 5.1 It is considered that the issues to address relate to:
- Principle of the development
  - Impact upon the visual amenities of the area
  - Impact upon the residential amenity of neighbouring properties
- 5.2 Principle of the development  
Government guidance seeks to reduce carbon emissions and suggests that renewable energy projects can make an important contribution. 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. Given that this solar array will contribute to renewable energy targets by reducing carbon emissions the proposal is acceptable in principle.
- 5.3 Impact upon the visual amenities of the area  
The proposed solar panels will have little visual impact given the context in which they are located which is not a sensitive location constrained by historic interests. Public views will be limited given the height of the building and the low lying nature of the panels which will blend in with the existing paraphernalia on the roof. The application is considered acceptable on grounds of visual impact.
- 5.4 Impact upon the residential amenities of neighbouring properties  
Being some 125m away from the nearest properties on the corner of Hudson Street (No.8) it is considered that there will be no material harm caused to the amenities currently enjoyed by neighbouring properties.

## **6. Recommendation**

**Approval**, subject to:

- (a) the expiration of the consultation period (end of today - 23 February)
- (b) the following conditions:

1. SC1.4 (RC2)
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: dwg nos. 561-31-L301(P3), 34-D301(P2), 34-D303(P2) and site location plan submitted with the application  
Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government Guidance contained in PPS1.

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

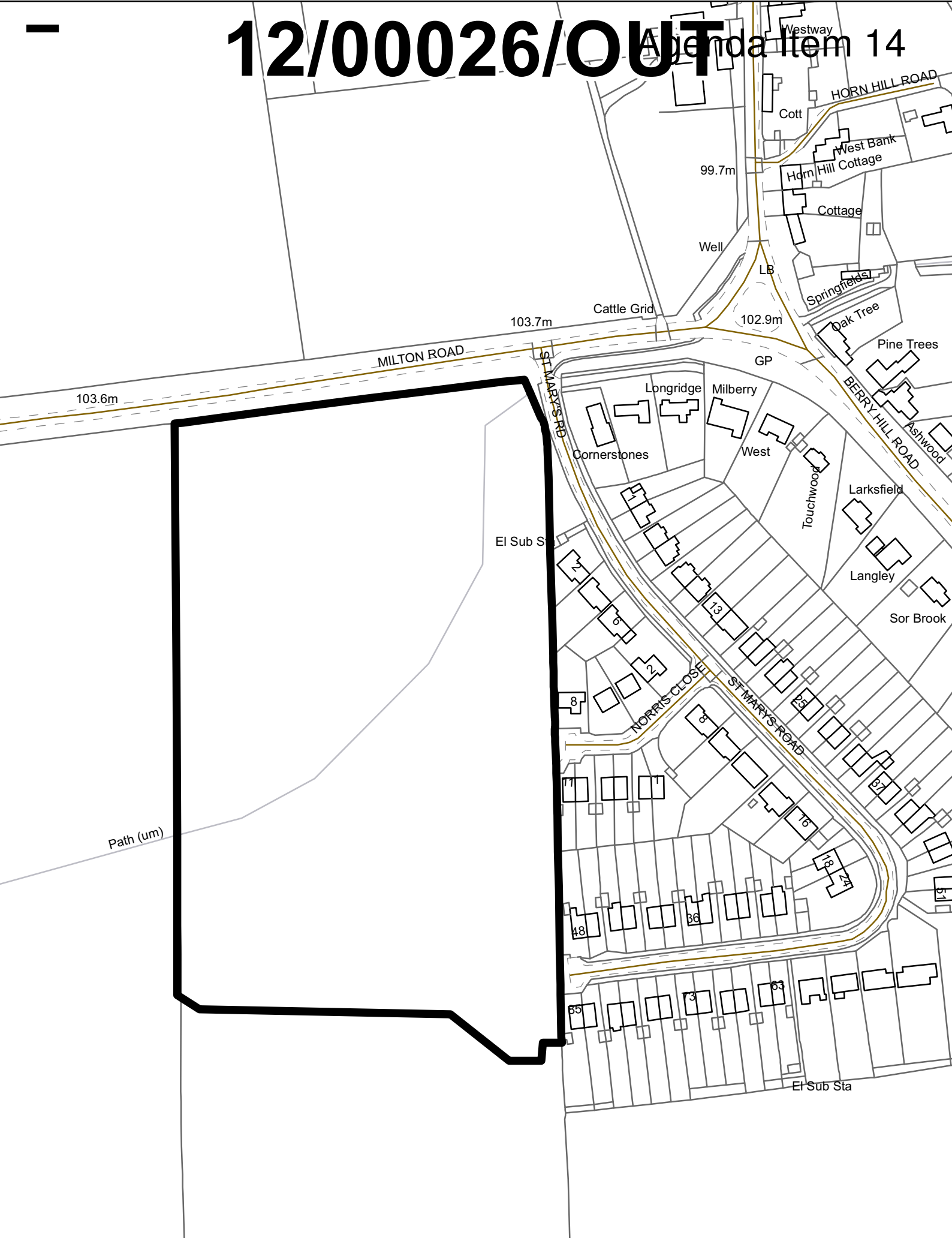
The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as it makes an important contribution to the use of renewable energy sources without having a harmful effect on the visual amenity of the area or residential amenity. The proposal, therefore, complies with government guidance contained in PPS1: Delivering Sustainable Development and the Climate Change Supplement, PPS22: Renewable Energy, Policies CC2, BE1 and NRM16 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: Rebecca Horley**

**TELEPHONE NO: 01295 221837**

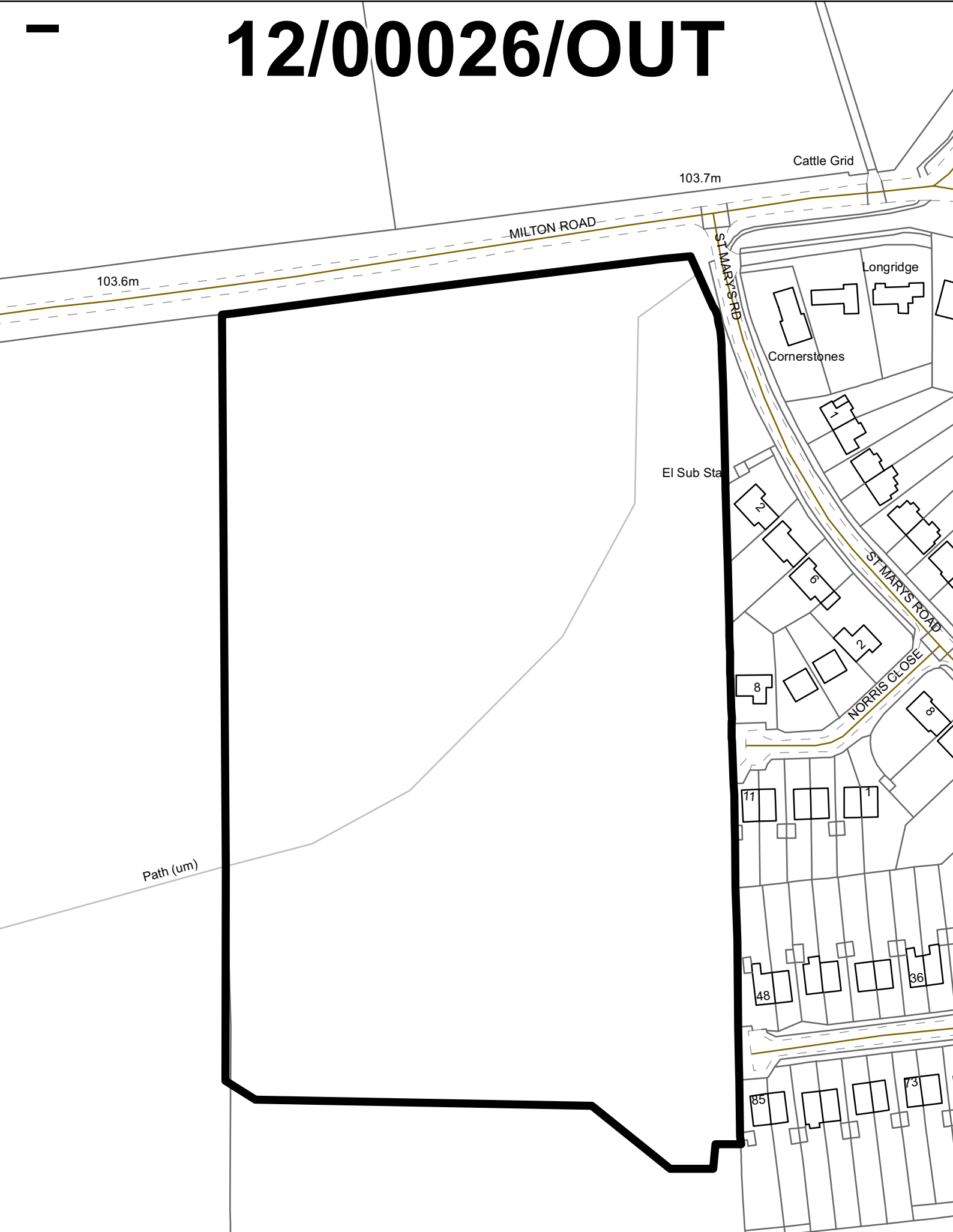
# 12/00026/OUT

## Agenda Item 14



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# 12/00026/OUT



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**Cherwell**  
DISTRICT COUNCIL  
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<b>Application No:</b> 12/00026/OUT	<b>Ward: Adderbury</b>	<b>Date Valid: 12/01/2012</b>
<b>Applicant:</b>	Berkeley Homes (Oxford & Chiltern) Ltd	
<b>Site Address:</b>	OS Parcel 4100 Adjoining and South of Milton Road, Adderbury	

**Proposal:** Outline - Erection of 65 dwellings with associated access, open space and landscape works and provision of a sports pitch (football) with changing facilities and car park – Resubmission.

### 1. Site Description and Proposal

- 1.1 This is an outline application for a single development comprising of 65 residential dwellings with associated access, open space and landscape works and the provision of a sports pitch with changing facilities and car park. The site is a 4.63 hectare parcel of land to the south of Milton Road and west of St Mary's Road and Norris Close. Access to the site is to be obtained via a vehicular access onto Milton Road, approximately 95 metres west of the existing access into St Mary's Road.
- 1.2 The site is rectangular in shape and is currently in arable agricultural use. The site consists of one field. A footpath crosses diagonally across the northern third of the site. There are existing hedgerows that bound the site. The site lies within an Area of High Landscape Value.
- 1.3 The application seeks permission for 65 residential properties 40% of which (26 units) are proposed to be affordable units.
- 1.4 The application is in outline only and all matters with the exception of the access are reserved to be considered in a Reserved Matters application in the event of the proposal be approved. Although the application is in outline an indicative site plan has been submitted along with a Planning Statement, a Design and Access Statement, Transport Statement, Landscape and Visual Appraisal and Arboricultural Impact Assessment, Flood Risk Assessment, Ecological Survey, Foul Drainage Assessment and a Contamination Report.
- 1.5 **Planning History**
- 1.5.1 In May 2010, Members refused a planning application (10/00270/OUT) for the same proposal as above for the following reasons;
1. *The proposal represents development beyond the built up limits of the settlement and will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone, a development of this scale is inappropriate at this time given the existing lack of provision of village facilities. As such the proposed development is contrary to the saved policies H13, H18 and C7 of the adopted Cherwell Local Plan and Planning Policy Statement 3 Housing.*
- 1.5.2 At the time the application was made the Council was not able to demonstrate a five year housing land supply and it had been on this basis that the application had been recommended for approval. Following the refusal of the application the applicants

appealed the decision and by the time the appeal was determined the Council was able to demonstrate to the Inspectorate that it had a five year housing land supply. The appeal was dismissed with the Inspector reaching the following conclusion;

*The potential benefits of the scheme proposed, including the contribution towards meeting affordable housing need, the provision of a replacement sports pitch, and the improvement to the appearance of this edge of the village, are recognised. I am mindful of the opportunity to bring the development forward at an early stage, with the land being available immediately for development with no significant physical constraints that might impede delivery. However, those considerations, even when taken together, do not outweigh the harm that would be caused by allowing residential development in the open countryside, with the associated adverse visual impact that I have identified, without sufficient justification. In this respect, I have found that, in all likelihood, the Council is able to demonstrate a rolling five year supply of deliverable housing sites for the District. In these circumstances, there is no suggestion in PPS3 that applications for housing should be considered favourably. I conclude on balance, therefore, that the appeal should not succeed.*

- 1.5.3 In September 2011 the same proposal was resubmitted following the Council identifying that it could no longer demonstrate a five year housing land supply (11/01409/OUT). The target date for this application was 29 December 2011 and soon after this date had passed the applicants submitted an appeal against its non-determination.
- 1.5.4 Despite the appeal being lodged the applicants submitted a further application (12/00026/OUT) and quite openly state in their covering letter that this is in order to 'provide the Council with the opportunity to grant planning permission in advance of the Public Inquiry and thereby avoiding the time and expense of that Inquiry'. The applicants consider that the change in housing land supply position since the appeal was determined is sufficient to outweigh all other considerations and that therefore the application should be approved.
- 1.5.5 Each submission has been a resubmission of the same proposals with the applicant's agents only providing a brief update as to the current housing land supply position and attempts to address the concerns of the planning inspector.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of site notice and press notice. The final date for comment for 12/00026/OUT is 16 February 2012. This date had not passed at the time of drafting the report therefore any comments received prior to the application being considered will be summarised in a written update.
- 2.2 To date only 1 letter has been received in relation to 12/00026/OUT. It would seem that there has been some confusion resulting from the number of resubmissions, within a relatively short period of time, and the public may not necessarily appreciate the need to resubmit their comments for each individual application so it may also be worth noting that in relation 11/01409/OUT approximately 278 letters/emails were received and in relation to the original application (10/00270/OUT) there were over 250 letters of objections. As well as receiving

letters from individual members of the public, letters were also received from Cllr Rick Atkinson (Ward Member for Adderbury and Milton) and Adderbury Conservation Action Group. The main reasons for objecting to the applications have remained similar for all three and are summarised below;

- Contrary to planning policies
- Outside built up limits of village on green field site
- Prime agricultural land
- Turning village into town
- Potential for villages to merge
- Reliance on car for school and work trips
- Increase volume of traffic in and around village
- Original reasons for objecting still apply, in fact some have worsened
- Preference for pitches in alternative location
- Potential over provision of pitches
- Adderbury needs to develop its sports pitches but scheme does not take issue much further
- Potential for scheme on North side of Milton Road to be resubmitted
- Level of public opposition
- Set a precedence
- Landscape impact
- Lack of village facilities/infrastructure including school,
- Transporting children to schools outside Adderbury by bus is not sustainable
- Impact on wildlife
- Adderbury should not be same category as Bloxham and Deddington
- Footpath or cycle link onto Norris Road would be dangerous due to traffic using the turning head
- Impact on listed buildings, conservation area and Area of High Landscape Value
- Impact on public footpath
- Unlikely to be far behind 5 year housing target and developments being built elsewhere
- Adderbury already taken fair share of housing
- Nothing changed since previous application
- 40% affordable housing is too much
- Density too high and gardens not big enough
- Insufficient parking for residents and football facility
- Increased risk of flooding
- Changes to Government Policy are not yet law and are being contested
- Many residents do not want any development in this part of the village
- Proposal does not comply with PPS 3 as it does not achieve high quality design and the Council have not sought to engage with the community.

Non-Planning issues

- Waste of Council's resources having to deal with multiple applications
- Cheaper to build on green field sites

### **3. Consultations**

**Please refer to the electronic copy of consultation responses, available on Public Access, for the full responses.**

3.1 **Adderbury Parish Council** has consistently objected to the proposal and has objected on the following grounds:

- No attempt been made to enter discussions with the Parish Council
- Unsuitable site and should not be forced to accept it based on requirement for housing.
- Adderbury had 100 new houses in last 5 years and should not have to have more at this stage
- No additional community facilities proposed
- Large number of houses at high density contrary to NSCLP Policy H3
- No commitment to use appropriate materials
- Excessive number of affordable houses which may not be necessary in Adderbury. Contrary to ACLP policy H5 and NSCLP Policy H7 and PPS3
- Major development outside built up limits of village
- No thought to traffic calming along Milton Road
- Parish Council would welcome a softening of village edge but further planting required and greater buffer between existing and proposed properties
- Football pitch and changing facility not discussed with Parish Council or Football Club therefore is opportunistic and may go to private club therefore not benefiting the village
- Inadequate parking for residents and football pitch
- Adderbury not as sustainable as other villages in the same category
- School has limited capacity and little space for expansion

3.2 The **Local Highway Authority** has made a number of relevant comments (see below) that will need addressing at prior to an approval of reserved matters but ultimately does not object to the proposal;

- The submitted TA states that there is unlikely to be an impact on the local highway network, this is deemed reasonable.
- A review of the accident data for the area appears to indicate that incidents that occurred were down to driver error rather than the characteristics of the Milton Road. Proposed development is unlikely to increase the number of recorded accidents in this area.
- The proposed access arrangements for the site meet the required design standards for a road in this location.
- Proposal to extend the existing 30 mph speed limit which is desirable. However a traffic calming scheme for this section of Milton Road will also be required.
- As part of the proposed off-site works a new footway is proposed to link up the site to the existing network, which is acceptable. The proposed pedestrian links into St Mary's Road and Norris Close are also acceptable.
- Parking levels should be at the maximum levels and agreed through reserved matters. And parking levels for the sports facility will need to be reviewed.
- The layout of the site appears to take into account the guidance in Manual for Streets which is desirable, however there a few issues that will need to

be consider for the reserved matters application,

- In addition to providing traffic calming scheme (to be agreed) and other related works for this site along the Milton Road, the proposed development will add to the existing public transport services.

For the previous planning application a financial contribution of £37,082.70 index linked at September 2009 prices has been agreed between Berkeley Homes and OCC as the LHA.

Recommending refusal would not be appropriate or sustainable at appeal; therefore it is recommend that conditions are imposed (as well as securing the required financial contributions and off-site works by legal agreement).

3.3 The **Council's Strategic Housing Officer** has express general satisfaction with the provision of 40% affordable housing but has requested some amendment to the ratio of Affordable Rent and Intermediate dwellings.

3.4 The **Council's Landscape Planning Officer** is yet to comment in relation to 12/00026/OUT but for information made the following comments in relation to 11/01409/OUT;

- Agree with Inspector's conclusion that the development extending further into the countryside will create some visual impact in the immediate locality from existing properties and the public footpath.
- Topography and existing hedges will generally restrict long distance views
- Principle of extending built development into the countryside has been given more weight in her analysis.

3.5 **Oxfordshire County Council's Drainage Officer** has provided information about the future adoption of SUDS and as such has requested that if the developer wishes OCC to adopt any SUDS on site that a commuted SUM be provided for their maintenance.

3.6 The **Council's Environmental Protection Officer** has not commented specifically in relation to either of the recent applications with regard to the treatment of potentially contaminate land but did request that appropriate conditions be imposed on the first application, 10/00270/OUT.

3.7 The **Council's Head of Planning & Affordable Housing Policy** comments are set out below;

On 6 December 2011, the 2011 Annual Monitoring Report (AMR) was approved by the Council's Executive. The AMR included a comprehensive review of housing land supply which concluded that the district had a 2.8 year supply for the period 2011-2016 and a 2.9 year supply for the period 2012-2017. This equates to significant shortfalls of 1597 and 1560 dwellings respectively. The AMR concluded that supply in the Banbury and North Cherwell area (Cherwell's part of the 'Rest of Oxfordshire') was 1.7 years for both 2011-16 and 2012-17. However, it should be noted that supply in the Banbury and North Cherwell area is on track (1749 completions at 31/3/11 compared to a South East Plan requirement of 1750). At the time of writing, no additional deliverable sites have been identified since the AMR was produced.

As a consequence of the current 5 year land supply position, paragraph 71 of PPS3, requiring applications to be considered favourably [subject to other policies and considerations], takes effect. The Draft National Planning Policy Framework proposes a continuation of the five year supply requirement and suggests that Local Planning Authorities will be expected to provide an additional 20% on top of their five year requirement to ensure choice and competition in the market for land.

PPS3 (para's 52 & 62) uphold the principles of 'Plan, Monitor, Manage' and requires management actions where performance does not reflect housing trajectory requirements. In this context, on 6 February 2012, the Council's Executive approved a Housing Land Supply Position Statement to: i. assist in monitoring and managing the district's housing land supply position so that the district returns to a five year land supply; ii. to provide contextual information and policy advice for development management decision-making in the interests of controlling the release of land in a sustainable way which accords with the evidence base for the emerging Core Strategy; and, iii. to provide a clear understanding of the implications of the current land supply position and potential land releases which will contribute to the five year housing land supply and to the longer term housing trajectory where consistent with completion of the Core Strategy.

The Position Statement takes into account the Written Ministerial Statement: Planning for Growth (23 March 2011) and the Draft National Planning Policy Framework. It sets out how supply could be managed, and from where new deliverable housing sites might appropriately come forward. The Statement seeks to uphold the urban focus of existing and emerging policy. It supports an approach of increasing the supply of deliverable sites in the most sustainable locations where services and facilities, jobs and public transport are most readily accessed, where the need for affordable housing is concentrated, and where there are significant opportunities for economic growth and the provision of new infrastructure which would benefit the wider community. The Statement looks to the most deliverable and Core Strategy compliant sites for meeting the land supply shortfall and strongly discourages the sporadic release of land in less sustainable rural areas where targeted opportunities for meeting local needs require further coordinated, consideration.

The approach to managing supply is set out in detail in para's 31-35 of the Position Statement. It sets out the most appropriate sources for housing land as well as criteria for assessing site suitability. The Statement is accompanied by the Executive's resolutions to authorise officers to undertake detailed pre-application discussions with interested promoters in the interests of identifying appropriate opportunities for addressing the housing land supply shortfall that accord with the principles set out in the Housing Land Supply Position Statement; to work proactively with promoters and developers to ensure that all reasonable measures are taken for bringing forward and delivering appropriate sites within required timescales and for ensuring that developments are constructed to high standard; and, to instruct officers to ensure that all reasonable opportunities are taken for bringing forward the delivery of sites already approved for new housing development but where development has either not yet commenced or where delivery has stalled.

All relevant Development Plan policies and material considerations need to be taken into account. However, the current proposal for an unplanned greenfield extension to Adderbury does not comply with the Housing Land Supply Position Statement and the Council's approach to managing supply. There is therefore a policy objection to both applications.

- 3.8 The **County Council's Strategic Planning Officer** has not responded in relation to the current proposal but has consistently objected in relation to previous submissions on the same site.
- 3.9 **Oxfordshire County Council's Archaeologist** suggests that the site concerned lies within an area of some archaeological interest. The possibility of finds occurring during the course of construction should be borne in mind, in which case the applicant is asked to notify the County Archaeologist in order that he may make a visit or otherwise advise as necessary.
- 3.10 The **Environment Agency** raises no objections to the proposal subject to conditions being imposed in the event of the application being approved.
- 3.11 **Thames Water** has identified an inability of the existing waste water infrastructure to accommodate the needs of the proposal. However in the event of an approval conditions could be imposed to overcome this concern.
- 3.12 **Thames Valley Police Crime Prevention Design Advisor** has made the following comments;
- No specific mention as to how design of development has taken into consideration Crime Prevention or Community Safety.
  - Applicant should consider 7 attributes of safer places detailed in the publication Safer Places – The Planning System and Crime Prevention
  - LAP, LEAP and footpath is not overlooked by surrounding properties
  - Large number of parking courtyards – these can introduce access to the vulnerable rear elevations of dwellings, if they are un-gated and unlit can lead to fear of crime and antisocial behaviour
  - In event of approval request condition requiring compliance with Secured by Design
- 3.13 The **Council's Rural Development and Countryside Manager** has stated that the plans show footpath No. 25 retained on its existing line through the proposed development. This complies with our policy R4.
- 3.14 The **Council's Urban Design and Conservation Officer** has not commented specifically in relation to 12/00026/OUT but has verbally advised that comments made in relation to the previous application are still relevant and are summarised below;
- This site lies on the south west fringe of the village adjacent to suburban development and outside the conservation area. The land is flat and relatively featureless save for boundary hedgerows. I consider that the principle of development on this site is acceptable, doing less harm than development within the conservation area, and that the applicant has demonstrated that the number of dwellings for which permission is sought

can be satisfactorily accommodated on the site.

- Proposal sufficient distance away from Conservation Area to have limited impact on its character and appearance.
- The indicative layout has evolved during pre-application discussions and the Design and Access Statement sets out the options explored and the design rationale behind the application is explained and justified.
- The indicative layout shows the approach to Adderbury from the west to be an attractive one with frontage development seen across a backdrop of sports pitch and wet meadow.
- The indicative layout provides good pedestrian linkages with the adjacent development and, although the dwellings here are indicated as 2 storey in height, their alignment and spacing relates well to the existing development.
- The site can be accessed without undue harm to existing hedgerows and the public right of way is retained along its exiting alignment. Play areas are proposed in accordance with our policy and these and the sports pitch and pavilion will be of benefit to the whole community.

3.15 The **Council's Arboricultural Officer** has not yet commented in relation to 12/00026/OUT.

3.16 **The Council's Ecologist** has stated that the site has very little in the way of ecological features but has suggested that in the event of an approval a scheme should be submitted for biodiversity gain and enhancement and that if there is any significant delay in development commencing update surveys should be required in relation to particular species and that in any event no works to woody vegetation should take place during the bird breeding season.

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

##### 4.1 National Planning Policy

PPS1 – Delivering Sustainable Communities

PPS3 – Housing

PPS7 – Sustainable Development In Rural Areas

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

PPG17 – Open Space

PPS25 – Development and Flood Risk

The Government's Ministerial Statement 'Planning for Growth'.

##### 4.2 South East Plan

**SP3** – Urban Focus for development

**CC1** – Sustainable development

**CC2** – Sustainable development

**CC7** – Infrastructure and implementation

**H1** – Regional housing provision for the period 2006-2026 in relation to sub-regions and districts

**H2** – Managing the delivery of the regional housing provision

**H3** – Affordable Housing

**H5** – Housing design and encourages regional target of 40 dwellings per hectare

**T1** – Development sustainable in terms of public transport and need to travel

**NRM5** – Conservation and biodiversity improvements



- C4** – Positive and high quality management of the region’s open countryside
- BE1** – New development helping to provide significant improvements to the built environment
- BE5** – Positive planning to meet defined needs of rural communities for small scale affordable housing, business and services. Seeks to ensure distinctive character of village is not harmed
- S3** – Adequate provision of pre-school, school and community learning facilities

4.3 Adopted Cherwell Local Plan

- H5** – Affordable Housing
- H12** – New housing within existing settlements
- H13** – Residential Development in Category 1 Settlements
- H18** – New dwellings in the countryside
- TR1** – Highway Improvements
- R12** – Provision of open space
- C2** – Protected Species
- C7** – Topography and character of the landscape
- C8** – Sporadic development in the open countryside
- C13** – Conserve and enhance the environment in Areas of High Landscape Value
- C27** – Historic settlement pattern
- C28** – Standards of layout and design
- C30** – Character, scale and layout

4.4 Non Statutory Cherwell Local Plan

- H1** – Location of new housing
- H2** – Plan, monitor and manage housing
- H3** – Housing density 30 dwelling per hectare
- H4** – Types of housing
- H7** – Affordable housing
- H15** – Category 1 villages
- H19** – Dwellings in the countryside, for agriculture
- TR1** – Achieving objectives of local transport plan
- TR4** – Highway and transport mitigation measures
- TR5** – Road safety
- TR9** – Provision of cycle parking
- TR11** – Adequacy of parking provision
- D1** – Urban design objectives
- D3** – Local distinctiveness
- EN24** – Nature conservation
- EN30** – Sporadic development beyond planned built up limits of settlements
- EN34** – Conserve and enhance the character and appearance of the landscape
- EN47** – Archaeology
- R8** – Public recreation play space
- R9** – Amenity space

4.5 Draft Core Strategy

- H1** – Housing distribution
- H2** – Sustainable housing delivery
- H3** – Efficient use of land
- H4** – Affordable housing target
- H5** – Affordable housing requirements
- RA1** – Village categorisation

## **RA2 – Distribution of housing in the rural areas**

### 4.6 Other relevant documents

Executive Committee Report, Housing Land Supply Position Statement, 06 February 2012.

## **5. Appraisal**

### 5.1 Main Planning Considerations

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

- Principle of development in relation to Local Plan policies
- Housing delivery and effect of position statement
- Location, sustainability and Mix of housing
- Landscape and visual impact
- Design and layout
- Neighbour impact
- Highway impact
- Other material planning considerations

Each of the above points will be considered in turn having regard to the relevant policies and where appropriate the earlier planning recommendations, the appeal decision and any changes in circumstances since the proposal was last considered.

### 5.2 Principle of development in relation to Local Plan Policies

5.2.1 The adopted Cherwell Local Plan contains no specific allocation for the application site. It is therefore defined as countryside (i.e. previously undeveloped land) where there is a presumption against general residential development on unallocated sites without any special justification.

5.2.3 Policy H12 of the adopted Local Plan states that new housing in the rural areas of the district will be permitted within existing settlements in accordance with policies H13, H14 and H15 and schemes that meet a specific and identified local housing need will be permitted in accordance with policies H5 and H6.

5.2.4 Policy H13 of the adopted Local Plan states that new residential development within Category 1 settlements, such as Adderbury, is restricted to infilling, minor development within the built up area of the settlement and the conversion of existing buildings; subject to other policies in the Local Plan.

5.2.5 Policy H18 of the adopted Local Plan states that new dwellings beyond the built up limits of settlements will only be permitted where they are essential for agricultural or other existing undertakings.

5.2.6 The site clearly lies beyond the existing built limits of Adderbury and in an area of open countryside. The built up limits of the village in this case are likely to be defined as the rear and side boundaries of the properties within St Mary's Road and Norris Close which border the application site.

5.2.7 The proposal is not infilling, nor within the built up area of the settlement and not required for agricultural purposes, the development is therefore contrary to Policies H12, H13 and H18 of the adopted Cherwell Local Plan.

- 5.2.8 As with the adopted Local Plan the application site has no specific allocation in the Non-Statutory Local Plan and is defined as open countryside being outside the built up limits of the village.
- 5.2.9 Policy H19 of the Non-Statutory Plan states that permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when it is essential for agriculture or other existing undertakings, or to provide a small, low-cost, affordable housing exception site to meet a specific and identified local housing need that cannot be satisfied elsewhere. Policy H15 of the same plan identifies Adderbury as a Category 1 village and states that new residential development will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the village and conversions.
- 5.2.10 The proposal is contrary to Policies H15 and H19 of the Non-Statutory Local Plan for similar reasons to those outlined above in relation to the adopted Cherwell Local Plan.

5.3 Housing Delivery and effect of Position Statement

5.3.1 The Council's current position on housing delivery is set out in the comments of the Head of Planning & Affordable Housing Policy's comments in detail at 3.7 above. These highlight that the Council currently has significantly less than a five year housing land supply, as required by PPS3, identified at the current time. PPS3 requires that the Council has in place contingency planning to identify different delivery options in the event that actual housing delivery does not occur at the expected rate.

5.3.2 Paragraph 71 of PPS3 states that where LPAs cannot demonstrate an up-to-date five year supply of deliverable sites...it should consider favourably planning applications for housing, having regard to the policies in the PPS including the considerations in paragraph 69. However there is concern that a piecemeal approach to considering applications which seek to contribute to the housing land supply shortage could lead to development occurring in an uncoordinated way in less sustainable locations and that the emerging Core Strategy could be undermined. At the Executive meeting of 6 February 2012 Members considered a Position Statement on Housing Land Supply. The key element to take from the Position Statement is the suggested approach to managing supply;

*"...it is considered that until such a time that the Core Strategy supersedes this position statement, or the district returns to a five-year land supply position (whichever is the sooner), the shortfall in housing supply would be most appropriately met from the following sources:*

- i. Development within the built-up areas of Banbury and Bicester*
- ii. Development on sites identified for residential development in the Non-Statutory Cherwell Local Plan 2011*
- iii. Development on sites identified for other mixed use development in the Non-Statutory Local Plan 2011 (as part of mixed use proposals)*
- iv. Extensions to the built-up areas of Banbury and Bicester which are demonstrably in accordance with or complimentary to the emerging Core Strategy*
- v. Very limited development within the built-up areas of villages having regard to village categorisation policies.*

*(All having regard to varies other criteria)*

- 5.3.3 Members resolved to approve the Position Statement without amendments.
- 5.3.4 It is clear that the proposed development does not accord with any of the criteria set out above and is therefore contrary to the Council's Position Statement which is a material consideration.
- 5.3.5 Contrary to Paragraph 71 of PPS3 existing and emerging planning policy for Cherwell dictates an urban focused development strategy. The South East Plan, the saved (adopted) Cherwell Local Plan 1996, the Non-Statutory Cherwell Local Plan 2011 and the Draft Core Strategy all have a clear focus on growth at Banbury and Bicester in the interests of providing access to jobs, services, facilities, public transport, minimising the need to travel by private car and protecting the environment and character of rural areas. Development in the rural areas is restrained and focussed on meeting local needs. The focus on towns is supported by PPS3 and PPS7. The accepted Position Statement reflects these local and national policy principles whilst also taking a proactive approach to the current housing land supply position. Such a proactive approach is required as part of PPS3 and also reflects Policy H2 of the South East Plan which requires that LPAs work to allocate and manage a land supply to deliver both the district housing provision while ensuring appropriate regard to environmental and infrastructure issues. The Council's Position statement is a proactive interim response to the identified shortage in housing land supply which also places specific emphasis on the need to protect the rural areas thus being mindful of the environmental and infrastructure issues resulting from development in the rural areas.
- 5.3.6 Neither the applicant nor its agent has to date commented on the Position Statement but in the application submission they set out that given the site's positive planning credentials and the current deficiency in five-year housing land supply the application should be approved. Specific reference is made to the officer recommendation of approval in relation application no. 10/00270/OUT as evidence of the positive planning credentials.
- 5.3.7 If the Council was looking to approve an application to help contribute to the shortage in housing land supply it would have to be satisfied that the proposal was deliverable within 5 years. In earlier assessments of the proposal through the first planning application (10/00270/OUT) and its subsequent appeal it was acknowledged by officers and the Inspector that the development appeared to be deliverable within 5 years. Thus it might contribute to meeting any shortage in housing land supply. It is understood that the position has not changed and that the applicants still have an Option Agreement with the land owner and would be willing to accept a shorter time limit for the submission of Reserved Matters applications. Yet this does not provide certainty of delivery therefore if this site was to be approved on the basis of contributing to the five year housing land supply greater certainty would be need to be provided to demonstrate the site would be delivered within the required period. It has not yet been confirmed whether or not the applicant is willing to enter into a linking agreement to link any consent to the S106 agreement signed during the earlier appeal process. Notwithstanding all other matters the application would not be considered acceptable without the contributions secured through the S106 agreement. Therefore it is not as clear that the development could be delivered as early as initially thought.

- 5.3.8 In addition to the need to demonstrate deliverability PPS3 requires sites coming forward to meet the following requirements ;
- provide high quality housing;
  - provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
  - be suitable site for housing, including its environmental sustainability;
  - represent an effective and efficient use of land;
  - be in line with planning for housing objectives, reflect the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.
- 5.3.9 These issues are covered through the more detailed assessment of the proposal in the following paragraphs.
- 5.4 Location, sustainability and mix of housing
- 5.4.1 Adderbury has been identified as one of the District's more sustainable villages capable of accommodating some limited further housing development. It continues to be identified as one of the more sustainable villages in the Draft Core Strategy. The Inspector, in relation to the earlier appeal, concluded that the appeal site would provide a relatively sustainable location for the scale of development proposed, although this did not outweigh harm to the countryside. However development of a site such as this, in the open countryside, would usually only be permitted if it were allocated as part of an adopted district plan and if it did not give rise to harm. The Position Statement refers to the potential for unplanned developments to compromise the production of the Core Strategy. Whilst a previous officer recommendation applied weight to the fact that Adderbury was one of the District's more sustainable villages this was prior to the production of the Position Statement. Paragraph 69 of PPS 3 states that regard should be had for the potential for developments to undermine wider policy objectives and more weight has been added to this in the production of the Position Statement (and Members support of such a statement). The position statement recognises that the District's strategy of extending the existing urban areas, as the most sustainable locations for more development, is the most sustainable approach and measures have been put in place to ensure the delivery of the identified sites. Within the rural areas the existing local plan policies continue to apply and enable development appropriate in scale to the location. .
- 5.4.2 Policy SP3 of the South East Plan states that the prime focus for development in the South East should be urban areas in order to foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel. This supports the local plan policies which restrict development in the rural areas. Adderbury is a rural village and whilst it is identified as one of the districts more sustainable villages the proposal remains contrary to Policy SP3 of the South East Plan as Adderbury is not considered to be an urban area.
- 5.4.3 This scheme provides a mix of market and affordable dwellings. The offer of providing 40% of the units as affordable presented by the applicant is above the current local plan requirement but would help to meet the local needs for affordable units of accommodation. However this is not considered sufficient to outweigh the strong policy objection to the proposal.

5.5 Landscape Impact

- 5.5.1 The site lies within the Ironstone Downs Area of High Landscape Value where policies C13 of the adopted Cherwell Local Plan seeks to conserve and enhance the environment. Policy C7 of the same plan restricts development that would harm the topography and character of the landscape. Policy EN34 of the Non-Statutory Local Plan also seeks to conserve and enhance the environment.
- 5.5.2 The site lies beyond the built-up limits of the village in an area of open countryside. The site is physically contained within existing hedgerows however given the relatively flat topography, the development within it would clearly be visible, particularly from the west and north west along the Milton Road.
- 5.5.3 Currently the view from the west consists of the development on St Mary's Road and Norris Close. This is a development from the 1950's (approx.) which has little regard to the layout and design features of the existing village and provides a rather blunt edge to the village entrance with the rear and side elevations of properties visible from some distance. It is recognised that the proposed development would intrude into the open countryside although it does provide an opportunity to create a new edge to the village with active frontages and appropriate use of materials which could help to improve the general appearance on the approach to Adderbury.
- 5.5.4 In the report to committee in relation to 10/00270/OUT officers made the following observation; *'despite this extension to the village and encroachment onto open countryside it is not considered that the visual impact would be so significant that the application could be refused on these grounds'*. Members did not agree with this view. The Inspectors consideration in the assessment of the previous appeal proposal is a material consideration. The Inspector concluded that; *'...the scheme would as a matter of fact, extend built development into the countryside. Even with the framework landscaping and planting proposed, there would be some visual impact, particularly in views from the west and north-west, which would fundamentally affect the not unattractive rural landscape that abuts this part of the built up area, with an adverse impact on the character and appearance of the area, contrary to the relevant policies and guidance.'*
- 5.5.5 Although the Inspector was considering landscape impact in the context of a housing proposal at a time when there was considered to be a five year housing land supply the conclusions and the impact of the proposal on the landscape do carry some weight that now needs to be balanced against all other relevant planning considerations and changes in circumstances. In the Inspectors final conclusions all the benefits of the scheme were acknowledged yet none of these even when combined were sufficient to outweigh the harm caused by the encroachment into the open countryside and the associated adverse visual impact without **sufficient justification** (officers emphasis). It could therefore be argued that this should carry significant weight in the consideration of this proposal.
- 5.5.6 The Council's Landscape Officer has previously commented in relation to the position of the play space, size of some gardens and the ability to provide additional planting. The application is in outline and these are matters that might be resolved at the reserved matters stage by amendments to the layout of the scheme which is only indicative at this stage. However in light of the Inspectors conclusions the Landscape Officer confirms that the development extending further

into the countryside will create some visual impact in the immediate locality from existing properties and the public footpath and that the topography and existing hedges will generally restrict long distance views. It is emphasised that the principle of extending built development into the countryside has been given more weight in the Inspectors analysis.

5.5.7 Given that the Council has previously refused the application on the grounds of landscape impact, the Inspector identified harm in this respect and the fact that the proposal itself and the characteristics of the site have in no way changed since the earlier determinations of the proposal it is considered that the submission remains contrary to policy C7 of the adopted Cherwell Local Plan and Policy EN34 of the Non-Statutory Plan.

## 5.6 Design and Layout

5.6.1 The application has been submitted in outline only therefore the submitted layout plan is indicative only. What the indicative plan does demonstrate is that the proposed number of units can be accommodated largely in a satisfactory manner providing satisfactory living environments, sufficient parking (although the size of garages will have to be assessed at reserved matters stage, as these will not be included as parking spaces if they do not meet the standards) and a good standard to layout that whilst not integrated into the settlement provides links into the existing development.

5.6.2 The proposed scheme results in a housing density of approximately 30 dwellings per hectare. This is not a precise figure as accurate calculations of the developable area and open spaces would not be reliable given the indicative nature of the plan. However such a density is likely to be greater than that found on adjoining residential developments. It meets the minimum of 30 dwellings per hectare as was recommended in PPS3 Housing prior to its amendment in June 2010 but falls 10 below what is encouraged by Policy H5 of the South East Plan. PPS3 now states that LPAs may wish to set out a range of densities across the plan area rather than one broad density range and whilst there is no locally adopted density it would seem that the proposed density is considered to be appropriate for this village location.

5.6.3 The indicative layout suggests that housing will be provided off one main spine road between residential properties and the football pitch. Smaller roads are shown to visually link and physically link by footpath to the existing cul de sacs of St Mary's Road and Norris Close. If this general principle is carried forward to the reserved matters stage it will help to link the two developments improving access to the pitch and play areas for existing residents or to the rest of the village for new residents.

5.6.4 Although detailed elevations have not been provided the scale parameters have been provided which indicate that houses will be no taller than 10.5 metres which is tall for standard two storey dwellings but may be more akin to 2 storey dwellings with rooms in the roof. Therefore if the application were to be approved it may be appropriate to set 10.5 metres as a maximum height and require that heights across the site vary having regard to neighbouring properties and visual context. Whilst the precise details of the materials will also be determined at reserved matters and controlled by condition the proposed materials are likely to be a mix of stone and brick and slate and tile. These are all found in the vicinity of the site and

are appropriate for the location. The Council's Urban Design Officer has considered the proposals and is generally happy with the indicative layout and design of the scheme.

5.6.5 It is considered that the site could successfully accommodate the proposed number of properties and it is acknowledged that the applicants could design properties based on their location and do not necessarily impose the company's standard house types.

5.7 Neighbouring amenities

The site is bounded on its eastern edge by the rear gardens and side elevations of the properties on Norris Close and St Mary's Road. Some of the side elevations do have side facing windows so these would need to be carefully considered at the reserved matters stage to ensure that privacy is not adversely affected. Existing properties would experience a significant change in terms of outlook and the feeling of openness currently experienced due to their proximity to the agricultural field. However there appears to be scope to design a layout that complies with the Council's informal space standards in relation to overlooking, overbearing and loss of light.

5.8 Highway Impact

5.8.1 The Local Highway Authority (LHA) raises no objections to the principle of development on this site in relation to highway safety issues that would be sufficient to recommend refusal for the scheme. The development includes proposals to extend the footpath to the east to link with St Marys Road, widen the carriageway and install traffic calming measures along Milton Road. Widening of the carriageway will allow for vehicles to pass if others are waiting to turn into the site. These measures have previously been secured through the S106 agreement, therefore the Council would seek to ensure that the applicants are willing to enter into a linking agreement to secure these features in the event of the proposal being approved either by the Council or Inspectorate.

5.8.2 The application forms set out that the proposal includes 131 parking spaces for the development. Removing the spaces allocated to the changing pavilion results in 1.7 spaces per property. The LHA has questioned the level of parking proposed for the development. This largely results from the fact that it is not possible to determine the size and exact number of spaces from the indicative plans. The applicant is aware of the standards that need to be met in relation to parking provision and this is an issue that could be resolved at the reserved matters stage as it appears that there is sufficient space on the site to accommodate additional spaces.

5.9 Other Considerations

5.9.1 Planning Obligation

The proposed development would generate a need for infrastructure and other contributions, that need to be secured through a planning obligation, to enable the development to proceed. A S106 was agreed as part of the earlier appeal process and as such it is considered that in the event of the application being approved it could be linked to this application, subject to minor changes if necessary. The signed agreement included;

- Contributions towards maintenance of balancing ponds
- Contributions towards the improvement of Adderbury Parish Institute



- Provision of a football pitch on site and sum towards its maintenance
- Provision and sums towards informal open space and play spaces
- Provision of and contribution towards public art
- Refuse bins contribution
- 40% affordable housing
- Adult learning contribution
- Library contribution
- Museum Resource Centre contribution
- Education contribution
- Social and healthcare contribution
- Waste recycling contribution

5.9.2 Confirmation is being sought from the applicant, via the agent, as to their willingness to sign a linking agreement to ensure the provision of the infrastructure contributions.

5.9.3 The County Council had previously concluded that the development is likely to result in unsustainable travel patterns as Primary School students are likely to have to travel to schools outside of Adderbury and for these reasons they objected to the proposal. This would occur because the County Council indicate that the Adderbury Primary School has insufficient capacity, and is not capable of being enlarged. The above agreed education contributions would therefore be used to expand capacity at the receiving schools (Bloxham and/or Deddington). The County Council sought and secured contributions towards the cost of transportation of pupils to primary schools. Whilst this does not prevent the need for children to travel outside of the village it provides money towards communal modes of transport, which is more sustainable than if students were to be transported individually by private car. Never the less this is a far less desirable solution to children being able to be educated at a local school accessible by walking and cycling but the Inspector in relation to the appeal did conclude that she could find no inherent conflict with the thrust of H13 in this respect.

5.9.4 In addition to the above contributions the applicants have included the provision of a sports pitch and changing pavilion as part of the scheme. These elements would not normally be required in their entirety for a development of this scale but the provision of the pitches was secured through the previous S106 agreement and it is expected that the pavilion building would form part of the reserved matters application. It is hoped that the applicants will provide confirmation of their agreement to sign a linking agreement to secure the previously agreed contributions.

5.10 Departure Procedures

This proposal is considered to be a departure from the development plan. Circular 02/2009 means it is no longer necessary for applications such as this to be referred to the Secretary of State.

5.11 Conclusion in relation to the assessment of the proposal

5.11.1 As was the position in May 2010 the Council cannot currently demonstrate it has a five year housing land supply. Never the less previously the application was refused due to the impact of the intrusion into the countryside and the lack of provision of village facilities. By the time the appeal was determined the housing

land supply position had improved and on balance of all the other considerations the Inspector dismissed the appeal. Each of these circumstances, along with the approved Position Statement relating to Housing Land Supply has a bearing on the consideration of the current proposal. It is considered that there is sufficient justification to refuse the application despite the significant shortage in housing land supply. The Council, through its Position Statement is seeking to resolve the housing land supply position through a planned approach which has limited damage to rural areas and does not compromise the production of future policy documents.

- 5.11.2 In conclusion it is considered that harm, by way of intrusion into the open countryside will arise as a result of the proposed development. With the added weight of the agreed Position Statement it is considered sufficient to outweigh the need for the site to come forward to contribute to the housing land supply shortage. Given the Inspectors conclusions with regard to the sustainability of the site Members are advised that a refusal based on lack of village facilities and adequate infrastructure would be weak, unless the applicants do not agree to enter into an amending agreement.

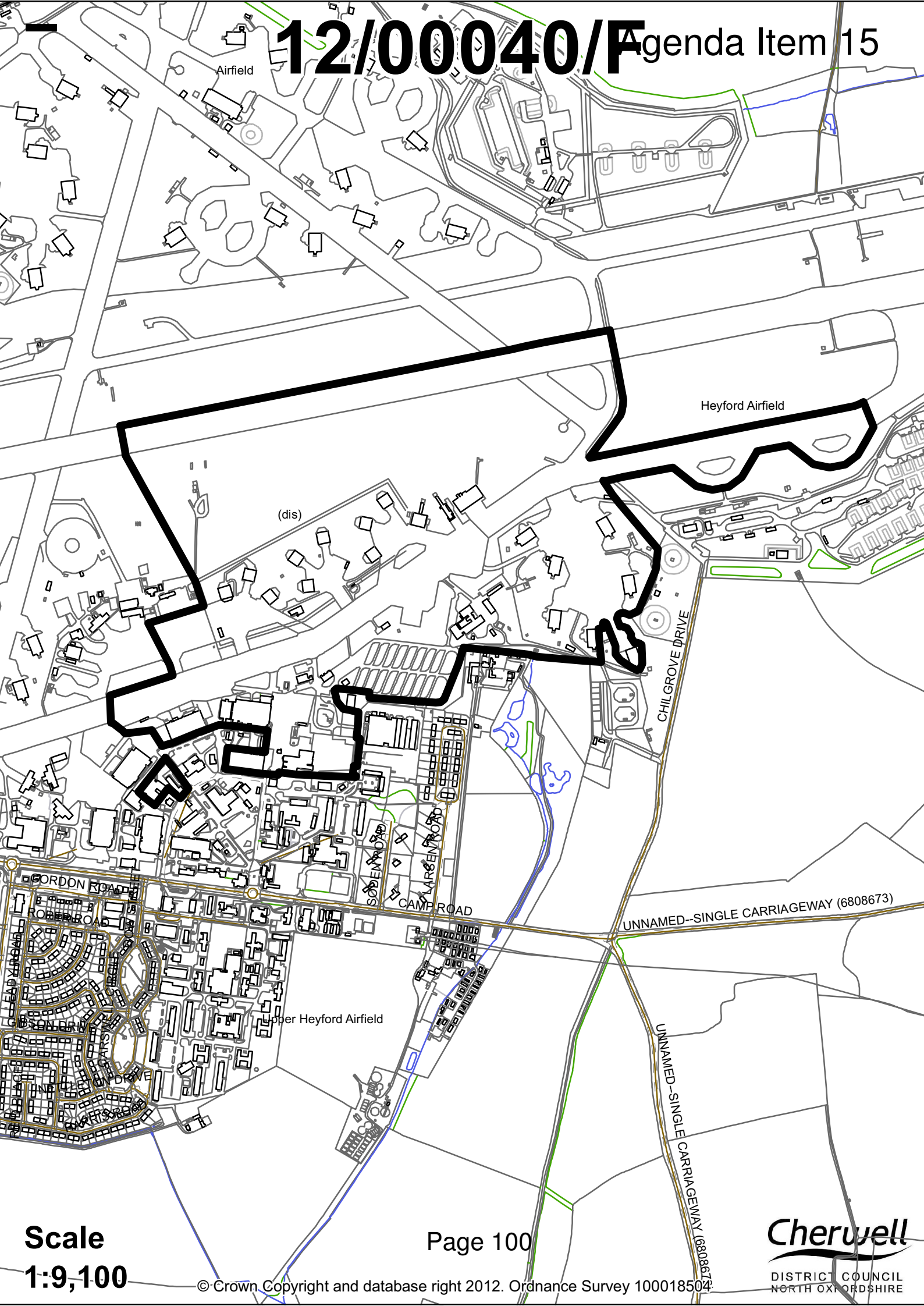
## **6. Recommendations**

That Members refuse planning application no. 12/00026/OUT for the following reasons;

- i. The proposal represents development beyond the built up limits of Adderbury, a rural settlement where development is less sustainable than the urban areas, and where it will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone as it will result in an unplanned development potentially undermining the Council's emerging Core Strategy. As such the proposed development is contrary to the saved policies H12, H13, H18 and C7 of the adopted Cherwell Local Plan, Policies H15, H19 and EN34 of the Non-Statutory Cherwell Local Plan, Policies H2 and SP3 of the South East Plan, Planning Policy Statement 3 - Housing, Planning Policy Statement 7 – Sustainable Development in Rural Areas.*
- ii. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development will be provided, thus adding to the pressures on local infrastructure and services, contrary to Policy CC7 of the South east Plan, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.*

**CONTACT OFFICER: Caroline Roche**

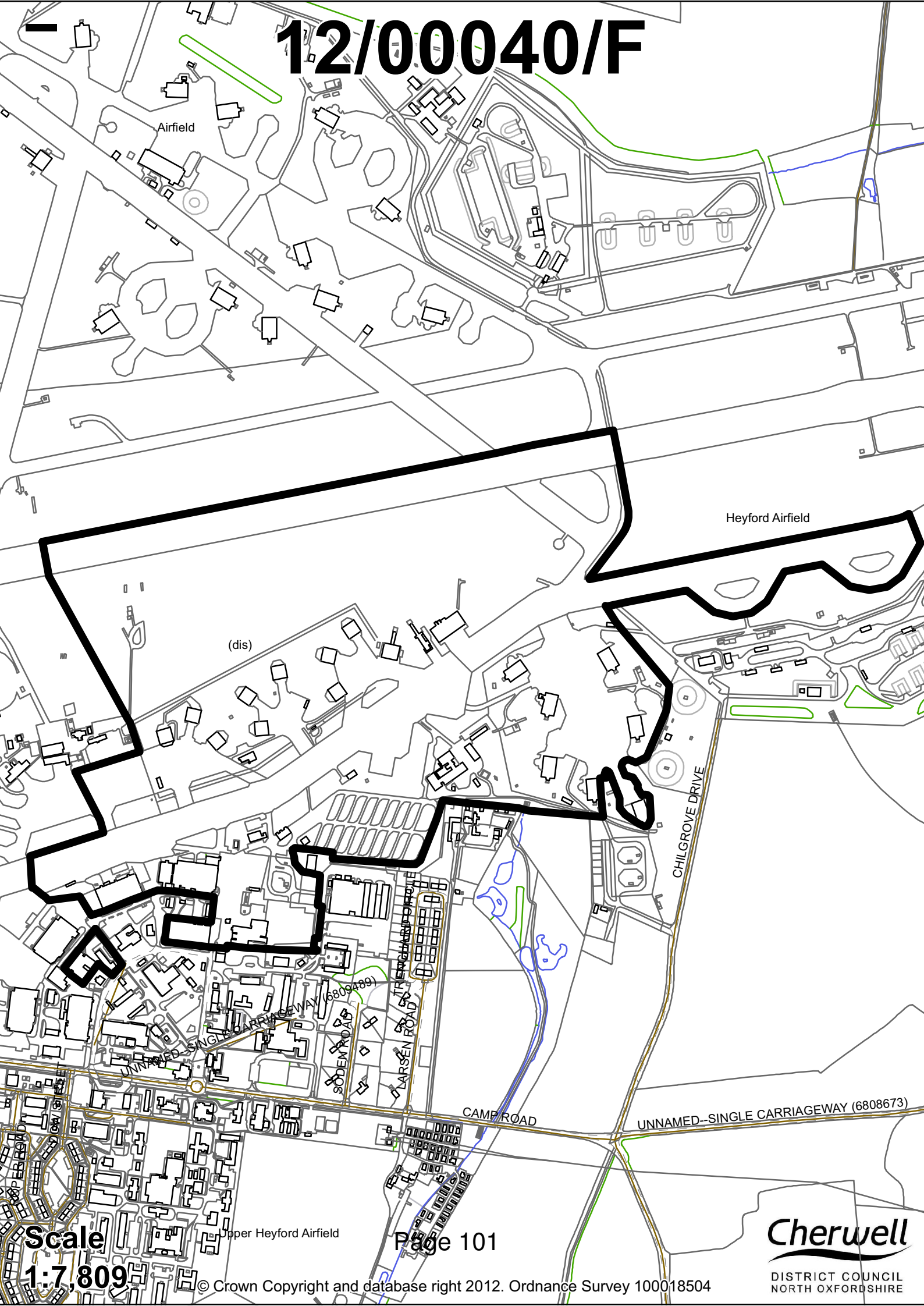
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# 12/00040/F



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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application No:</b> 12/00040/F	<b>Ward:</b> The Astons and Heyfords	<b>Date Valid:</b> 12.01.2012
<b>Applicant:</b>	Paragon Fleet Solutions	
<b>Site Address:</b>	Paragon Fleet Solutions, Heyford Park, Camp Road	
<b>Proposal:</b>	Change of use to allow the continued use of land, buildings and other structures and continued retention of security trench, concrete rings and temporary lamp posts until 1 <sup>st</sup> April 2015	

<b>1. Site Description and Proposal</b>	
1.1	The application site for this proposal covers part of the former RAF/USAF Upper Heyford base. It is identified on the appended site plan and measures approximately 61 hectares in size, the Heyford base being approximately 505 hectares in total. In terms of the uses on site, its military use ceased in 1994 and since then the site has been used for a series of temporary uses.
1.2	<p>The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance. This provides the context and framework to ensure the setting and appearance of the Cold War landscape are preserved. This application includes a small part of the Technical Area but is predominantly on the Flying Field and crosses a number of character zones as classified in the Conservation Appraisal which can be summarised as:</p> <ul style="list-style-type: none"> <li>• 1A Central Runway: Open landscape dominated by the uniform planes of meadow grassland and hard surfaces and by the wide horizons. The area is surrounded by HASs (Hardened Aircraft Shelters) and includes the control tower. The CWS (County Wildlife Site) is located towards the eastern end of the area.</li> <li>• 1D South Aircraft Shelters The open aircraft shelters located in this area lack the dominant presence of the HASs. Current usage has robbed the landscape of any defining characteristics.</li> <li>• 3 Runway East Terminal: This area has some of the characteristics of 1A but the land dips slightly to the east and there are wide views across the more-or-less level surrounding farmland of the Fritwell and Caulcott Plateaux. The</li> </ul>

	<p>overall character is therefore very different from 1A and the area lies outside the 1940s core, having been constructed in the 1950s.</p> <ul style="list-style-type: none"> <li>• 6 Southeast HASs: This area has a distinctive character because the HASs and ancillary structures are relatively close together. But the visual link with the major part of the Landscape of Flexible response is poor and it lacks the simplicity and openness of Area 1.</li> <li>• 7. The Tanker Area: This is an indeterminate area dominated by the grassland of the tanker standings. It is largely without a character of its own and is influenced by the mass of buildings beyond the boundary to the south.</li> </ul>
1.3	<p>The majority of the site is runway, taxiway or other hardstanding and it is the use of this land for storage of vehicles that is the main element of this application. A large part of it (17 hectares) was authorised for “Car Processing” at appeal in January 2010 but this application seeks to extend the use of the remainder of the site for which planning permission was not granted for a further temporary period until April 2015.</p>
1.4	<p>The current application is a resubmission seeking planning permission for a “phased and structured transfer” of the car processing use on to the land authorised by the appeal decision in 2010. A previous application for the same proposal was withdrawn prior to its consideration by Committee in October last year. That application sought consent until 30 June 2013, the applicant now seeks permission until 1<sup>st</sup> April 2015. The details of the transfer are set out in a number of documents that accompany the application but namely a Transitional Arrangements Document, Planning Statement and Design and Access Statement.</p>
1.5	<p>There are also several buildings within the redline site boundary but the majority of those are now authorised by the appeal or subsequent planning decisions in B1, B2 or B8 uses. In heritage terms none of them are listed or scheduled, the nearest statutorily protected building is the control tower (building 340) and the impact upon this building was fully considered at the appeal and indeed the layout of the future entrance to the car process area amended as a result. The other buildings do have a general level of local or regional significance and, in the case of Buildings 350,172 and 151 (A Frame Hangers); 370, Squadron Headquarters; and 125, Station Armoury (Paragon’s HQ Building) are of national significance.</p>

<b>2. Application Publicity</b>	
2.1	<p>The application was advertised in the press and by site notice. It was clear for determination on 10<sup>th</sup> February 2012. No public comments have been received.</p>

<b>3. Consultations</b>	
3.1	<u>Upper Heyford Parish Council</u> : No objection. Support the employment brought by paragon to the site
3.2	<u>Steeple Aston PC</u> -No objection
3.3	<u>English Heritage</u> : Do not wish to comment
3.4	<u>Oxfordshire County Council (as Highway Authority)</u> : No objection
3.5	<u>Highways Agency</u> : No objection
3.6	<p><u>CDC-Economic Development Officer</u>:  Paragon is an important employer that has over the years contributed to the maintenance of the fabric of Heyford Park. It has provided direct and indirect employment and skill development in a wide range of office, technical and transport activities. The proposed continuation of activity supports the aspirations of the Cherwell Economic Development Strategy to assist the success of local businesses and the wider economy.</p> <p>Whilst it is unfortunate that the transitional arrangements have not been fully adhered to, the long-term benefits of Paragon are clear. I therefore support the proposal which should enable Paragon to continue to prosper in Cherwell on the condition that the proposed new schedule will be strictly adhered to, and that day-to-day operation will respect the sensitivity of its surroundings.</p> <p>Head of Strategic Planning and the Economy (Planning Policy)  Any temporary or transitional measures required to facilitate the implementation of the lasting arrangement for the site should not prejudice, discourage, or provide a disincentive to, implementing that lasting arrangement.</p>

<b>4. Relevant Planning Policies</b>	
4.1	<p>National Planning Guidance contained in:</p> <ul style="list-style-type: none"> <li>• PPS1-Delivering Sustainable Development</li> <li>• PPS4-Planning for Sustainable Growth</li> <li>• PPS5-Planning for the Historic Environment</li> <li>• PPS7-Sustainable Development in Rural Areas</li> <li>• PPS13-Transport</li> </ul> <p>The Government also published last year the new National Planning Policy Framework although at this stage it is a consultation document rather than</p>

	policy.
4.2	<u>Regional Spatial Strategy for the South East (The South East Plan) 2009 (SEP)</u> <ul style="list-style-type: none"> <li>• CC7: Infrastructure and Implementation</li> <li>• CC1/CC2/CC4: Sustainable Development</li> <li>• NRM11: Energy Efficiency/Renewable Energy</li> <li>• BE6: Management of the Historic Environment</li> <li>• RE3 Employment</li> <li>• T4: Parking</li> <li>• T7: Rural Transport</li> </ul>
4.3	<u>Oxfordshire Structure Plan 2016 (OSP)</u> <ul style="list-style-type: none"> <li>• Saved Policy H2-Upper Heyford</li> </ul>
4.4	<u>Adopted Cherwell Local Plan 1996 (ACLP)</u> <ul style="list-style-type: none"> <li>• C23: Conservation Areas</li> <li>• C18: Historic Buildings</li> <li>• TR1: Transportation Measures</li> <li>• TR7: Traffic on Minor Roads</li> </ul>
4.5	<u>Non Statutory Cherwell Local Plan (NSCLP)</u> <ul style="list-style-type: none"> <li>• UH1, UH2, UH3, and UH4-Upper Heyford</li> <li>• TR1-TR3 Transport Travel</li> <li>• TR3 Mitigation</li> <li>• TR5 Road Safety</li> <li>• TR6 Public Transport</li> <li>• TR8 Cycling/Walking</li> <li>• TR16 Large vehicle Traffic</li> <li>• TR36 Traffic in rural Areas</li> <li>• D7 Mixed Uses</li> <li>• EM1/EMP4 Employment</li> <li>• EN1/EN2 Environmental Protection</li> <li>• EN7 Noise</li> <li>• EN46 Heritage-Enabling Development</li> </ul>
4.6	<u>Cherwell Local Development Framework (LDF)</u> <u>Draft Core Strategy-February 2010</u> <ul style="list-style-type: none"> <li>• The draft document went through the first round of public consultation in the spring of 2010. A revised draft is due out shortly for further public comment. Heyford is identified as the major single location for growth other than Banbury and Bicester. Of course the Strategy is an emerging document that has little weight at the present time.</li> </ul>
4.7	In addition: <ul style="list-style-type: none"> <li>• RAF Upper Heyford Conservation Area -Designated April 2006</li> </ul>



	<ul style="list-style-type: none"> <li>RAF Upper Heyford Comprehensive Planning Brief (SPD adopted 5<sup>th</sup> March 2007) (RCPB)</li> </ul>
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## 5 Planning Policy and the Development Plan

	<u>Background</u>
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5.1	As Committee will be aware, these are changing times in which applications to develop land are being considered, both nationally and locally. However, the main policy issues over the fundamental matter of whether to allow development, any development, at Heyford have been resolved. A short explanatory background is required however to put the current application into context and to set out the relevant development plan policies applicable.
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	<u>Oxfordshire Structure Plan</u>
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5.2	<p>The Structure Plan (OSP) which had effectively been replaced by the South East Plan (SEP) included, unusually for such a strategic document, a site specific policy for Upper Heyford. This policy, H2, was saved by the SEP and remains in place despite the proposed revocation of the regional plan. Although the thrust of the OSP was to direct development towards urban centres, paragraph 7.7 of the Structure Plan advises that; “Land declared surplus by the Ministry of Defence at the former airbase at Upper Heyford represents an opportunity to achieve an appropriate balance between environmental improvements to a rural part of Oxfordshire, conservation of the heritage interest from the Cold War, and reuse of some existing buildings and previously developed land located in the former technical and residential areas of the base.” Policy H2 provided for a new settlement of 1000 dwellings including ... employment opportunities and required the development of the base to be in accordance with a comprehensive development brief for the site.</p> <p>The policy in full states:</p> <p><b><i>Upper Heyford</i></b>  <b><i>H2 a) Land at RAF Upper Heyford will provide for a new settlement of about 1000 dwellings and necessary supporting infrastructure, including a primary school and appropriate community, recreational and employment opportunities, as a means of enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved, compatible with achieving a satisfactory living environment.</i></b>  <b><i>b) Proposals for development must reflect a revised comprehensive planning brief adopted by the district council and demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements</i></b></p>
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	<p><b><i>will be achieved across the whole of the former air base in association with the provision of the new settlement.</i></b></p> <p><b><i>c) The new settlement should be designed to encourage walking, cycling and use of public transport rather than travel by private car. Improvements to bus and rail facilities and measures to minimise the impact of traffic generated by the development on the surrounding road network will be required.</i></b></p>
	<p><u>The Revised Comprehensive Planning Brief 2007 (RCPB)</u></p>
5.3	<p>The RCPB was adopted as a Supplementary Planning Document (SPD) in March 2007. While it does not form part of the statutory development plan, it expands on, supplements and provides guidance to Policy H2 of OSP 2016. The RCPB 2007 SPD is a significant material consideration in the processing of planning applications concerning the site at the former RAF Upper Heyford airbase.</p>
5.4	<p>The Brief specifically intends to assist in the quality delivery of:</p> <ul style="list-style-type: none"> <li>• a settlement of about 1,000 dwellings as a means of enabling environmental improvements, conservation of the site’s heritage interests while achieving a satisfactory living environment;</li> <li>• necessary supporting infrastructure for the settlement including primary school appropriate community, recreational and employment opportunities</li> <li>• conservation of heritage interest</li> </ul>
5.5	<p>The RCPB sets out the vision for the site and identifies seven elements Including, and relevant to this application:</p> <p>ii) A community that is as sustainable as possible, in the provision of community facilities and in balancing dwellings and employment opportunities, given the site’s location</p> <p>iii) The preservation of the stark functional character and appearance of the flying field beyond the settlement area, including the retention of buildings of national interest which contribute to the area’s character (with limited, fully justified exceptions) and sufficient low key re-use of these to enable appropriate management of this area.</p> <p>iv) The achievement of environmental improvement within the site and of views of it to include the removal of buildings and structures that do not make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, enhancement of ecological interest and reopening of historic routes.</p>
	<p><u>Adopted Cherwell Local Plan 2001 (ACLPL)</u></p>
5.6	<p>The Cherwell Local Plan was adopted in November 1996. Although the plan was intended to cover the period to 2001 it remains part of the Statutory Development Plan. The Cherwell Local Plan was adopted shortly after the</p>

	former airbase was declared surplus and therefore does not have any policies specifically in relation to the site.
	<u>Non Statutory Cherwell Local Plan 2011 (NSCLP)</u>
5.7	The Non Statutory Cherwell Local Plan (NSCLP) was originally produced as a replacement for the adopted local plan. The plan was subject to first and second draft deposit stages and pre-Inquiry changes were incorporated. However the decision was taken by the Council to discontinue work on the plan on the 13 December 2004 and withdraw it from the statutory local plan process as there was no realistic prospect of it being adopted prior to Government changes and the new planning system coming into force which would have prevented its subsequent adoption. However to avoid a policy void, the Non Statutory Cherwell Local Plan 2011 (NSCLP) was approved by the Council as interim planning policy for development control purposes on the 13 December 2004. The NSCLP therefore does not form part of the statutory development plan and as such is of reduced weight but as interim planning policy it is a material consideration in the consideration of the current application. The NSCLP 2011, contains four specific policies, UH1-4, relating to the former airbase, UH1 seeks to create employment opportunities broadly compatible to the number of residents.
	<u>Conservation Area Appraisal</u>
5.8	<p>The RAF Upper Heyford Conservation Area was designated in April 2006. A Conservation Area Appraisal (CAA) was produced for the site and adopted by the Council in April 2006. The CAA includes the historic significance of the site, analyses its character and heritage assets, assesses the special interest, negative factor's affecting the site and summarises the issues. It describes the site as; 'The landscape setting and hardened concrete structures of the former RAF Upper Heyford have the power to communicate the atmosphere of the Cold War.'</p> <p>The CAA identifies the following key areas in the summary of issues;</p> <ol style="list-style-type: none"> <li>1. Protection of the Historic Buildings and Landscape</li> <li>2. Vulnerability of the site to fragmentation</li> <li>3. Reuse of the retained buildings</li> <li>4. Incorporation of a new settlement</li> </ol>

## 6 Planning History

6.1	The former airbase was confirmed surplus to MOD requirements in September 1994 just before the current Local Plan was adopted in 1996. The ACLP does not contain any policies specifically relating to the site. A revised Structure Plan was adopted by the County Council in 1998 and
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	<p>included policy H2 which sought to address the future of the site. Policy H2 identified:</p> <ul style="list-style-type: none"> <li>• the site for a development of about 1,000 dwellings and supporting infrastructure including employment opportunities;</li> <li>• that the future of the site be guided by a comprehensive planning brief adopted by the Council;</li> <li>• substantial landscaping and other environmental improvements be provided; and that</li> <li>• the new settlement be designed to encourage journeys by foot, cycle or public transport rather than by car.</li> </ul>
6.2	<p>A Comprehensive Planning Brief (CPB), as required by OSP 2012 Policy H2, was first adopted by CDC in 1999. The CPB sought to guide development proposals for the base and included the clearance of all structures located beyond the proposed settlement area and restoration of the land. The CPB included draft Local Plan policies which were adopted for development control purposes.</p>
6.3	<p>In 2005, a revised Structure Plan 2016 was adopted. Policy H2 was retained in an amended form identifying the purpose of development on the site as enabling to deliver environmental improvements, conservation of the heritage interest across the whole site, compatible with achieving a satisfactory living environment.</p>
6.4	<p>In November 2005, a Conservation Plan was produced for the flying field. The plan was jointly commissioned by CDC, English Heritage (EH) and North Oxfordshire Consortium (NOC). The plan identified the historic importance of the site as a Cold War landscape and the importance of individual structures on the site. The plan identified greater levels of significance for the site than EH had previously identified. A further assessment of the areas excluded from the Conservation Plan was commissioned by CDC and completed in March 2006. These studies were used to inform the decision to designate the whole site as a conservation area in April 2006. A Revised Comprehensive Planning Brief was adopted as an SPD in March 2007. In the RCPB approximately 7 hectares were set aside for car storage together with use of a number of buildings by the company then operating the car business. However, at the later Public Inquiry this figure was not considered adequate for the company's needs.</p>
6.5	<p>Over the last 10 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and most the</p>

	land subject of the current application was granted temporary planning permissions pending the long term and lasting arrangement to be secured in line with the OSP. Numerous cases have gone to appeal the most relevant to the current application, and most recent, was application ref 08/00716/OUT. This outline application proposed: “A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).”
6.6	Following a major public inquiry that commenced in September 2008 the Council finally received the appeal in January 2010. The appeal was allowed, subject to conditions, together with 24 conservation area consents that permit demolition of buildings on the site.
6.7	Although the appeal was lodged on the basis of non-determination the Council resolved to object to the proposal on several grounds including its failure to conform to the Planning Brief for the site, that the development was unsustainable, the type of employment was inappropriate, transport measures were inadequate to cope with the development, damage to the character and appearance of the conservation area and the information submitted was inadequate or failed to justify the proposal. The reasons for refusing the conservation area consents were either the loss of buildings that contributed positively to the conservation area, that a cleared site would detract from the conservation area and/or their demolition was premature without an approved scheme for redevelopment.
6.8	Due to the scale of the development proposed, the appeal was referred to the Secretary of State for Communities and Local Government for determination. The decision letter from the Secretary of State (SoS) can be read in full on the Council’s web site: <a href="http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf">http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf</a> .
6.9	The SoS considered there to be three main issues: the policy context for the proposal, with particular reference to the development plan and PPG15; Design Principles and PPS1; and Housing and Sustainability of location. There was also a fourth matter, planning conditions and obligations.
6.10	On policy, the SoS thought the development was in general conformity with the Oxfordshire Structure Plan policy H2 which sought to provide a community of about 1000 dwellings with schools and employment opportunities, though not the Council’s Development Brief for the site, and

	<p>that it would enable environmental improvements, conserve heritage interests and provide appropriate level of employment. In terms of employment, the SoS recognised that businesses were well established and there were 500 people currently employed in car processing. Economic benefits were a “weighty material consideration” although they did not seem as such to outweigh the harm to the character of the conservation area. However the Inspector refers to the need to balance heritage interests against exceptional circumstances to justify overriding the presumption to preserve and enhance the conservation area. On reuse of buildings, it was considered their retention would outweigh the breach in the number of jobs limited on the site. Shops would provide a service to the community and the employment would stop Heyford becoming a dormitory town.</p>
6.11	<p>The SoS concluded the development would substantially accord with the development plan, meaning Structure Plan policy H2, limited weight was given to the Council’s development brief for the site. A sustainable and reasonable balance was secured between retaining the built and natural heritage, and providing an appropriate and proportionate level of employment in the context of the site’s location and access to services. In granting the planning permission, it was therefore felt justifiable to allow the 24 conservation area consents, again subject to conditions. As part of the decision, 71 conditions were imposed on the grant of planning permission and 5 on the conservation consents.</p>
6.12	<p>The grant of planning permission authorised many of the uses being undertaken at the site and sets out the template for future development. In terms of the main employment use, i.e. car processing, the SoS agreed with the Inspector that harm would be caused to the Conservation Area and would not achieve environmental improvements. However, it was outside the core historic area, in the least significant part of the site overall and largely concealed from public views. A balance had to be struck between preservation and enhancement and the exceptional circumstances argument put forward by the appellant. In the end, it was resolved to accept the reduced area of 17 hectares and alter the entrance to the site to lessen the visual impact of car storage.</p>
6.13	<p>As far as the overall development of the settlement area is concerned however, it is a long way from the end of the story and Committee will recall the application that proposed to revise the settlement area masterplan (ref10/01642/OUT) which Committee approved in March, although that has limited relevance to the current proposal.</p>

6.14	Finally, and of more relevance to the current application and as mentioned previously above, permission was sought last year for the same proposal (ref: 11/01247/F), the only difference being the time period for the permission. That had originally requested consent until June 2014 but was negotiated down to June 2013. The current application seeks permission until <u>April 2015</u> .

## 7 Appraisal

	<b>Background</b>
7.1	Planning permission granted at the appeal included use of 17 hectares of the flying field (mainly hardstanding and consisting of the former runways and taxiing area) for car processing. This was defined as the inspection, valeting, washing, repairing, tyre replacement, processing and delivery of cars and other car processing activities as may be required from time to time. This area was based on the minimum operational requirement of the business taking place by the current applicant. This land was considered to be the least sensitive part of the overall site being outside the core area of national significance, largely concealed from public views and from the Aves Ditch public footpath. The applicant currently has a lease on some 61 hectares of the base although only about 40% of it is in operational use.
7.2	Nonetheless, the site was in the Conservation Area and in the view of the Inspector its use would still cause harm but, after weighing up the economic benefits and possible level of job losses, the SoS considered what was approved to be a reasonable balance between what he considered to be exceptional economic circumstances and conservation. In the context of the current application it should be noted the applicant was agreeable to this reduced area of operation.
7.3	However, since that time the applicant has found the need to continue using much of the unauthorised hard standing, including the main runway, for car storage and their logistical operation. This is not only in breach of the permission granted at appeal but contrary to two separate enforcement notices served by the Council in 2008. These were both appealed but put into abeyance. If the current application is refused permission the Planning Inspectorate will reactivate the appeals and a further public inquiry may be reconvened to hear them. For Committee's information, the enforcement notices were served to come into effect on 6 <sup>th</sup> October 2008 and gave one year for Paragon to comply with the requirements to clear the land. It does not appear to the Officer's that any attempt to comply with these notices (or the appeal decision) has been made by the applicant.

7.4	<p>The current application seeks to agree a period of transition in which time the current levels of use over an area of almost 25 hectares will be reduced down to the 17 hectares authorised at appeal, although the final figure is believed to be nearer to 16.2 hectares, and which it seeks to arrive at by April 2015. This is based on a three year period by which time elements of the business can be transferred elsewhere and the Heyford site re-configured. In discussions with the applicant before the previous application was submitted, the period of transition had started at 5 years, dropped to 4 years was submitted for 3 years but after even more negotiations whilst processing application 11/01247/F a final end date based on a two year period was agreed. The current application is based again on a three year transition period hence the request for a temporary consent until 2015 as opposed to the previous submission until 2013.</p>
7.5	<p>The actual transition involves a three phased process whereby if permission is granted (according to the Transitional Arrangements Plan):</p> <p>1-On grant of permission vehicles will be removed from the runway; the site area drops from 24.8ha to 19.4ha (61.3 to 47.9 acres).</p> <p>2-By October 2012 the site area drops to 18ha (44.5acres) by the cessation of a taxiway. As part of the reconfiguration of the western area the existing prefabricated gatehouse would be removed and Building 3205 converted for such use. This would also coincide with the formation of a new transporter load/unloading area instead of its current operation on the more sensitive eastern runway. A new refuelling facility will also be provided subject to a separate permission being granted.</p> <p>3-In the final phase the eastern taxiway ceases to be used but a new hard stand is created on the former tanker area resulting in the final site area of 16.2 ha (40 acres). So by April 2015, not only will the physical footprint be adjusted to that approved but all taller vehicles will be restricted to a smaller less sensitive part of the site and all temporary lighting and security features not benefitting from full permission will be removed.</p>
7.6	<p>A further regression in what is being sought is the somewhat strange situation that the applicant's phased transitional stepped arrangement set out in their documentation starts with the cessation of the use of the main runway except they wish to be permitted to use it if the need arises. So in effect there is no realistic transition at all. The same circumstances also apply to the second phase of transition and the cessation of using the taxiway between the main runway and the Victoria Alert complex.... "to be used in exceptional circumstances".</p>
	<p><b>Main Issues</b></p>
7.7	<p>The new application raises a number of issues but the two main ones are</p>



	<p>considered to be:</p> <ul style="list-style-type: none"> <li>• Employment and</li> <li>• Impact on the Conservation Area, Heritage and Environment</li> </ul>
7.8	<b>Employment</b>
7.9	<p>To make the community sustainable it is necessary to provide employment opportunities and this is set out in OSP H2, RCPB and UH1(iii) of the NSCLP. The RCPB states: Upper Heyford “is located in an unsustainable location and therefore, if it were not for the proposed dwellings, the site would not be viewed as a suitable location for employment generating development. However, to create a sustainable settlement, the opportunity for employment accessible to the residents should be provided. To maximise the opportunities for residents to work close to where they live a range of employment opportunities will be sought. Employment provision should be within and part of the settlement to enable access by foot and be conveniently served by public transport. The premises could support local services and contribute to the vibrancy and vitality of the settlement.”</p> <p>It goes on to say:  “A RANGE OF EMPLOYMENT OPPORTUNITIES SHOULD BE PROVIDED TO MEET THE NEEDS OF THE RESIDENTS AND THE NUMBER SHOULD REMAIN APPROXIMATELY IN BALANCE WITH THE ECONOMICALLY ACTIVE POPULATION.”</p>
	<p>Historically, the use subject of the current application has been authorised by temporary consents granted first in 1995 and renewed by short term permissions ever since. Permissions were granted as an exception to policies on sustainability and to replace employment lost by the closure of the base and to raise revenue for the MoD. It was recognised in the 2007 RCPB that many of these businesses have now become established with a local workforce and therefore need to be handled with a degree of sensitivity. The criteria for considering each case whether new or existing uses are acceptable was set out in the RCPB:</p> <ul style="list-style-type: none"> <li>“i. the use is compatible with the aspirations for the settlement</li> <li>ii. the use would not adversely affect residents or other business through noise, traffic movements, requirement for outside storage, working outside normal business hours</li> <li>iii. the use would not have an unacceptable impact on the surrounding landscape, historic interest of the site or nearby villages.”</li> </ul>
7.10	<p>At the moment the car processing operations do provide a stable economic base to the site and probably about a third of the total employment. The long term retention of Paragon on the base was permitted through the appeal to</p>

	be part of the so called “lasting arrangement” and is not at issue with the current application.
7.11	The Company have also pointed out that they are responsible for significant levels of direct and indirect employment in the local economy; provide a wide range of employment opportunities including with a high level of skills; it is a recognised centre of excellence in the automotive industry and in IT; it provides considerable training and career development opportunities; and it creates social and economic spinoffs in the local community.
7.12	At present however, the automotive industry is suffering from considerable economic pressures and is not expected to go through a recovery phase for another 2 or 3 years. It is the applicant’s submission that it will not be possible to fully invest and undertake the complete operational requirements placed on them by the appeal decision other than under the arrangements set out in the transitional programme set out as part of this application. In the meantime they intend to focus their main aims on maintaining their economic base at Heyford and helping support the delivery of key economic aims and objectives whilst at the same time scaling down the physical footprint of the car processing operation.
	<b>Impact on the Conservation Area, other Heritage Issues and the Environment</b>
7.13	In terms of local policy, policy H2 of the OSP seeks to “provide for a new settlement of about 1000 dwellings and necessary supporting infrastructure, including ... employment opportunities, as a means of enabling environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved... The majority of significant heritage assets on site are to be preserved through the main permission and unilateral undertaking secured with it.
7.14	With regard to Policy H2, the Inspector thought “changes of use should serve and be subservient to achieving environmental improvements, securing the heritage interest of the site and achieving a satisfactory living environment (and within those, provide some employment and some of the other necessary infrastructure). Whilst it would not impact adversely on the living environment of the NSA, the 17ha of outdoor car staging would not achieve an environmental improvement and it would seriously harm the character of the Conservation Area.”
7.15	She also considered the defining character of the flying field to be its openness. She agreed with EH that” the southern taxiway relates closely in character and purpose to the main runway and that they are both key features of the Conservation Area <sup>232</sup> . Those features with their ultimate purpose of delivering “flexible response” and all the earlier concepts of Cold

	<p>War airborne deterrence is the essential element in the Conservation Area. I saw that Paragon's present use of the main runway is highly destructive to the character of the site." She went on: "The cars cannot sensibly be viewed as a transitory impact. When one leaves the ranks it is replaced by another awaiting processing."</p>
7.16	<p>In terms of direct impact on heritage, in the supporting documentation the applicant's state they propose to cease immediate use of the main runway. This part of the flying field is a Core Area of National Significance and is on the central plateau, a highly prominent feature in the landscape. But in the Planning Statement to accompany the application this is made conditional. In the overview of Heritage, Landscape and Visibility benefits (Table 7.2) they say they may need to use it "in exceptional circumstances". And in a statement produced by the Managing Director (Appendix3-Para 5.0) they "Agree to use the main runway when additional capacity is required which first cannot be accommodated elsewhere within the remainder of the site." And this clearly seems to have been the case since the appeal decision in January 2010. The site has been visited on a number of occasions in the last year. In 2010 it was almost cleared but in the course of last year the number of vehicles parked on the runway grew. Cars have also been observed on the hardstanding between the main runway and the Victoria Alert Complex, due to be cleared by October 2012. This is also within the Core Area of Significance. Again, the applicant says the land will be used "in exceptional circumstances"... "when additional capacity is required which cannot be accommodated elsewhere within the remainder of the site". Without an agreement to cease operations on the whole of this part of the site immediately, because of its landscape sensitivity and importance from a heritage viewpoint, the Officer's have no alternative but to recommend refusal of planning permission.</p>
7.17	<p>The situation is compounded by the proposal to carry on the use of the taxiways on the eastern part of the complex. In the previous submission it was agreed vehicles would be cleared by June 2013, the current submission proposes this will be part of the last phase to be cleared of vehicles so April 2015. The eastern part of the site has a degree of sensitivity as the realigned Aves Ditch footpath will pass close by. Users of the footpath when it is reinstated will be able to see an area of high density parking on the eastern runway. This was considered at the appeal by the Inspector to be harmful and the applicant agreed to omit it from the overall scheme at the Public Inquiry. However it is now required for operational parking of vehicles pending the hard surfacing of the former tanker area. Previously the use of the land was permitted for parking on short term temporary permissions pending agreement on "the lasting arrangement" which should have been achieved by the appeal decision. Again, due to the new time scales involved, this is not something the Officers can support. Also, if permission was granted, there are outstanding matters in terms of landscaping and boundary treatment that would need to be brought forward as part of a package and</p>

	that have yet to be undertaken as part of the conditions of the recent appeal decision.
	<b>Other Issues:</b>
	<b>Transitional arrangements-RCPB Policy</b>
7.18	In the RCPB it was anticipated that the temporary uses governing the commercial operations would be wound down. It was expected this would occur through an agreed timescale which is exactly what is being proposed now. The RCPB envisaged a period of five years as this would be the time anticipated to complete the new settlement. It is accepted the settlement is not likely to be completed for some years but circumstances have changed, most significantly with the appeal decision. The applicant had several years up to the Public Inquiry to prepare a strategy to reorganise the site and indeed the business profile. In fact it is understood one of their other bases has been vacated when there is no clear reason it could not be used for relocating cars from Heyford. Also, the company has already had two years since the appeal decision. No attempt has been made to scale the operation to accord with the SoS's requirements. Indeed it is believed further contracts have been secured that involve a greater use of Heyford.
	<b>Access and Highways</b>
7.19	Whilst the Highway Authority had some initial concerns they now advise there is no material impact, do not object to the development, and do not require any conditions.
	<b>Residential Amenity</b>
7.20	Whilst the proposal integrates commercial activity close to proposed residential development in line with the guidance contained in the NSCLP and PPS3, the issue of residential amenity has to be a major consideration bearing in mind the industrial operations likely to be undertaken in proximity to the proposed residential buildings. The proposed use of the tanker area would bring commercial activity much close to the now approved masterplan for the residential development and as this was agreed at appeal the Officers do not think there is likely to be any direct effect to justify refusal of permission, particularly when the uses closest to housing have been in operation as such for some 15 years.
8.0	<b>Conclusion</b>
8.1	The Inspector and Secretary of State at appeal, as Officers do now, had to take a balanced view. The appeal decision granted permission for 17 hectares of land for car processing with that size accepted by the appellant,

	now applicant. The applicant has not complied with that decision. A further extension of time is requested.
8.2	It is unfortunate that the applicant has not complied with the terms and conditions on the planning permission granted at appeal or with the accompanying legal agreement. Officers have given a very sympathetic hearing to the circumstances to the applicant and indeed were recommending the grant of a temporary consent last year for a short term transition period until June 2013. But the continuation of the car processing use until April 2015 flies in the face of the appeal decision and would have an unacceptable impact on the landscape and heritage of the site. It is accepted these are difficult economic times but on balance the application is recommended to be refused and, if Committee agrees with the recommendation, to continue to pursue appropriate enforcement action.

### Recommendation

Refuse planning permission for the following reasons:

- 1 The proposed use is not in accordance with the requirements of Policy H2 of the Oxfordshire Structure Plan 2016 as it fails to secure a lasting arrangement for the future of RAF Upper Heyford and achieve the conservation of the heritage interest and environmental improvements sought for the whole site.
- 2 The proposed car storage / staging use on land outside of the specific area approved by the appeal decision of the Secretary of State dated 11<sup>th</sup> January 2010 for that purpose as indicated in the submitted proposals, is unacceptable as it would damage the character and appearance of the Conservation Area and perpetuate adverse landscape and visual impact. The car storage / staging use would unacceptably perpetuate the visual and functional relationship of the settlement from the flying field and open countryside and as such would be contrary to Policy H2 of the Oxfordshire Structure Plan 2016, Cherwell Local Plan Policies C7 and C10 and Non Statutory Cherwell Local Plan Policies UH1, UH2, UH4, EN34, and EN40.

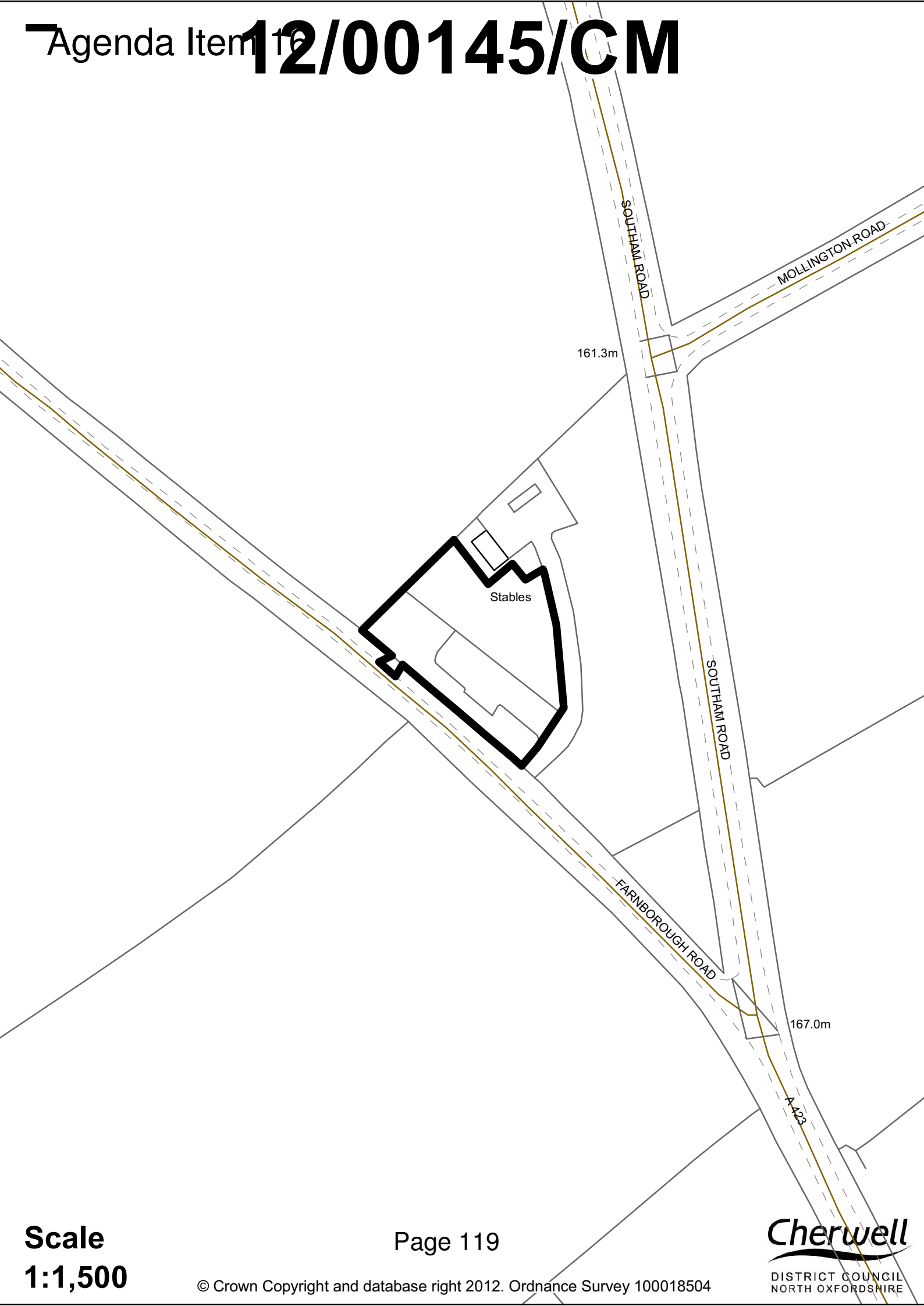
**CONTACT OFFICER:**

**Andrew Lewis**

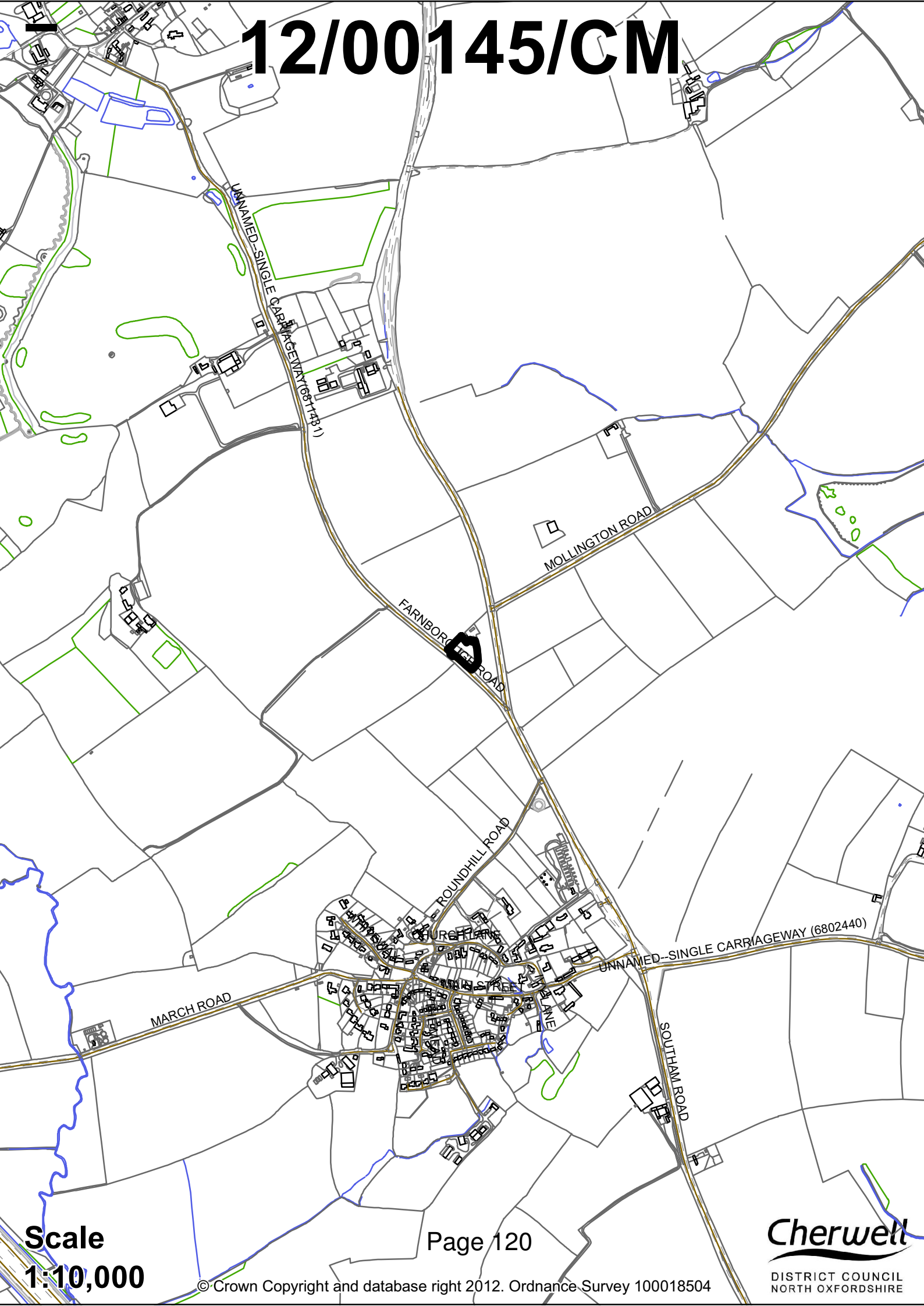
**TELEPHONE NO:**

**01295 221813**

# 12/00145/CM



# 12/00145/CM



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1:10,000

Page 120

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application</b> 12/00145/CM	<b>No:</b>	<b>Ward:</b> Ardley with Fewcott	<b>Date</b> 03/02/2012	<b>Valid:</b>
<b>Applicant:</b>	Agrivert Limited			
<b>Site Address:</b>	Ardley Composting Site, Ashgrove Farm, Middleton Stoney Road, Ardley			

**Proposal:** Details pursuant to condition 11 (floodlighting) of planning permission (MW.0073/10) 09/01312/CM (OCC ref: MW.0024/12)

## 1. Site Description and Proposal

- 1.1 The application site is the Ardley composting site and forms 1.9 hectares of land on the south side of the Upper Heyford Road approximately 350 metres west of its junction with the B430 Ardley to Middleton Stoney Road, and adjacent (west) of the above grand grass covered reservoir. The nearest residential properties are Ashgrove Farm (600 metres to the north) and Manor Farm (800 metres to the south).
- 1.2 The proposal is for the installation of five floodlights at the site.
- 1.3 The application is before the Committee as the application is a County Matter.

## 2. Application Publicity

- 2.1 Oxfordshire County Council are responsible – Cherwell District Council is a consultee.

## 3. Consultations

- 3.1 Oxfordshire County Council are responsible – Cherwell District Council is a consultee.

## 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:  
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 Oxfordshire County Council are responsible for the decision making and Cherwell District Council is a consultee. The key issues for consideration in this application



are the visual impact of the proposals and the suitability of the scheme in the context of the site.

- 5.2 The development proposes 5 floodlights to be sited within the main site. The scheme follows a previous approval for floodlighting approved in September 2010 and will increase the number of lights from two to seven. The lights are for improved lighting to allow staff and visitors to access operational areas of the site.
- 5.3 Two lights will be placed on the stage two tunnel building facing west towards bunding and a further three will be placed on the reception building facing east towards the perimeter path and fencing. The applicant has indicated that the lights will be switched off outside normal working hours, unless required for maintenance or in emergency situations.
- 5.4 The existing site is partially screened from the B430 and the Upper Heyford Road by the reservoir and roadside hedgerows. Bunding at the site also partially shields the site from the wider area. Given the limited use of the lights during normal working hours and the distance from the nearest residential properties, it is considered that the additional lights will not have a detrimental impact on the character and appearance of the area or the amenities of adjoining occupiers.

## **6. Recommendation**

It is recommended that Oxfordshire County Council is advised that this Council raise no objections to the proposal subject to the imposition of conditions concerning hours of operation of the lighting to normal working hours only i.e. proposes 0800-1800 Mon – Fri and 0800-1230 Saturday only as per the current operation.

**CONTACT OFFICER: Graham Wyatt**

**TELEPHONE NO: 01295 221811**

# Agenda Item 17

## Planning Committee

### Tree Preservation Order (no. 15/2011) Various Trees, Hall Close, North Aston

23 February 2012

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

##### PURPOSE OF REPORT

To seek the confirmation Tree Preservation Order no 15-11 with 2 (two) objections relating to various tree at Hall Close, North Aston (copy plan attached as Annex 1)

This report is public

##### Recommendations

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The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order 15/2011 at the site of Hall Close, North Aston without modification in the interest of public amenity.

##### Summary

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##### Introduction

- 1.1 The District Council made an emergency TPO on 16th September 2011 following an assessment of the trees prompted by a request by a local resident for advice on removing conifers under High Hedges Legislation.
- 1.2 The trees to be protected are a group of individuals making up a tall hedgerow / screen between the Houses on Hall Close and the rear of the properties along Somerton Road.
- 1.3 Guidance in determining the suitability of a tree for a TPO is provided by the TEMPO method (Tree Evaluation Method for Preservation Orders). This has been undertaken and the results included in this document as appendix 2.

- 1.4 The trees are visible from Somerton Road over the top of the properties as well as all the properties situated in Hall Close.
- 1.5 Two letters objecting to the TPO have been received from:
- i. Mrs M. B. Adamson, Gate Cottage, The Green, North Aston, Bicester, OX25 6HX.
  - ii. A. P. Godwin, 1 Hall Close, North Aston, Bicester, OX25 6HR
  - iii. Mr K Bourke-Burrows The Lower House, St. Mary's Walk, North Aston, Bicester, OX25 6AA (on behalf of the four joint owners)

1.6 The objections and due consideration are as follows –

i. Mrs Adamson objects to the preservation of T10, a Sycamore tree on the grounds that:

**a. It is not native**

CDC The assessment of trees with regard to their suitability for protection is taken on their own merits with regard to contribution to the local area, historical significance and conservation contribution.

The genetic origins of species are not a consideration with ornamental or introduced species also assessed on their contribution to the local area.

**b. It is not possible to compost its many and large leaves**

CDC Although Sycamore leaves require longer than other species which may decompose more readily they can be successfully composted. Keeping the leaves damp to provide a suitable habitat for the micro organisms which degrade cellulose and turning the compost heap occasionally will improve the decomposition of the vegetative material.

Collecting the leaves with a lawn mower affectively shredding them will further speed up the process.

**e. The tree is covered in thick ivy which will cause rotting of the branches**

CDC Ivy is not a parasitic plant, it grows on the outside of the host using it purely as a purchase and doesn't cause decay. It is considered a separate plant to the tree protected by the order and so can be removed or severed at the base without the need for an application.

**f. The tree shades the gardens of Gate Cottage and the adjacent properties**

CDC A shade prediction plan has been provided as appendix 3 showing the direction and extent of shade cast by the tree between the hours of 07:00 and 16:00 on 17<sup>th</sup> July.

The objectors' garden is not shaded by T10 and it doesn't interfere with the overall enjoyment of their garden in any way. A large Sycamore is situated adjacent to Middle Cottage which is also covered in Ivy, I suspect that the Mrs Adamson has mistaken T10 with this tree which is not included in the Order as it is situated within the North Aston conservation area.

---

ii. Mr Godwin objects to the preservation of T25 on the ground that:

- a. **The tree has previously had substantial works undertaken reducing its amenity value to the extent that its removal would have no impact on the local landscape**

CDC A Preservation Order does not preclude the possibility of subsequent works or even removal. An application for works can be submitted and will be considered on its own merits.

At present, the tree provides amenity as part of the extended row running adjacent to Hall Close.

Should any evidence be provided that the tree has become unsafe, or declined in health so that it is no longer a significant part of the row, this will be investigated and taken into consideration when consent or refusal is given.

---

iii. Mr Bourke-Burrows objects to the preservation of T14 and T18 on the following grounds:

- a. **The trees are a common species which have self seeded and have no ornamental or practical merit.**

CDC The assessment of trees with regard to their suitability for protection is taken on their own merits regardless of how they originally arose. Consideration is given to their contribution to the local area, historical significance and conservation contribution both as individuals and as part of a group.

It is arguable that T14 and T18 have limited individual merit. However they provide combined impact as part of the wider group, linking adjacent trees providing an extension to the adjacent woodland creating a link corridor for wildlife as well as a screen for properties on both sides of the trees.

- b. **It was never the development plan that Hall Close should be marked by a line of trees.**

CDC See reply a.

- c. **The branches of the trees overhang the gardens of the adjacent gardens dropping leaves and branches. They cast shade over the bottom part of the garden shading the green house and reduce the number of**

**plants that can be grown and cause a feeling of claustrophobia.**

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

There is no obligation for tree owners to ensure uninterrupted light.

A Preservation Order does not preclude the possibility of subsequent works or even removal. An application for works can be submitted and will be considered on its own merits.

It should be noted that the trees are under the ownership of the residents of Hall Close and any statutory protection notwithstanding, work carried out to the trees other than overhanging branches would require the owner's permission.

**d. The trees are not plotted in the correct position on plan CDC 18145.**

CDC The TPO plan is based on a site visit and aerial photographs of the site. It is indicative and in this case, used in conjunction with the tree schedule, there are no other trees in the vicinity which could be mistaken.

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

**Conclusion**

- 1.7 The issues raised by the objector have been addressed and it is recommended that the Committee confirm Tree Preservation Order 15/2011 without modification.

**Background Information**

- 1.8 Statutory powers are provided through :
- (i) Section 198 Town and Country Planning Act 1990.
  - (ii) Town and Country Planning (Trees) Regulations 1999
- 1.9 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to

believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.

- 1.10 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 16 September 2011. The statutory objection period has now expired and two objections were received to the Order.

### **Key Issues for Consideration/Reasons for Decision and Options**

The following options have been identified. The approach in the recommendations is believed to be the best way forward

**Option One** To confirm the Tree Preservation Order

**Option Two** Not to confirm the Tree Preservation Order

### **Implications**

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

Comments checked by Karen Muir, Corporate Systems Accountant, Karen.muir@cherwell-dc.gov.uk 01295 221559

**Legal:** The Council has the power under s198 Town and Country Planning Act 1990 to make a tree preservation order if it appears expedient in the interests of amenity. The committee must consider any objections and representations duly made.

Comments checked by Ross Chambers, Solicitor, ross.chambers@cherwell-dc.gov.uk 01295 221690

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

Comments checked by Claire Taylor, Corporate Performance Manager, claire.taylor@cherwellandsouthnorthants-dc.gov.uk 0300 0030113

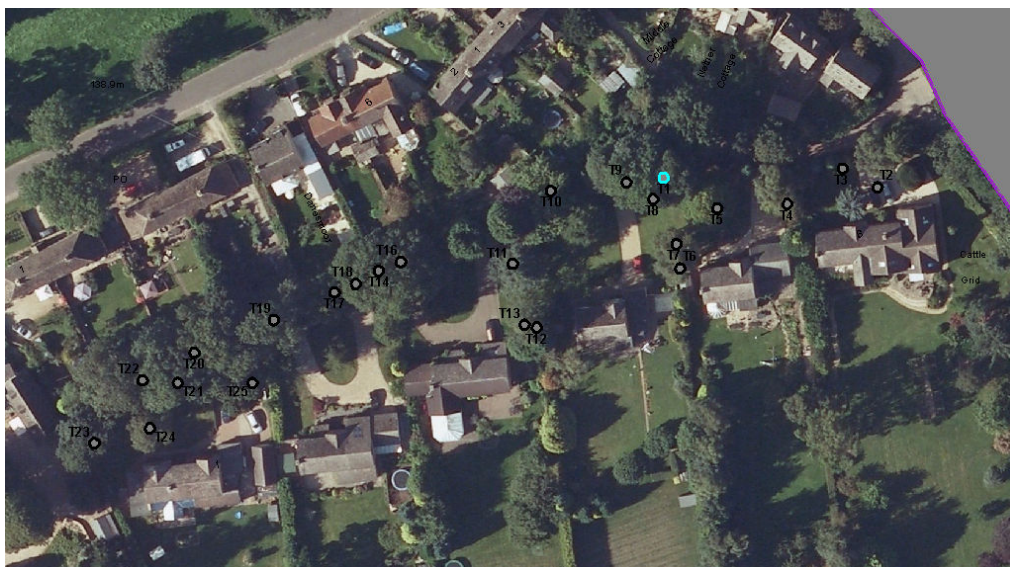
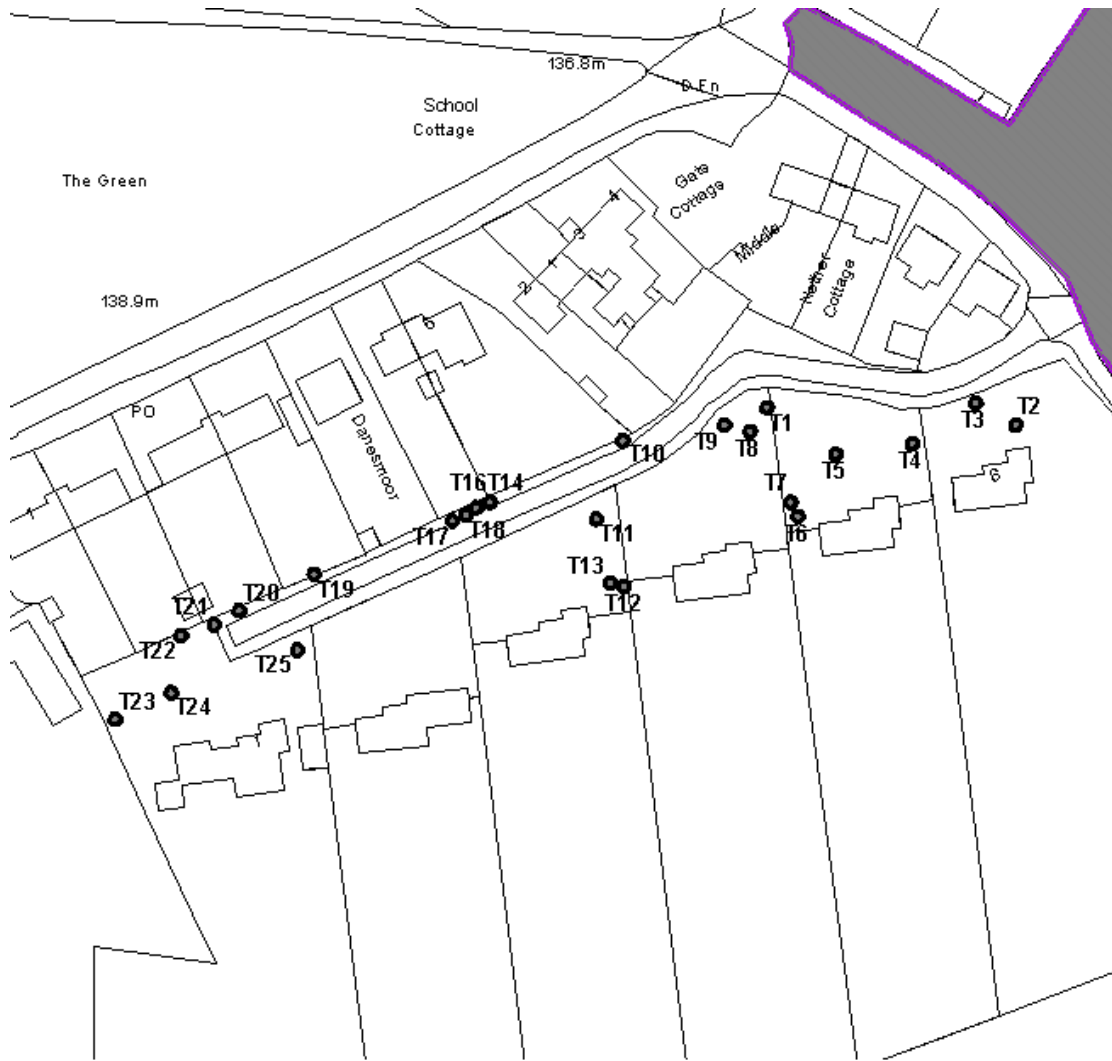
## The Astons and Heyfords

### Document Information

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plan
Appendix 2	TEMPO assessment
Appendix 3	Shade Prediction
<b>Background Papers</b>	
TPO file reference 15-11	
<b>Report Author</b>	Mark Harrison, Arboricultural Officer - North
<b>Contact Information</b>	01295 221804 Mark.Harrison@Cherwell-dc.gov.uk

# Appendix 1 - Plan





# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

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

**Surveyor:** M Harrison      **Date:** 15/09/11      **Species:** Various trees  
**Location:** Hall Close, North Aston  
**TPO Ref (if applicable):** \_\_\_\_\_ **Tree/Group No:** \_\_\_\_\_ **Owner (if known):** \_\_\_\_\_

### Part 1: Amenity assessment

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

<input checked="" type="checkbox"/>	5) Good Highly suitable	Notes <i>Individuals vary in their health though overall the row has potential for future growth with minimal impacts</i>
<input type="checkbox"/>	3) Fair Suitable	
<input type="checkbox"/>	1) Poor Unlikely to be suitable	
<input type="checkbox"/>	0) Dead Unsuitable	
<input type="checkbox"/>	0) Dying/dangerous* Unsuitable	
Sub Total		<b>5</b>

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

<input type="checkbox"/>	5) 100+ Highly suitable	Notes <i>The trees have sufficient room at the present time. Size may become an issue to the garden over which they hang in time but this can be addressed by minor pruning.</i>
<input checked="" type="checkbox"/>	4) 40-100 Very suitable	
<input type="checkbox"/>	2) 20-40 Suitable	
<input type="checkbox"/>	1) 10-20 Just suitable	
<input type="checkbox"/>	0) <10* Unsuitable	
Sub Total		<b>4</b>

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

<input type="checkbox"/>	5) Very large trees with some visibility, or prominent large trees Highly suitable	Notes <i>The tree is clearly visible from the adjacent properties on both sides of Hall Close</i>
<input checked="" type="checkbox"/>	4) Large trees, or medium trees clearly visible to the public Suitable	
<input type="checkbox"/>	3) Medium trees, or large trees with limited view only Suitable	
<input type="checkbox"/>	2) Young, small trees, or medium/large trees visible only with difficulty Barely suitable	
<input type="checkbox"/>	1) Trees not visible to the public, regardless of size Probably unsuitable	
Sub Total		<b>4</b>

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

<input type="checkbox"/>	5) Principal components of arboricultural features, or veteran trees	Notes <i>Provide screening between Hall close and Somerton Road in addition to good wildlife habitat.</i>
<input checked="" type="checkbox"/>	4) Tree groups, or members of groups important for their cohesion	
<input type="checkbox"/>	3) Trees with identifiable historic, commemorative or habitat importance	
<input type="checkbox"/>	2) Trees of particularly good form, especially if rare or unusual	
<input type="checkbox"/>	1) Trees with none of the above additional redeeming features	
Sub Total		<b>4</b>

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

<input type="checkbox"/>	5) Immediate threat to tree	Notes <i>Enquiry to the Antisocial behaviour officer with regard to high hedges legislation. (Conifers have not been included in the Preservation Order.</i>
<input checked="" type="checkbox"/>	3) Foreseeable threat to tree	
<input type="checkbox"/>	2) Perceived threat to tree	
<input type="checkbox"/>	1) Precautionary only	
Sub Total		<b>3</b>

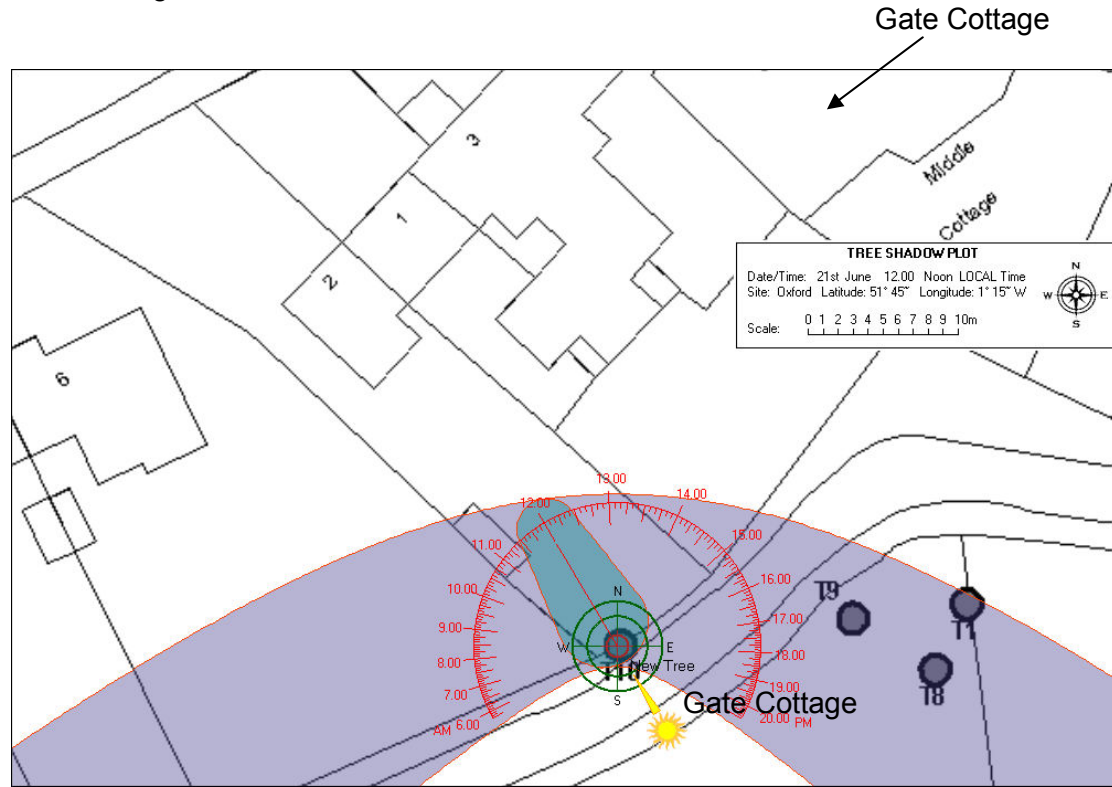
### 1.1 Part 3: Decision guide

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

Total Score 20      Decision: **Definitely Merits TPO**

Comments

### Gate Cottage Shade Prediction



## Planning Committee

### Tree Preservation Order (No. 16/ 2011) – Open Space Greenwood & Shakespeare Drive, Bicester

23 February 2012

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

##### PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order (16/2010 Open Space, Greenwood & Shakespeare Drive, Bicester. relating to an 'Area' Order containing multiple mixed species of broadleaf tree (copy plan attached as Appendix 1).

This report is public
-----------------------

##### **Recommendations**

---

The Planning Committee is recommended to:

- (1) Confirm the Order without modification

##### **Background Information**

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- 2.1 The Scheme of Reference and Delegation authorises the Strategic Director Planning, Housing and Economy to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 2.2 The above mentioned Tree Preservation Order was authorised and made on 19/09/2011. The statutory objection period has now expired and no objections were received to the Order.

## **Key Issues for Consideration/Reasons for Decision and Options**

---

- 3.1 TPO raised due to concerns regarding the future management of the trees by a private owner who had purchased the site via auction following administration procedures brought against the original development company responsible for developing the Greenwood Drive area.
- 3.2 This open space area is legally subject to a section 106 agreement signed before proceedings were brought against the developer.
- 3.3 The TPO not only protects the existing trees on site but also provides a constraint for any future submitted applications for development or change of land usage.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

**Option One**                      To confirm the Tree Preservation Order

**Option Two**                      Not to confirm the Tree Preservation Order

## **Implications**

---

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

Comments checked by Karen Muir, Corporate Systems Accountant, Karen.muir@cherwell-dc.gov.uk 01295 221559

**Legal:**                              The Council has the power under s198 Town and Country Planning Act 1990 to make a tree preservation order if it appears expedient in the interests of amenity. The committee must consider any objections and representations duly made.

Comments checked by Ross Chambers, Solicitor, ross.chambers@cherwell-dc.gov.uk 01295 221690

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

damage occurring before an application is made.

Comments checked by Claire Taylor, Corporate  
Performance Manager,  
claire.taylor@cherwellandsouthnorthants-dc.gov.uk  
0300 0030113

### **Wards Affected**

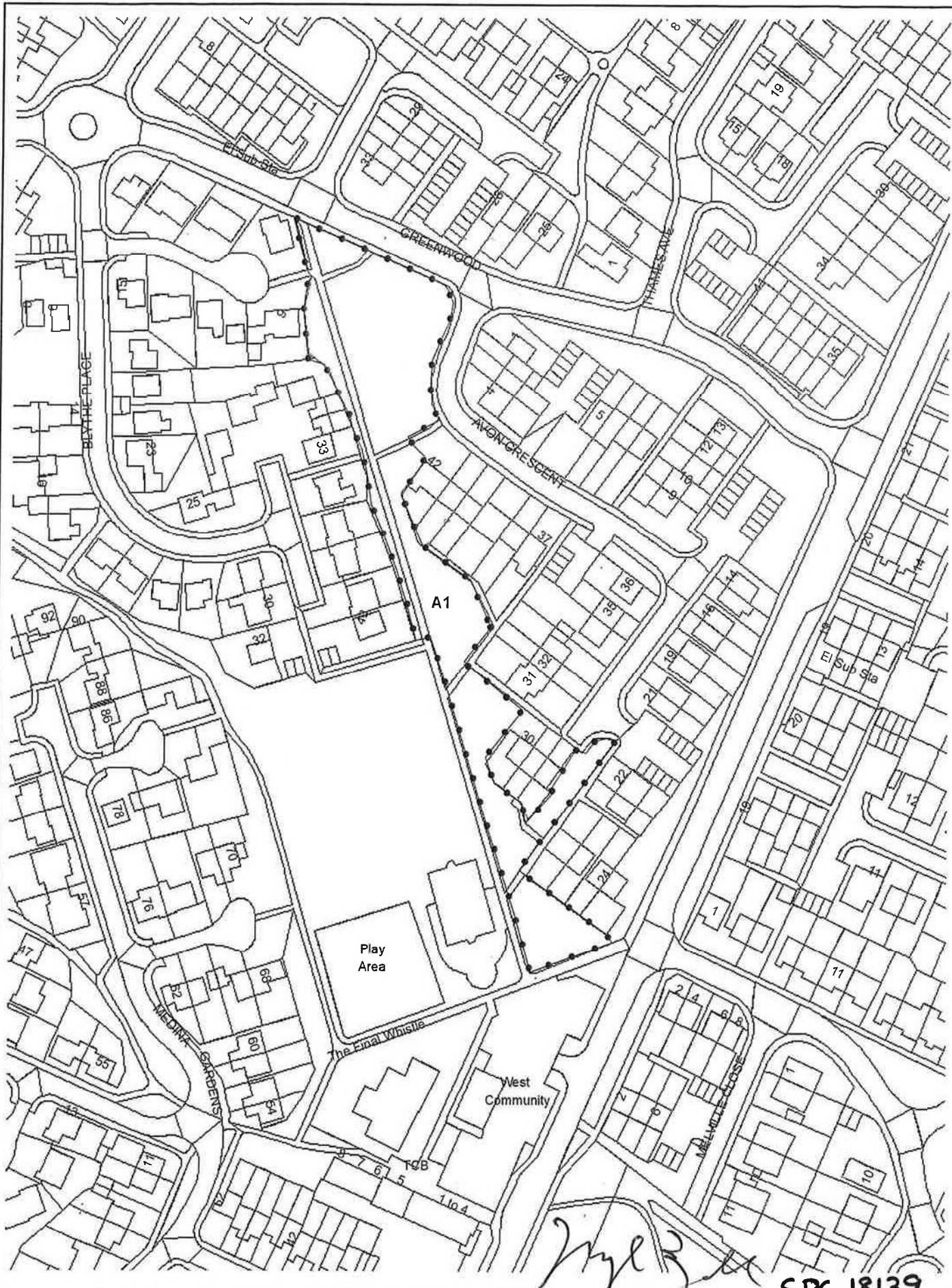
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Bicester Town

### **Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plan
<b>Background Papers</b>	
TPO File reference 16-11	
<b>Report Author</b>	Jon Brewin (arboricultural officer – south)
<b>Contact Information</b>	01295 221708 Jon.brewin@cherwell-dc.gov.uk



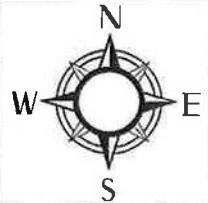
CDC 18139



**Tree Preservation Order No 16/2011**  
**Open Space**  
**Greenwood/Shakespeare Drive,**

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Scale	1:1500
Date	20/09/2011



The scale shown is approximate and should not be used for accurate measurement.

## Planning Committee

### Tree Preservation Order (No. 17/2011 – Rowarth House, Little Lane, Horley.

7 February 2012

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

#### PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order (no. 17/2011) relating to a Yew tree (copy plan attached as Appendix 1) at Rowarth House, Little Lane, Horley.

This report is public

#### Recommendations

---

The Planning Committee is recommended to:

- (1) Confirm the Order without modification

#### Background Information

---

- 2.1 The Scheme of Reference and Delegation authorises the Strategic Director Planning, Housing and Economy to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 2.2 The above mentioned Tree Preservation Order was authorised and made on 26 October 2011. The statutory objection period has now expired and no objections were received to the Order.

## **Key Issues for Consideration/Reasons for Decision and Options**

---

- 3.1 TPO made following receipt of a submitted section 211 'Notice of Intent' to fell 1 No yew tree located within a designated Conservation Area (ref: 11/00204/TCA).

## **Implications**

---

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

Comments checked by Karen Muir, Corporate Systems Accountant, [Karen.muir@cherwell-dc.gov.uk](mailto:Karen.muir@cherwell-dc.gov.uk) 01295 221559

**Legal:** The Council has the power under s198 Town and Country Planning Act 1990 to make a tree preservation order if it appears expedient in the interests of amenity. The committee must consider any objections and representations duly made.

Comments checked by Ross Chambers, Solicitor, [ross.chambers@cherwell-dc.gov.uk](mailto:ross.chambers@cherwell-dc.gov.uk) 01295 221690

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

Comments checked by Claire Taylor, Corporate Performance Manager, [claire.taylor@cherwellandsouthnorthants-dc.gov.uk](mailto:claire.taylor@cherwellandsouthnorthants-dc.gov.uk) 0300 0030113

## **Wards Affected**

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Wroxtton

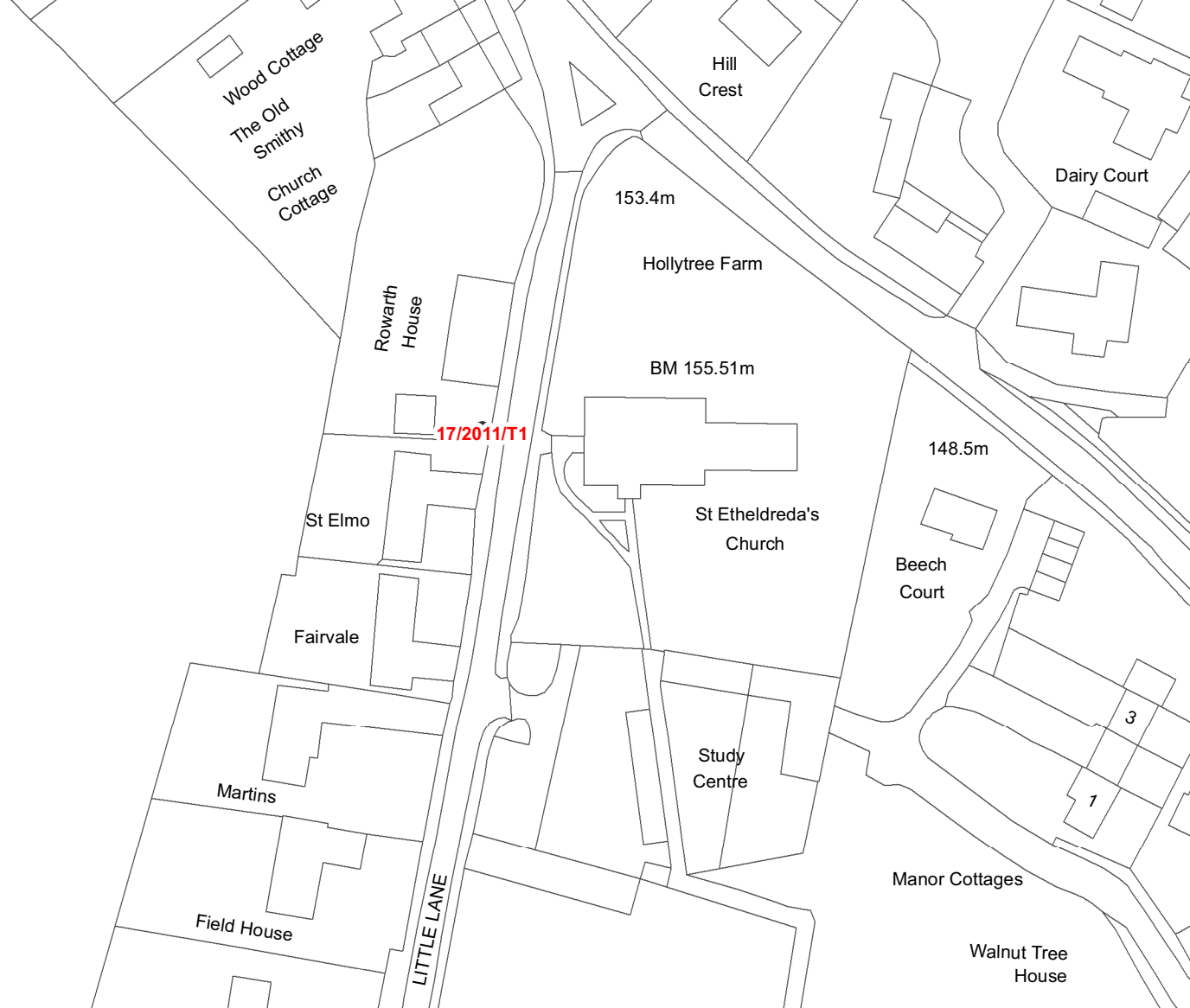
## **Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plan
<b>Background Papers</b>	
TPO file reference 17-11	



<b>Report Author</b>	Jon Brewin (Arboricultural Officer – South)
<b>Contact Information</b>	01295 221708 jon.brewin@cherwell-dc.gov.uk



Wood Cottage  
The Old Smithy  
Church Cottage

Hill Crest

Dairy Court

153.4m

Hollytree Farm

Rowarth House

BM 155.51m

17/2011/T1

148.5m

St Etheldreda's Church

Beech Court

St Elmo

Fairvale

Study Centre

Martins

Field House

Manor Cottages

Walnut Tree House

LITTLE LANE

3

1

## Planning Committee

### Tree Preservation Order No. 18/2011 'Stonebrook House, Williamscott'

23 February 2012

### Report of Public Protection and Development Management

#### PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order No 18/2011 'Stonebrook House, Williamscott, **with modification** relating to 5 No Poplar trees(copy plan attached as Appendix 1) at the same address.

This report is public
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#### Recommendations

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The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order No 18/2011 with modification following consideration of the information contained within the report.

#### Background Information

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- 2.1 The above mentioned Tree Preservation Order was authorised and made on 15 November 2011. The statutory objection period has now expired and no objections were received to the Order.
- 2.2 The TPO was made following receipt and assessment of a section 211 'Notice of Intent' submitted by the homeowner Mr I. Fuller.
- 2.3 The 'Notice' was to remove 1 No poplar tree from his garden, following my assessment I could see no justifiable reason to remove the tree and also had future concerns regarding a similar level of threat facing the additional 4 No poplar trees which formed a cumulative significant group.
- 2.4 The TPO was originally made to include all five poplar trees.
- 2.5 Mr Fuller received arboricultural advice from a private consultant who recommended further discussion with myself which would allow Mr

Fuller to fully explain his reasoning behind the 'Notice'.

- 2.6 There were perceived concerns regarding the oppressive nature and structural condition of a large tree with a lean towards the house which was easily within falling distance.
- 2.7 Although no defects were noted during my inspection, I reviewed my initial decision and decided that the group could afford the removal of this tree (T3) without any loss to amenity or character of the area. This reversal of decision on this one tree (T3) would allow for the homeowners to address their perceived concerns without any due loss to the amenity value of the group as a whole.
- 2.8 I have now therefore decided to request conformation of the provisional TPO with the one modification to remove T3.

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### **Key Issues for Consideration/Reasons for Decision and Options**

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**Implications** : TPO to be confirmed with modification to allow for the removal of T3 to address perceived concerns and fears of homeowner.

**If modified the TPO will consist of 4 No poplar trees identified as T1, T2, T4 & T5.**

---

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- |                   |  |
|-------------------|--|
| <b>Option One</b> | To confirm the Tree Preservation Order with modification     |
| <b>Option Two</b> | Not to confirm the Tree Preservation Order with modification |

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### **Implications**

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

Comments checked by Karen Muir, Corporate Systems Accountant, Karen.muir@cherwell-dc.gov.uk 01295 221559

**Legal:** The Council has the power under s198 Town and Country Planning Act 1990 to make a tree

preservation order if it appears expedient in the interests of amenity. The committee must consider any objections and representations duly made.

Comments checked by Ross Chambers, Solicitor,  
ross.chambers@cherwell-dc.gov.uk 01295 221690

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

Comments checked by Claire Taylor, Corporate Performance Manager,  
claire.taylor@cherwellandsouthnorthants-dc.gov.uk  
0300 0030113

#### **Wards Affected**

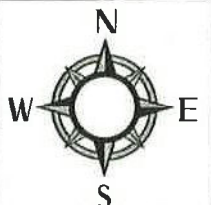
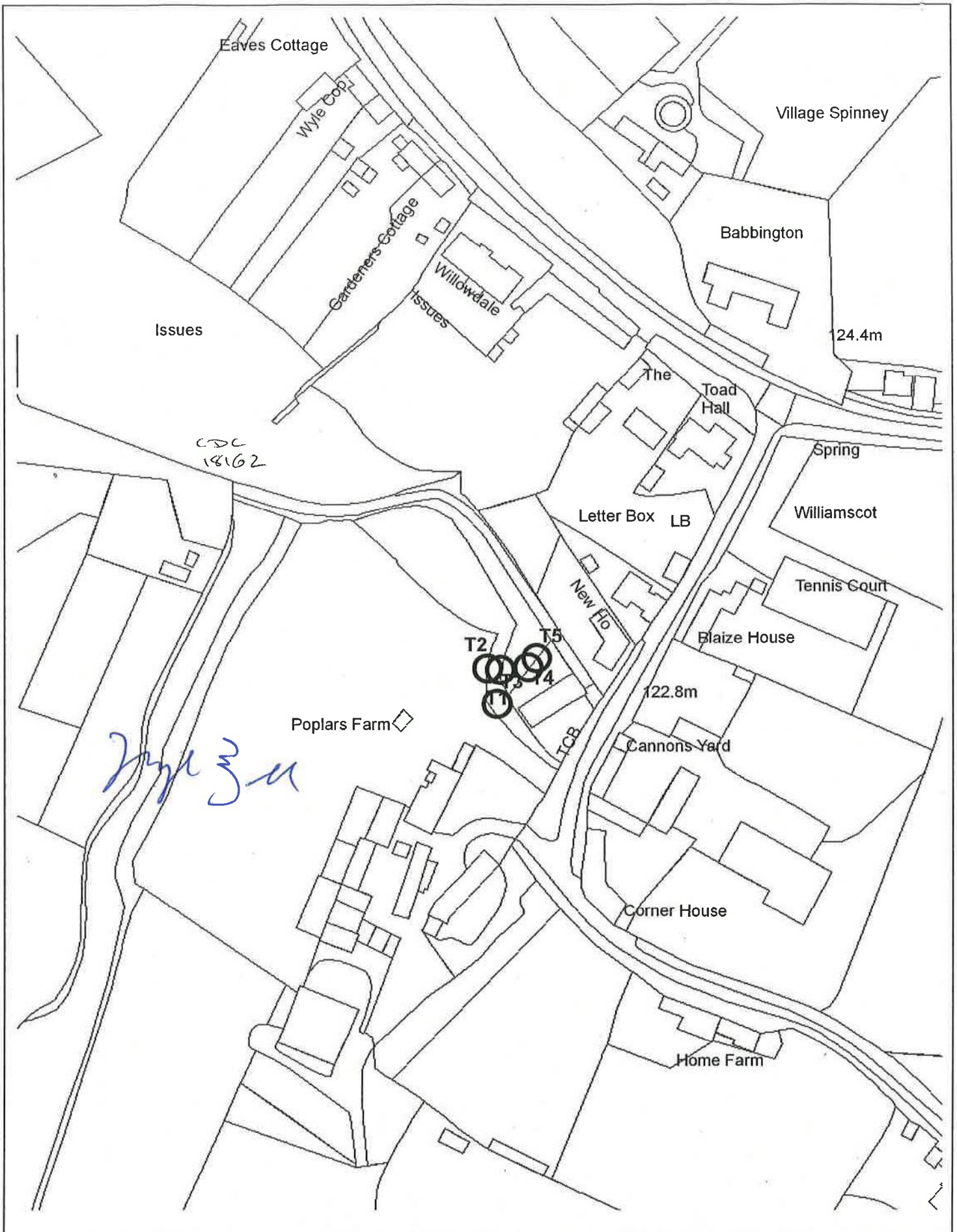
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Cropredy

#### **Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plan
<b>Background Papers</b>	
TPO File reference 18-11	
<b>Report Author</b>	J. Brewin (Arboricultural Officer – South)
<b>Contact Information</b>	01295 221 708 Jon.brewin@cherwell-dc.gov.uk



## Planning Committee

**Tree Preservation Order (no. 20/2011) Aldous Drive, Bloxham**

**23 February 2012**

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

#### **PURPOSE OF REPORT**

To seek the confirmation Tree Preservation Order no 20-11 with no objections relating to a tree at Aldous Drive, Bloxham (copy plan attached as Annex 1)

This report is public
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#### **Recommendations**

The Planning Committee is recommended to:

- (1) Confirm Tree Preservation Order 20/2011 at the site of Aldous Drive, Bloxham without modification in the interest of public amenity.

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#### **Summary**

##### **Introduction**

- 1.1 The District Council made an emergency TPO on 24 November 2011 following an assessment of the trees prompted by information provided by the tree owner that a local resident had undertaken minor pruning works and their request that the tree be protected.
- 1.2 The tree to be protected is an individual Oak situated within the adjacent field boundary hedge it is highly visible from the new estate (Aldous Drive) and Milton Road.
- 1.3 No objections to the TPO have been received.

##### **Conclusion**

- 1.4 It is recommended that the Committee confirm Tree Preservation Order 15/2011 without modification.

## **Background Information**

- 1.5 Statutory powers are provided through :
- i. Section 198 Town and Country Planning Act 1990.
  - ii. Town and Country Planning (Trees) Regulations 1999
- 1.6 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 1.7 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 24 November 2011. The statutory objection period has now expired and no objections to the Order have been received.

## **Key Issues for Consideration/Reasons for Decision and Options**

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- |                   |  |
|-------------------|--|
| <b>Option One</b> | To confirm the Tree Preservation Order     |
| <b>Option Two</b> | Not to confirm the Tree Preservation Order |

## **Implications**

- Financial:** The cost of processing the Order can be contained within existing estimates.  
Comments checked by Karen Muir, Corporate Systems Accountant, Karen.muir@cherwell-dc.gov.uk 01295 221559
- Legal:** The Council has the power under s198 Town and Country Planning Act 1990 to make a tree preservation order if it appears expedient in the interests of amenity. The committee must consider any objections and representations duly made.  
Comments checked by Ross Chambers, Solicitor, ross.chambers@cherwell-dc.gov.uk 01295 221690
- Risk Management:** The existence of a Tree Preservation Order does not remove the landowner's duty of care to ensure that such a tree is structurally sound and poses no danger to passers by and/or adjacent property. The TPO legislation does contain provisions relating to payment of compensation by the Local Planning



Authority in certain circumstances, but these relate to refusal of applications to carry out works under the Order and no compensation is payable for loss or damage occurring before an application is made.

Comments checked by Claire Taylor, Corporate Performance Manager,  
claire.taylor@cherwellandsouthnorthants-dc.gov.uk  
0300 0030113

### **Wards Affected**

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Bloxham and Bodicote

### **Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plan
<b>Background Papers</b>	
TPO file reference 15-11	
<b>Report Author</b>	Mark Harrison, Arboricultural Officer - North
<b>Contact Information</b>	01295 221804 Mark.Harrison@Cherwell-dc.gov.uk

# Appendix 1 - Plan



## Planning Committee

### Tree Preservation Order (No. 21/2011) 16 & 18 Bucknell Road, Bicester)

23 February 2012

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

#### PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order (no 21/2011) relating to 2 No beech trees (copy plan attached as Appendix 1) at 16 & 18 Bucknell Road, Bicester.

This report is public
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#### Recommendations

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The Planning Committee is recommended to:

- (1) Confirm the Order without modification

#### Background Information

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- 2.1 The Scheme of Reference and Delegation authorises the Strategic Director Planning, Housing and Economy to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 2.2 The above mentioned Tree Preservation Order was authorised and made on 29 November 2011. The statutory objection period has now expired and 1 No objection was received to the Order (Appendix 2).
- 2.3 The objection came in the form of an email sent from Cllr J. Lis resident of 39 Hamilton Close and owner of the property immediately adjacent to the properties of 16 & 18 Bucknell Road.

- 2.4 In summary the email from Cllr Lis provides a brief history regarding problems experienced concerning the maintenance of the trees by the owners.
- 2.5 The objection states that both trees are within 2.0m & 6.0m of 39 Hamilton Road and that both trees will provide a hazard to the dwelling if they are not maintained as alleged by Cllr Lis.
- 2.6 Although the issue of maintenance is always a consideration in the TPO evaluation process, it is rarely a significant deciding factor as the responsibilities for 'Duty of Care' lay with the owners.
- 2.7 Just to clarify, it would be inappropriate for an LPA to use a TPO as a tool in resolving neighbour disputes and, although both homeowners raised the issue of a TPO due to works undertaken by the occupiers of No 39 Hamilton Road, the TPO was raised due to the current and potential amenity value of both trees.

### **Key Issues for Consideration/Reasons for Decision and Options**

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- 3.1 Both trees provide considerable and increasing amenity value for multiple residential properties and garden areas.
- 3.2 Both trees will require regular maintenance from both homeowners to ensure all risks are maintained at an acceptable low level.
- 3.3 Should the occupier at No 37 Hamilton Road have increasing concerns regarding maintenance issues they may approach the owners or submit an application for works themselves to Cherwell DC.
- 3.4 Should there be any future concerns regarding the influences of both trees on adjacent features then the homeowners are advised to contact either a structural engineer or a qualified arboriculturist for further advice.

### **Implications**

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

Comments checked by Karen Muir, Corporate Systems Accountant, [Karen.muir@cherwell-dc.gov.uk](mailto:Karen.muir@cherwell-dc.gov.uk) 01295 221559

**Legal:** The Council has the power under s198 Town and Country Planning Act 1990 to make a tree preservation order if it appears expedient in the

interests of amenity. The committee must consider any objections and representations duly made.

Comments checked by Ross Chambers, Solicitor,  
[ross.chambers@cherwell-dc.gov.uk](mailto:ross.chambers@cherwell-dc.gov.uk) 01295 221690

**Risk Management:**

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

Comments checked by Claire Taylor, Corporate Performance Manager,  
[claire.taylor@cherwellandsouthnorthants-dc.gov.uk](mailto:claire.taylor@cherwellandsouthnorthants-dc.gov.uk)  
0300 0030113

**Wards Affected**

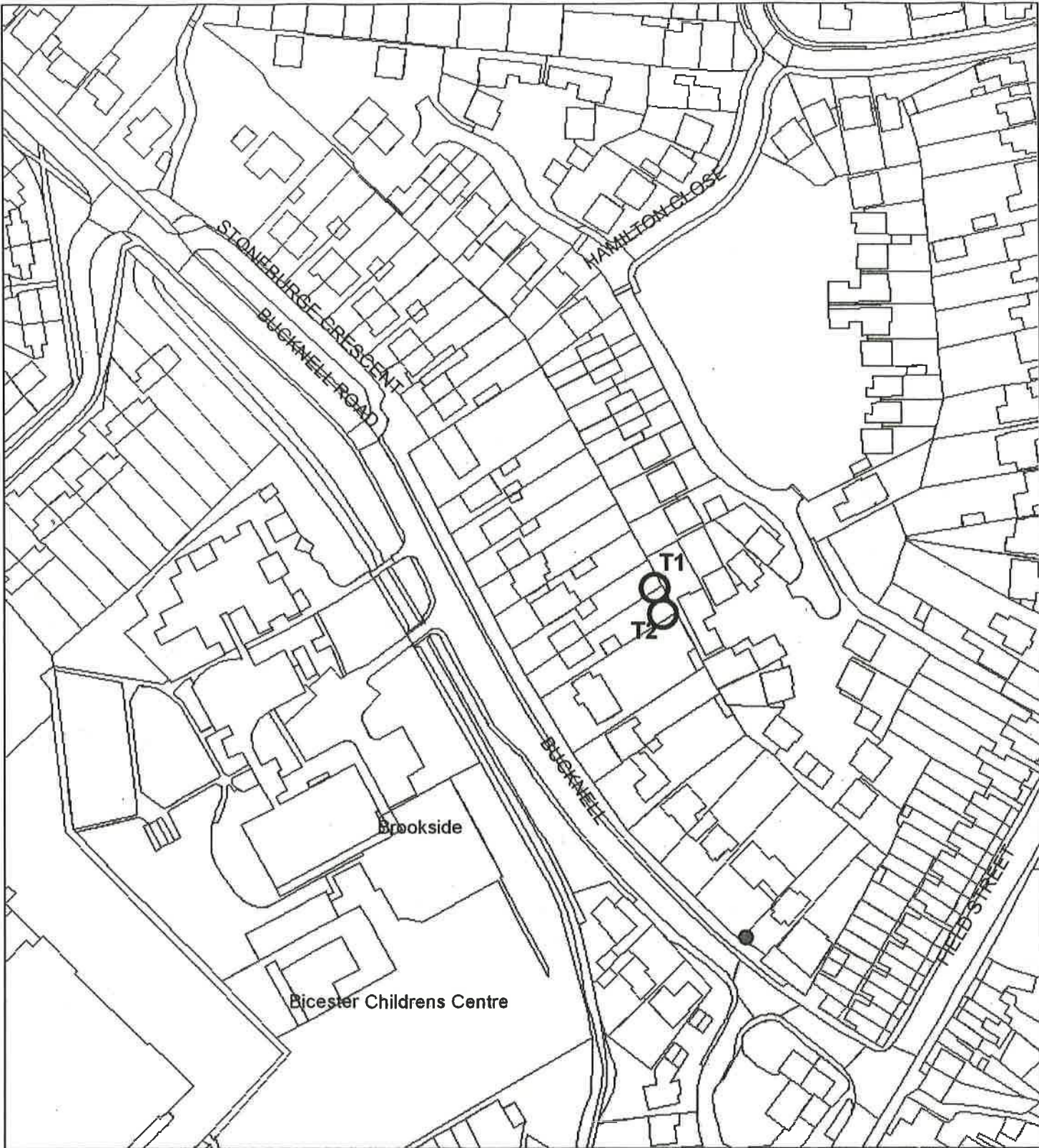
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Bicester West

**Document Information**

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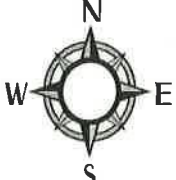
<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plan
Appendix 2	Objection email from Cllr Lis of 37 Hamilton Road, Bicester
<b>Background Papers</b>	
TPO file reference 21-11	
<b>Report Author</b>	Jon Brewin (arboricultural Officer – South)
<b>Contact Information</b>	01295 221708 <a href="mailto:Jon.brewin@cherwell-dc.gov.uk">Jon.brewin@cherwell-dc.gov.uk</a>



Tree Preservation Order No 21/2011  
 16 & 18 Bucknell Road, Bicester OX26 2DA

*Jyoti Sur*

CDC 18170



From: Jolanta Lis [jola@unblue.co.uk]  
Sent: 03 December 2011 00:18  
To: Jon Brewin  
Subject: New Tree Preservation Order No. 21-2011

Dear Mr. Brewin,

I am writing to you with regard to the above TPO, which I understand to have been newly raised. The trees referred to in this order, although not growing on my property, are located within between 2 and 6 metres from my house and overhang not only my garden, but the roof of my house.

In the four and a half years that I have been residing here and despite numerous requests made to our neighbours, they have refused to carry out any maintenance work on the trees.

The neighbour at No. 18 has in the past and on recent occasion allowed us to cut any branches overhanging our property. The work carried out recently has been done with their advance permission and in their presence, the cut wood has been handed back to them and in fact they were in their garden and were instructing our contractors during the process. I would therefore like to get the explanation from you about your comment about our "disregard" of their property.

The neighbour at No. 16, has not been available to get advance permission from. In the past he refused to carry out any work on the tree, has been threatening and abusive and has lied that the trees had a TPO on them. I have actually personally checked this fact with yourself and your colleagues before any work was carried out and was told by yourself as well as your colleagues that there was not a TPO in existence, that this was not a conservation area and there was no reason for a TPO.

Within this context, can you please explain, why the TPO has now been raised without any consultation with myself, given that the trees in question are closer to my property, then to the properties of my neighbours and present an on-going danger to ourselves and our property, unless they are properly maintained. The trees are at present about 12-15 metres high, unpruned and dropping branches of different sizes onto my property. I would like to invite you to examine the property and the positioning of the trees in question, before you make any further decisions.

Yours sincerely,

Cllr. Mrs. Jolants Lis  
39 Hamilton Close  
Bicester,  
OX 26 2HX  
01869 247330

# Agenda Item 23

## Planning Committee

### Decisions Subject to Various Requirements – Progress Report

23 February 2012

#### Report of Development Control Team Leader

##### 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

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The Planning Committee is recommended:

- (1) To accept the position statement.

##### Details

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**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 and



	due to open in April 2012
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. Alternative applications refused Jan 2012. Further discussions to be held
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. Agreement completed and planning permission issued.
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  Awaiting confirmation of appropriateness of the

(6.10.11)	intended condition concerning radar interference
11/01356/F	Land SW of The Mead Woodstock Rd. Yarnton
(3.11.11)	Subject to submission of ecological survey, departure procedures
11/01255/F	Marina proposal, Land N of Cropredy
(5.1.12)	Subject to receipt of satisfactory method statement re protected species
11/01369/F	OCVC (south site), Broughton Rd. Banbury
(5.1.12)	Subject to legal agreement re public art and comments of local drainage authority
11.01484/F	Phase 3, Oxford Spires Business Park, Langford Lane, Kidlington
(5.1.12)	Subject to Env.Agency comments and receipt of Unilateral Undertaking
11/01624/LB	Bodicote House, White Post Road, Bodicote
(26.1.12)	Awaiting clearance by Secretary of State
11/01732/F	Oxford Office Village, Langford Lane, Kidlington
(26.1.12)	Subject to Unilateral Undertaking and comments of Oxford Airport

## **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 24

## Planning Committee

### Appeals Progress Report

23 February 2012

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

#### PURPOSE OF REPORT

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

This report is public
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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 **11/00892/F – Land North of Deejay Farm and South of Chestnut Road, Mollington** – appeal by Colin Begeman against the refusal of planning permission for the erection of 6 no. affordable housing dwellings and associated works – Written Reps
- 1.2 **11/01713/OUT- 20 Green Lane Upper Arccott** - appeal by Mr Raheem Ghorbani-Zarin against the refusal of planning permission for OUTLINE: Demolition of existing bungalow and build 2 no. new bungalows- Written Reps

## **Forthcoming Public Inquiries and Hearings between 23 February 2012 and 22 March 2012**

- 2.1 **Inquiry commencing at 10.00am on Tuesday 28 February 2012** at the Council Chamber, Bodicote House, White Post Road, Bodicote to consider the appeal by Banner Homes Ltd against the refusal of application 11/00617/OUT - Outline application for residential development for 82 dwellings at Land South of Blackwood Place and Molyneux Drive, North West of Cotefield Farm, Oxford Road, Bodicote

### **Results**

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

- 3.1 **Dismissed the appeal by Mr Mudd against the refusal of application 11/00919/CLUP for the erection of annex to rear of dwelling following removal of existing outbuilding, for purposes incidental to the primary dwellinghouse at 14 Charlbury Close, Kidlington. (Delegated)** – The Inspector’s decision on the appeal turned on the interpretation of law as it applies to the development proposed. Since the application concerns the erection of a new building providing self contained primary residential accommodation and not the change of use of one that already exists, the appeal must fail. The Council’s refusal to grant a certificate of lawful use in respect of the erection of annex was therefore, well founded.
- 3.2 **Dismissed the appeal by Mr & Mrs N Wallbridge against the refusal of application 11/00029/F for the demolition of a garage and 3 no. outbuildings. Erection of detached 3 bedroom house and garage at 198 and 200 Woodstock Road, Yarnton (Delegated)** – In the Inspector’s view, the development would compromise and harm the open character of the immediate area and would thus conflict with policies C27, C28 and C30 of the adopted Cherwell Local Plan. In addition, the noise and disturbance that would arise from the development would affect the quiet enjoyment of all the surrounding neighbours’ private amenity areas and therefore harm the living conditions of the current and future occupants of all of the neighbouring dwellings.
- 3.3 **Dismissed the appeal by Mr J Blunsden against the refusal of application 11/00279/F for the demolition of the existing rear extensions and outbuildings and removal of pre-fabricated garaging. Development of three new dwelling units, incorporating the original dwelling at 31 North Street Bicester (Committee)** - The Inspector commented “Extending to within 2m of the rear boundary, the scale of the extension would be excessive for the site and compromise the character of the area. I consider the extension would be a poor addition to the area. It would be intrusive, out of proportion to the scale of nearby development and exacerbate

the inconsistency of building style. Consequently, I find it would adversely affect the character and appearance of the Bicester Conservation Area. "In addition, the Inspector was of the view that the development would adversely affect the living conditions of the occupants of 33 North Street contrary to the objective of policy C30 of the adopted Cherwell Local Plan and reinforced the Inspector's concern that the scale of development is inappropriate.

- 3.4 **Dismissed the appeal by Mrs N Smith against the refusal of application 11/01420/F for the demolition of detached garage, erection of 2 storey-extension to the side and single-storey extension to the rear at 47 Cromwell Way Kidlington (Delegated)** – The Inspector concluded that the proposed 2 storey-extension would have a materially harmful effect upon the intrinsic design of the host dwelling as it appears in the street scene in conflict with policy C28 and C30 of the Adopted Cherwell Local Plan.
- 3.5 **Dismissed the appeal by Mrs A Hussain against the refusal of application 11/01126/F for the erection of a first floor side extension, conservatory to rear and garage to side at 12 Chatsworth Drive, Banbury (Delegated)** – In the Inspector's view, the proposal would result in a complex overall roof structure of many gables. Their combined mass and complexity would be visually both confusing and excessively dominant, swamping the original main element of the design without introducing a new or substitute main element. Therefore, the proposed extension would have a materially harmful effect upon the intrinsic design of the host dwelling as it appears in the street scene.
- 3.6 **Dismissed the appeal by Mr Michael Ling against the refusal of application 11/01293/F for the installation of a first floor window at 24 Old Chapel Close Kidlington (Delegated)** – In the Inspector's opinion, the installation of a clear glazed landing window would be likely to have a materially harmful effect upon the living conditions of neighbouring residential occupiers of no. 94 High Street with reference to privacy. The proposal would conflict materially with statutory saved policy C30 of the Adopted Cherwell Local Plan, in that it would not provide acceptable standards of privacy and amenity.

## **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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<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

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

Document is Restricted