

Committee: Planning Committee
Date: Thursday 18 January 2018
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor David Hughes (Chairman)	Councillor James Macnamara (Vice-Chairman)
Councillor Andrew Beere	Councillor Colin Clarke
Councillor Ian Corkin	Councillor Surinder Dhesi
Councillor Chris Heath	Councillor Simon Holland
Councillor Alastair Milne-Home	Councillor Mike Kerford-Byrnes
Councillor Alan MacKenzie-Wintle	Councillor Richard Mould
Councillor D M Pickford	Councillor Lynn Pratt
Councillor G A Reynolds	Councillor Barry Richards
Councillor Nigel Simpson	Councillor Les Sibley

Substitutes

Councillor Ken Atack	Councillor Hannah Banfield
Councillor Maurice Billington	Councillor Hugo Brown
Councillor Nick Cotter	Councillor John Donaldson
Councillor Timothy Hallchurch MBE	Councillor Jolanta Lis
Councillor Nicholas Turner	Councillor Bryn Williams
Councillor Barry Wood	Councillor Sean Woodcock

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. Requests to Address the Meeting

The Chairman to report on any requests 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 - 10)

To confirm as a correct record the Minutes of the meeting of the Committee held on 14 December 2017.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **Dcs Group, Rear Pt Lxb Rp No 26, Oceans House, Noral Way, Banbury, OX16 2AA** (Pages 13 - 19) **17/02269/F**

8. **New Banbury Museum, Spiceball Park Road, Banbury, OX16 2PQ** (Pages 20 - 32) **17/01824/OUT**

9. **Eco Business Centre, Charlotte Avenue, Bicester, OX27 8BL** (Pages 33 - 36) **17/00575/DISC**

Review and Monitoring Reports

10. **Appeals Progress Report** (Pages 37 - 45)

Report of Head of 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 meeting is recommended:

- 1.1 To accept the position statement.

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 227956 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.

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 Aaron Hetherington, Democratic and Elections
aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Yvonne Rees
Chief Executive

Published on Wednesday 10 January 2018

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 14 December 2017 at 4.00 pm

Present:

Councillor James Macnamara (Vice-Chairman)

Councillor Andrew Beere
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor Alastair Milne-Home
Councillor Richard Mould
Councillor D M Pickford
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Barry Richards
Councillor Nigel Simpson
Councillor Les Sibley

Substitute
Members:

Councillor Maurice Billington (In place of Councillor Alan
MacKenzie-Wintle)
Councillor Hugo Brown (In place of Councillor Mike Kerford-
Byrnes)
Councillor Jolanta Lis (In place of Councillor David Hughes)

Apologies
for
absence:

Councillor David Hughes
Councillor Chris Heath
Councillor Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Alan MacKenzie-Wintle

Officers:

Paul Seckington, Senior Manager Development Management
Bob Duxbury, Joint Majors Manager
Matthew Coyne, Planning Officer
Paul Ihringer, Householder Team Leader
Bob Neville, Senior Planning Officer
Nigel Bell, Interim Legal Services Manager / Deputy Monitoring
Officer
Aaron Hetherington, Democratic and Elections Officer

137

Declarations of Interest

9. Land West Of The Junction, With The Boulevard, Oxford Airport, Langford Lane, Kidlington.

Councillor Maurice Billington, Non Statutory Interest, as a member of Kidlington Parish Council which had been consulted on the application.

Councillor Nigel Simpson, Non Statutory Interest, as a member of Kidlington Parish Council which had been consulted on the application.

12. OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury.

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

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the chamber for the duration of the item and a separate declaration as a member of Banbury Town Council which had been consulted on the application.

Councillor Surinder Dhesi, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

138

Requests to Address the Meeting

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

139

Urgent Business

There were no items of urgent business.

140

Minutes

The Minutes of the meeting held on 23 November 2017 were agreed as a correct record and signed by the Chairman subject to the following amendment:

Minute 127 – OS Parcel 1424 Adjoining And Rear Of Jersey Cottage, Heyford Road, Kirtlington.

George King, a local resident and an owner of land in the village, addressed the committee in objection to the application.

141 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

142 **The Paddock, Wykham Lane, Broughton, Banbury, OX15 5DT**

The Committee considered application 17/01998/F for the demolition of an existing single storey workshop and extension and conversion of existing detached garage to create a separate dwelling at The Paddock, Wykham Lane, Broughton, Banbury, OX15 5DT for Mr Herbert Ward.

Peter Preston, agent for the applicant, addressed the committee in support of the application.

In reaching their decision, the committee considered the officer's report, presentation and address of the public speaker.

Resolved

That application 17/01998/F be approved, subject to the following:

1. 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: Application forms and drawings numbered: 17122(PL)021 Rev. B, 17122(PL)022 Rev. A, 17122(PL)023 Rev. B, 17122(PL)024 Rev. B, 17122(PL)025 Rev. B, 17122(PL)026 Rev. C, 17122(PL)027 Rev. B, 17122(PL)028 Rev. A, 17122(PL)029 Rev. B and 17122(PL)030 Rev. A.
3. Prior to the commencement of the dwelling hereby approved above slab level, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural stone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the southern and eastern elevations of development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and retained as such thereafter.
4. The materials to be used for the roof of the development hereby approved shall match in terms of colour, type and texture those used on the existing garage building.
5. The bricks to be used for the construction of the external wall on the northern elevation of the development hereby approved shall match in

terms of colour, type and texture those used on the existing garage building.

6. Notwithstanding the details submitted, full details of all new and replacement doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail, materials and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in the development. Thereafter the doors and windows and their surrounds shall be installed within the development in accordance with the approved details and retained as such thereafter.
7. Prior to the first occupation of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
8. Prior to the first occupation of the development hereby approved, full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling and shall be retained as such thereafter.
9. Prior to the first occupation of the development hereby approved, the first floor windows in the southern and eastern elevation of the dwelling shall be fully glazed with obscured glass (at least Level 3) only that complies with the current British Standard, and shall be retained as such thereafter.
10. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
11. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the grant of further specific planning permission from the Local Planning Authority.
12. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent

amendments, no new windows, rooflights or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the dwelling without the grant of further specific planning permission from the Local Planning Authority.

143

Shopmobility, Unit A4, Pioneer Square, Bure Place, Bicester, OX26 6FA

The Committee considered application 17/02157/F for the change of use of Unit A4a Pioneer Square from A1 (retail) use to a D1 healthcare facility, with minor internal and external alterations at Shopmobility, Unit A4A, Pioneer Square, Bure Place, Bicester, OX26 6FA for InHealth.

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

Resolved

That application 17/02157/F be approved, subject to the following conditions:

1. 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 application forms following plans and documents: "16005/IR/MLa/14863631v2", "IL16005/01-002revA", "17/169/SK2" , "17/169/SK4" & "17/169/SK6"
3. Unit A4A shall be used only for the purpose of a health clinic and for no other purpose whatsoever, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 1987 (as amended).

144

Land West Of The Junction, With The Boulevard, Oxford Airport, Langford Lane, Kidlington

The Committee considered application 17/02190/F for a proposed pilot training school comprising a 4 storey accommodation block, 2 storey teaching and training block, parking for cars, cycles and motorcycles, access road and landscaping at Land West of the junction with The Boulevard, Oxford Airport, Langford Lane, Kidlington for London Oxford Airport.

In introducing the report, the Development Control Team Leader referred Members to the written update and that the officer recommendation had changed from Approval to Deferral to allow formal comments from Oxfordshire County Council.

Resolved

That application 17/02190/F be deferred to allow for the receipt of formal comments from Oxfordshire County Council.

145

Miramar Cottage, 5 The Colony, Colony Road, Sibford Gower, Banbury, OX15 5RY

The Committee considered application 17/02192/F for alterations to an existing building to form single dwelling house; demolition of unlisted buildings in the Conservation Area at Miramar Cottage, 5 The Colony, Colony Road, Sibford Gower, Banbury, OX15 5RY for Miss C Tucker.

Carrie Tucker, the applicant, addressed the committee in support of the application.

In reaching their decision, the committee considered the officers report, presentation, written update and address of the public speaker.

Resolved

That application 17/02192/F be approved, subject to the following conditions:

- 1 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: Design Statement (28/09/2017); Location Plan PJF/fm/PF/9695.01; 27111/1; 27111/2; 27111/3; 5347.01; 5347.02; and 5347.03.
- 3 Notwithstanding the approved plans (and in accordance with the Agent's email dated 12/12/2017), the walls of the development, hereby approved, shall be clad in natural ironstone.
- 4 Prior to the commencement of the development hereby approved (and in accordance with Condition 3 of this permission), a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
- 5 The roof of the development hereby approved shall be covered with natural Welsh slates.
- 6 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site 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.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

- 7 Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.
- 8 Prior to the first occupation of the dwelling hereby approved the existing means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
- 9 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of turning area and two parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for parking and manoeuvring of vehicles at all times thereafter.
- 10 The development hereby approved shall be carried out in accordance with the recommendations set out in Section 6 of the Bat Assessment Initial Bat Survey & Roost Characterisation Surveys of Stable block at 5 The Colony Sibford Gower carried out by Ecolocation on 17 August 2017 .
- 11 Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

- 12 If a potential risk from contamination is identified as a result of the work carried out under condition 11, 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 13. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 15 If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
- 16 The curtilage of the development hereby approved shall be restricted to area contained only within the red line shown on approved plan numbered '5347.01'.
- 17 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

- 18 Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no new window(s) or other openings (including rooflights), other than those shown on the approved plans, shall be inserted in the walls or roof of the building without the prior express planning consent of the Local Planning Authority.

146 **Cherwell District Council, Former Offices, Old Place Yard, Bicester**

The Committee considered application 17/00554/DISC for the discharge of Conditions 10 (surface drainage information), 21 (cycle parking details), 22 (bird and invertebrate boxes), 23 (refuse and recycling information) of 16/00043/F at Cherwell District Council, Former Offices, Old Place Yard, Bicester for Cherwell District Council.

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

Resolved

That authority be delegated to officers to approve the application in relation to the discharge of Conditions 10, 21 and 23, subject to responses from Oxfordshire County Council regarding surface water drainage and cycle parking and from the Council's Waste Resource Team regarding refuse/recycling.

147 **OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury**

The Committee considered application 17/00559/DISC for the discharge of Condition 9 (landscaping scheme) of 16/01485/CDC at OS Parcels 4083 And 6882 Adjoining and North of Broken Furrow, Warwick Road, Banbury for Cherwell District Council.

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

Resolved

That authority be delegated to officers to determine the application in consultation with the Chairman of the Planning Committee.

148 **Appeals Progress Report**

The Head of Development Management submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 5.02 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

18 January 2018

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.

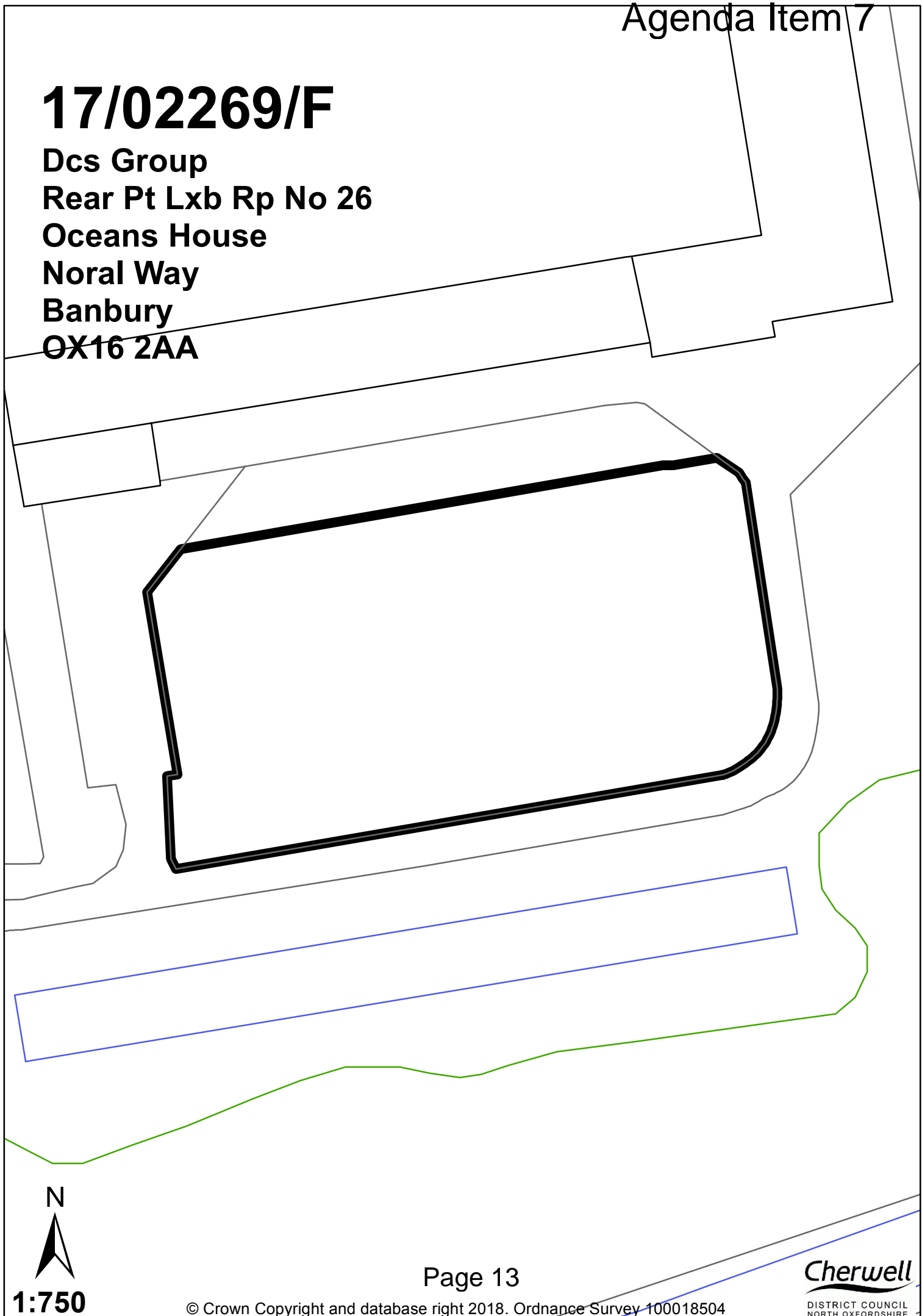
Background Papers

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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Dcs Group Rear Pt Lxb Rp No 26 Oceans House Noral Way Banbury OX16 2AA	17/02269/F	Banbury Hardwick	Approval	Matt Chadwick
8	New Banbury Museum, Spiceball Park Road, Banbury, OX16 2PQ	17/01824/OUT	Banbury Cross and Neithrop	Approval	Bob Duxbury
9	Eco Business Centre Charlotte Avenue Bicester OX27 8BL	17/00575/DISC	Bicester North And Caversfield	Approval	Caroline Ford

17/02269/F

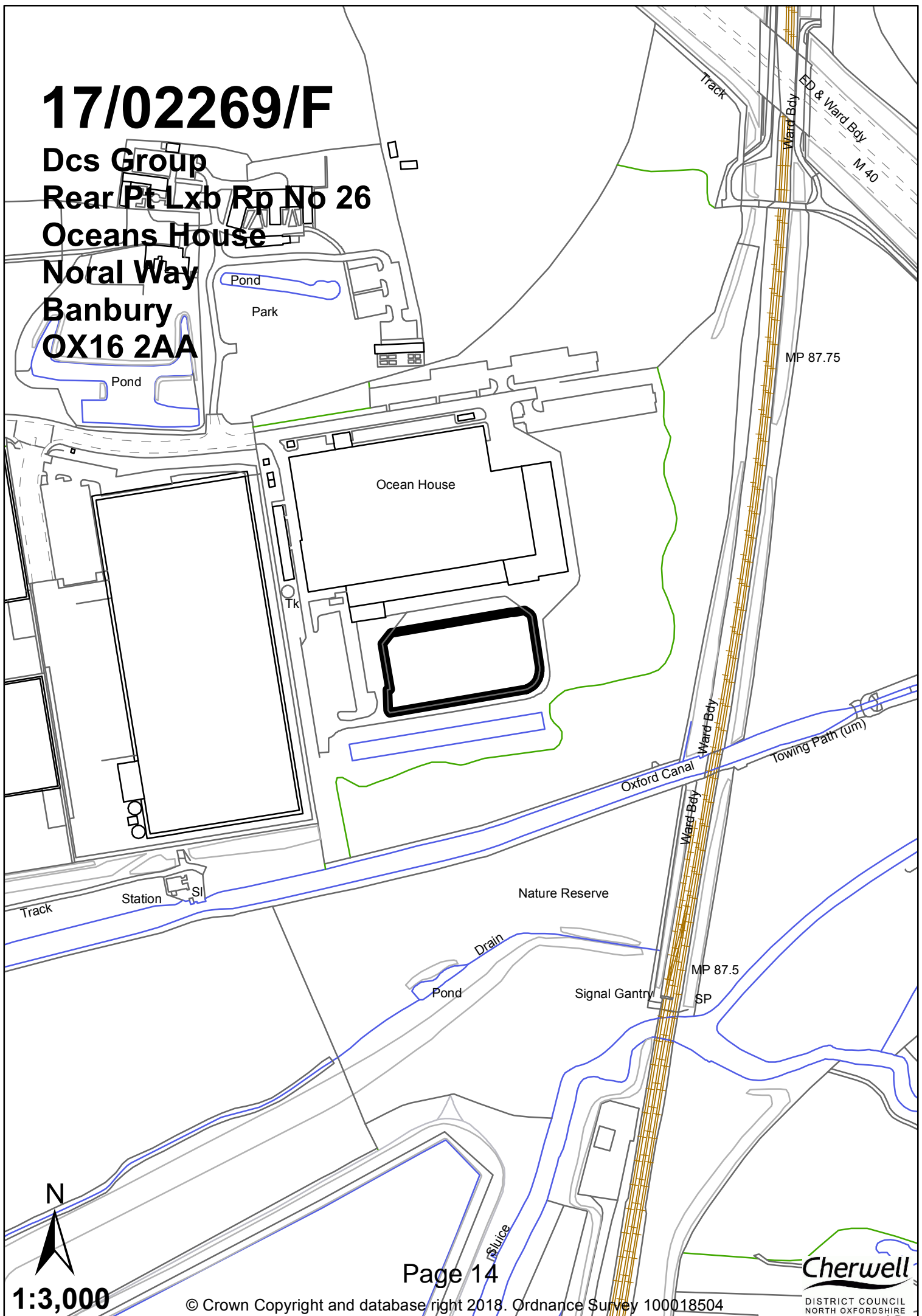
Dcs Group
Rear Pt Lxb Rp No 26
Oceans House
Noral Way
Banbury
OX16 2AA



1:750

17/02269/F

**Dcs Group
Rear Pt Lxb/Rp No 26
Oceans House
Noral Way
Banbury
OX16 2AA**



Dcs Group
Rear Pt Lxb Rp No 26
Oceans House
Noral Way
Banbury
OX16 2AA

17/02269/F

Applicant: DCS Group UK Ltd

Proposal: Erection of ancillary warehouse to rear of existing warehouse

Ward: Banbury Hardwick

Councillors: Cllr Anthony Ilott
Cllr J A Donaldson
Cllr Nicholas Turner

Reason for Referral: Major by site area created

Expiry Date: 9 February 2018 **Committee Date:** 18 January 2018

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is a parcel of land on the DCS Group site. The site is located in the north of the town of Banbury, at the end of Noral Way. The application site is located to the south of Oceans House and is currently a flat area of land in close proximity to the loading canopy of the building.
- 1.2. The wider site of Oceans House is bounded by the M40 to the north-east, Hardwick Farm and the new Southam Road development to the north, the Banbury to Birmingham Chiltern railway line to the east, the Oxford Canal to the south and the former SAPA works site to the west, now redeveloped as large employment units occupied by The Entertainer and Amazon.
- 1.3. The site is not located within a conservation area and there are no listed buildings in the immediate vicinity of the application site. The site lies within an area of Potentially Contaminated Land (as identified on the Council's records).

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought for an additional warehouse on the land to the south of the existing warehouse on the site. The proposed warehouse would have a total floor area of 3,300m² with a length of 90m, a width of 37m and a height to ridge of 16m. The building would be designed to match the existing warehouse, with walls constructed of silver-grey metal panels under a light grey profiled metal sheet roof.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

Application Ref.

Proposal

Decision

16/00927/F	Change of use of existing buildings from Class B2 with ancillary Class B1(a) to Class B8 with ancillary Class B1(a)	Application Permitted
16/02002/F	Extension of existing loading canopy and widening of access roadway to rear of existing warehouse	Application Permitted

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 28.12.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BANBURY TOWN COUNCIL: **No objections.**

STATUTORY CONSULTEES

- 6.3. CANAL AND RIVER TRUST: **No objections**, subject to conditions relating to a drainage strategy and a Construction Environmental Management Plan.
- 6.4. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to conditions relating to a travel plan, drainage strategy and cycle parking. A contribution towards a monitoring fee for the travel plan is also sought.
- 6.5. THAMES WATER: No comments received.

NON-STATUTORY CONSULTEES

- 6.6. ECOLOGY: No comments received.
- 6.7. ECONOMIC DEVELOPMENT: No comments received.
- 6.8. ENVIRONMENTAL PROTECTION: **No objections**, subject to land contamination conditions.
- 6.9. PLANNING POLICY: **No objections.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- SLE1 – Employment Development
- SLE 4 – Improved transport and connections
- ESD 3 –Sustainable construction
- ESD 6 – Sustainable flood risk management
- ESD 7 Sustainable drainage systems
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Surface water drainage

Principle of development

- 8.2. Policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1 states that: *on existing operational or vacant employment sites at Banbury....employment development, including intensification, will be permitted subject to compliance with other Policies in the Plan and other material considerations.* The use of Oceans House is B8 warehousing with ancillary B1(a) offices. The new warehouse would be ancillary to the main building on the site and in the same use. The application form indicates that 25 new jobs would be created as a result of the development. It is contained within the existing site and the principle of the development is therefore considered to be acceptable, subject to the material considerations discussed below.

Design and impact on the character of the area

- 8.3. Government guidance contained within the Framework requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to

take the opportunities for improving the character and quality of an area and the way it functions.

- 8.4. Saved Policy C28 of the Cherwell Local Plan 1996 states that control will be exercised over all new development to ensure that the standards of layout, design and external appearance, including the choice of materials, are sympathetic to the character of the context of that development.
- 8.5. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. Development should respect the traditional pattern of spaces, blocks and plots and the form, scale and massing of buildings.
- 8.6. The proposed warehouse would be 91m in length and 37m in width and constructed from materials to match the existing warehouse on the site. The warehouse would be considerably smaller in scale than the recently constructed warehouses on Noral Way which are occupied by Amazon and The Entertainer. The new warehouse would be screened from the public domain by the existing warehouse and vegetation and would not be clearly visible from Noral Way, the Oxford Canal or from the M40 motorway.
- 8.7. The warehouse would be located in close proximity to both the existing warehouse on the site and the recently constructed canopy which would enable workers to access both buildings under shelter. It is therefore considered that the development would not cause harm to the character and appearance of the area.

Residential amenity

- 8.8. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 8.9. The Southam Road development to the north of the site is currently being built out. The proposed warehouse would be screened from these dwellings by the existing warehouse and due to its siting it is considered that the development would not have an impact on the amenity of neighbours.

Highway safety

- 8.10. OCC as local highway authority have offered no objections to the application, subject to conditions relating to a travel plan, drainage strategy and the provision of cycle parking. A contribution towards a monitoring fee for the travel plan is also being sought.
- 8.11. A workplace travel plan was conditioned on the approval of the change of the use of the building under 16/00927/F and this condition was discharged. Given that there has been a travel plan approved at the site and the proposed warehouse would provide a small addition to the number of overall jobs at the site, it is considered that this condition would not be reasonable to impose. For the same reason, the proposed contribution would fail to meet the tests set out within Paragraph 204 of the NPPF.
- 8.12. OCC has also asked for details of cycle parking for 54 bicycles on the site. The development would create an additional 25 jobs at the site above the existing 250 and there is currently cycle parking provision on the site. It is therefore considered that this condition would not be reasonable to impose.

Surface water drainage

- 8.13. The site is located outside of Flood Zones 2 and 3 but is located in close proximity to areas at risk of flooding. During the course of the application, a drainage scheme was submitted by the applicants, which showed the water from the site draining to the attenuation pond at the south of the site. This drainage scheme is considered to be acceptable and would ensure that the development is not at risk of flooding.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The principle of development is considered to be acceptable and would serve the existing use on the site. The design and scale of the building would be similar to that of the existing building on the site and other buildings in the vicinity. The development would not cause harm to neighbour amenity, highway safety or flood risk and is therefore considered to be acceptable, subject to the conditions set out below.

10. RECOMMENDATION

That permission is granted, subject to the following condition

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 1988/501, 1988/503, 1988/504A, 1988/505 and 1988/506.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the first occupation of the development hereby approved, the sewage disposal/drainage works to serve it (as shown on drawing no. 1988/504A) shall be completed and operational and the development connected thereto.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. All buildings hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision.

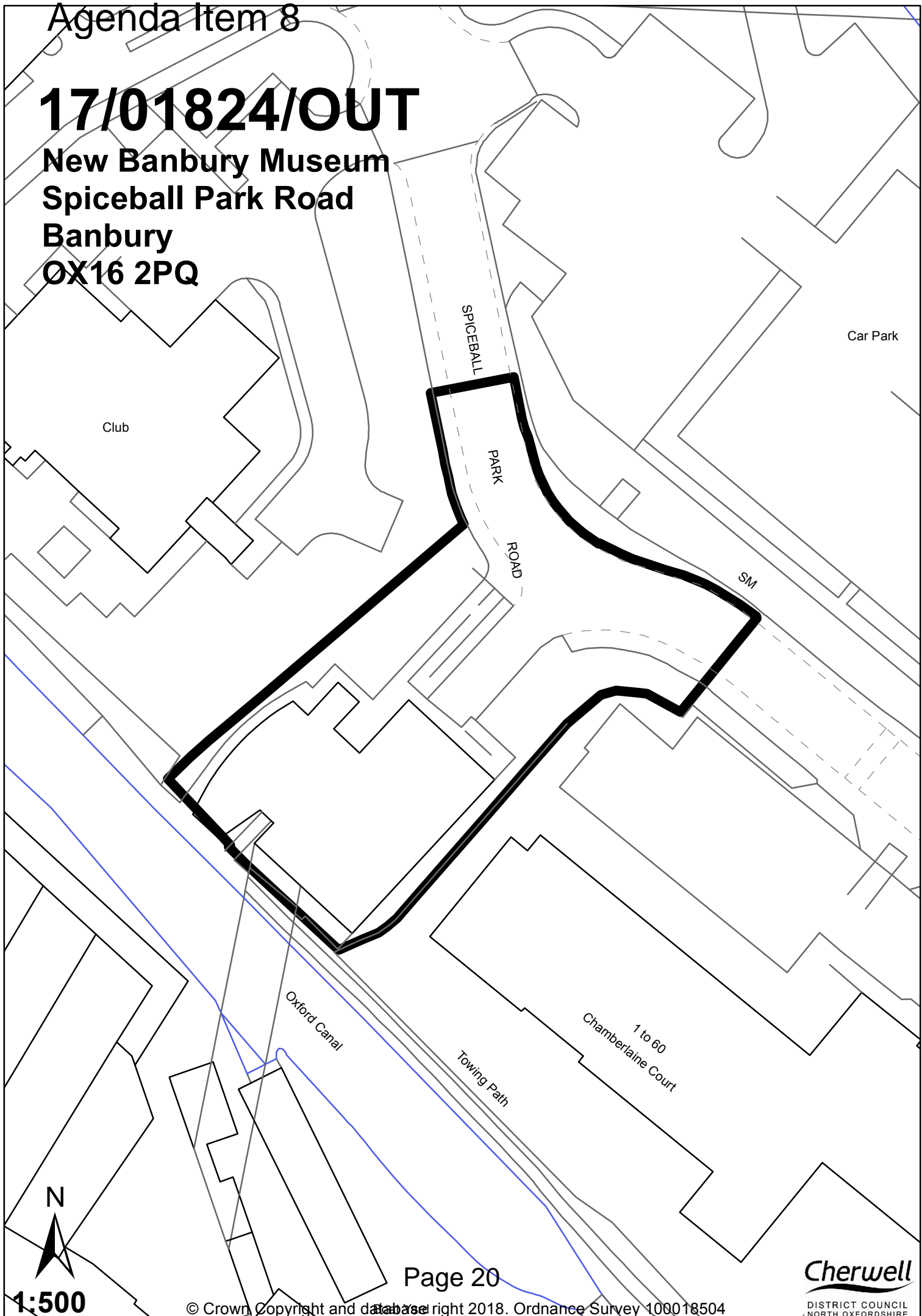
Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

17/01824/OUT

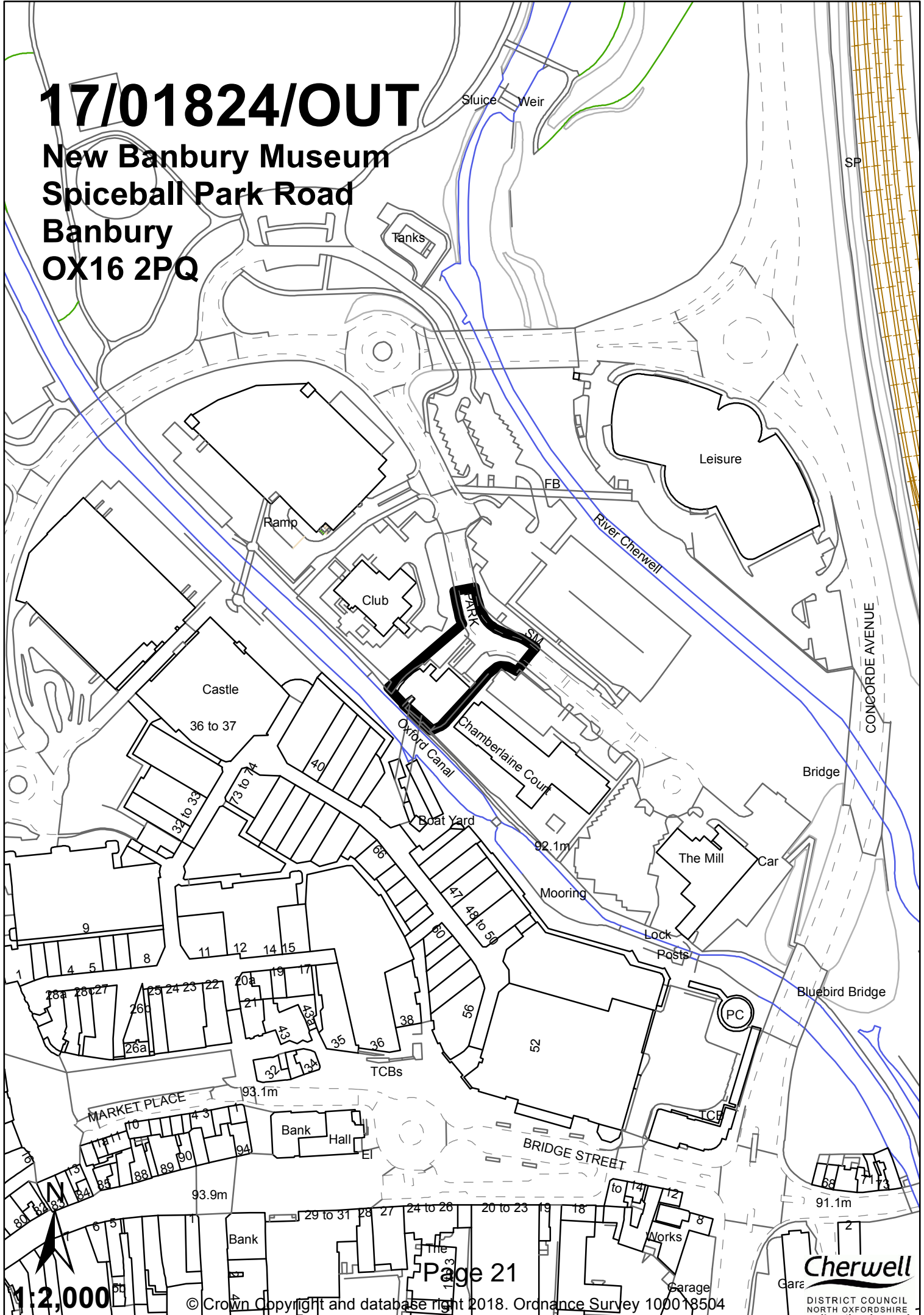
New Banbury Museum
Spiceball Park Road
Banbury
OX16 2PQ



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New Banbury Museum
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OX16 2PQ



**New Banbury Museum
Spiceball Park Road
Banbury
OX16 2PQ**

17/01824/OUT

Applicant: Banbury Museum Trust

Proposal: Extension to the existing museum

Ward: Banbury Cross And Neithrop

Councillors: Cllr Hannah Banfield
Cllr Surinder Dhesi
Cllr Alastair Milne-Home

Reason for Referral: Major application

Expiry Date: 29 December 2017 **Committee Date:** 18 January 2018

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

- 1.1. This application relates to the existing Banbury Museum building which sits between Spiceball Park Road and the Oxford Canal. The building was completed in 2002 and is constructed of red terracotta tiles, light and dark grey coloured renders and glazing. It is a starkly geometric flat roofed building. It consists of a semi-basement fronting onto the canal, a ground floor connected to the existing Castle Quay shopping centre by an enclosed bridge over the canal, a first floor housing the main permanent gallery and education room and a second floor of staff offices.
- 1.2. To the north-west of the museum lies the GF Club which sits on slightly lower land and consists of a mainly 2 storey brick building. On the south-east side of the museum building is located the Chamberlaine Court sheltered housing scheme which is a 3 storey brick building with a tiled roof and containing 60 flats.
- 1.3. The site is within the Spiceball development area but is unaffected by the proposals with the exception of the proposed alterations to Spiceball Park Road which is to have a re-alignment near the existing service entrance from that road.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The proposal is in outline and proposes creating an additional 2,815 sq. Metres of additional museum space (the existing building has 1,322 sq. Metres of internal floor space). This will allow creation of additional gallery, café, and lecture space and associated office, storage and WC facilities.
- 2.2. The proposed new floor space will be accommodated by extending the existing building into the loading ramp area to the rear (northeast) of the existing building and adding an additional storey on top of the permanent exhibition gallery. The design and access statement explains that the current café, fronting onto the canal will be enlarged, and a basement store will be created by excavating to the

northeast of the café. It is proposed that the ground floor temporary exhibition space is enlarged. A new gallery will be created at first floor level on the northeast of the current permanent gallery space. A new second floor will accommodate a lecture room and multi-use space. Indicative plans and 3D images have been supplied to further explain the extensions proposed and their usage.

- 2.3. Pedestrian access arrangements would remain largely as they are at present, and a revised rear delivery point is proposed for vehicles.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
97/00716/F	Construction of Museum and enclosure of existing Tooleys Boat Yard, with connecting enclosed walkway over the Oxford Canal.(Amended Plans received 18.7.97)	Application Permitted
98/02115/F	Construction of museum and partial enclosure of the existing Tooley's Boat Yard with connecting enclosed walkway over the Oxford Canal	Application Permitted
15/01878/TEL	Notification under the Electronic Communications Code Regulations 2003 to utilise permitted development rights.	Information
17/01723/TEL	Installation of cabinets, with a volume not exceeding 2.5m ³ , within the existing telecommunications cabin on the rooftop. Also, the replacement of 4 panel antennas with similar panel antennas mounted on the same support poles as at present. The overall appearance of the site will remain largely unchanged.	Information

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 10.01.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been raised by third parties

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Banbury Town Council support this application and look forward to an appropriately designed landmark building along the canal, however the Town Council would like to see any building control concerns addressed

STATUTORY CONSULTEES

- 6.3 **Oxfordshire County Council**, as local highway authority, objected to the proposal on the grounds that
- It is not possible to assess the traffic impact because no transport assessment has been provided with the application.
 - Insufficient assessment of parking
 - Inadequate arrangement for deliveries, with potential severe impact on road safety and obstruction of access along Spiceball Park Road.
 - No cycle parking

OCC comment that the Design and Access Statement says '*no formal staff or visitor parking is currently provided and none is planned*'. This is not acceptable. Other developments have been required to demonstrate that there is sufficient parking in the area and this development should also. Insufficient parking could lead to queueing obstructing the road network, and additional circulation of traffic contributing to congestion.

They also comment that the DAS also says 'when the new extension occupies the delivery ramp area, deliveries will be via a vehicle pull in on the reconfigured Spiceball Park Road'. This would potentially be acceptable provided sufficient space is provided for the maximum likely sized delivery vehicle to pull into a bay whilst still allowing two way traffic to pass and for delivery vehicles to turn into the planned supermarket opposite. A contribution would be required to implement any appropriate traffic regulation orders.

OCC consider that without this loading bay, deliveries off Spiceball Park Road would cause an obstruction on a bend, creating a safety hazard. Unfortunately, the ability to provide this loading bay cannot be assumed, because there is not yet any agreement to realign Spiceball Park Road (this would be required as an obligation on the Castle Quay development). There would need to be a condition/obligation preventing the museum development from going ahead until this realignment had been carried out and the loading bay provided. The Transport Assessment for the Castle Quay development showed the widening of the road at this point, leaving a

loading bay area outside the museum. However, it also shows that the path of delivery vehicles turning into and out of the supermarket car park requires the full road width and therefore it is imperative that the loading bay is sufficiently wide to accommodate the largest vehicles. We have not seen this demonstrated in connection with the Castle Quay development, and this application needs to demonstrate that a lorry could pull in to the bay and not overhang it.

6.4 The applicants have subsequently submitted a transport statement. We are awaiting the County Council's response to that document. It is anticipated that the reasons for objection will have been overcome .

6.5 **Thames Water** comment

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure

NON-STATUTORY CONSULTTEES

6.6 **OCC Archaeology** comments that the proposal would not appear to have an invasive impact upon any known archaeological sites or features.

6.7 The Council's **ecological advisers** comment that the proposals are considered to be unlikely to have any adverse impact on protected species or sites as the building appears to be in good condition and of a construction type which would appear to offer little opportunities for roosting bats or bird nesting. However as a precaution,

I would recommend that works to the building and any removal of existing scrub vegetation within the site should be timed to avoid the nesting bird season (approx. March to October) to avoid disturbance to nesting birds. I enclose a note below which I would recommend is attached to any permission granted as guidance to the applicant regarding the protected status of nesting birds.

The application site is located directly adjacent to the Oxford Canal and pollution prevention measures should be followed during construction to protect the water course and included within an appropriate plan such as a Construction Environmental Management Plan (CEMP) appropriate to the site. The existing trees to be retained on the northern boundary of the site should also be retained and protected during construction in line with BS 5837:2012 Trees in relation to design, demolition and construction.

There are no details at this stage regarding biodiversity enhancements within the proposed development however I note that enhancements including bird and bat boxes will be considered (stated in the design and access statement) and I would be happy to provide further advice on this. Suitable boxes for bats and nesting birds (such as swifts) could be integrated high up into the walls of the building and this should be fully considered at any detailed design stage in line with local plan policy ESD 10 and the NPPF. Other habitat enhancements could be included such as SuDs, creation of a green roof or native species planting of shrubs and trees to maximise opportunities for biodiversity enhancement within the development. Any external lighting scheme should also be designed to avoid impacting on foraging/commuting bats and other nocturnal species such as otter which are likely to use the canal.

6.8 CDC Design and Conservation comment that:-

Banbury Museum is located immediately adjacent to the Oxford Canal Conservation Area and the canal runs immediately to the frontage of the building.

The Oxford Canal Conservation Area was designated in October 2012. The conservation area covers the canal through the entire district of Cherwell. The Oxford Canal itself runs from Hawkesbury Junction with the Coventry Canal to the centre of Oxford. The canal was predominantly rural and only passed through two towns – Rugby and Banbury – before reaching Oxford.

The area around the canal through Banbury has altered significantly. The conservation area appraisal outlines the nature of the change *‘The canal used to sneak virtually unnoticed through the middle of Banbury, passing through an almost secretive canalscape with a rather fine collection of canalside, wharfage and warehouse buildings. Many of these were in a poor state by the mid 20th century and the main company warehouse was damaged by the bombing raid in September 1940, which also severely damaged the town’s lock. The warehouse, and the former ‘canal colony’ of houses on Factory Street, were finally demolished at the start of the 1960s to make way for a bus station, and two large warehouses were demolished shortly afterwards.*

The canalside approach to Banbury has been significantly altered over the years and the area has been redeveloped in the late 20th century and includes Castle Quay shopping centre, a car park, pedestrian bridges, museum and sheltered housing. The development in the area has not been particularly sympathetic to the canal.

The forthcoming Banbury Conservation Area Appraisal covers the Oxford Canal in ‘Areas in need of enhancement’. It states *‘The approach to Banbury along the Oxford Canal has the potential to be one of the most picturesque entrees in a town*

that there could be – apart from it is not. This observation has also been made in a recent television series ‘Great Canal Journeys’. Economic decline since World War II, a rapidly expanding residential population in need of housing and a lack of appreciation for the historic buildings of Banbury and the importance of the role played by the town in the history of the nation, have all contributed to the sweeping away of Banbury’s built heritage. Thus instead of the canal being lined by fascinating industrial buildings and other buildings of character which provide a window onto Banbury’s past - and that could well have been converted to various uses – we are treated to waste land and the back of a 20th century shopping mall which turns it back on the canal. Oxford Canalside is in need of reinvention with a scheme on a human scale which encourages leisure and enjoyment of the historic environment.’

The proposed extension is located to the rear of the existing museum and will not therefore impact on the setting of the canal. It is anticipated that an enhanced offer at the museum could help to enliven the canalside and active consideration should be given to this in any detailed application.

The one aspect of the proposed development which will impact on the setting of the canal is the proposal to add an additional storey to the existing building. The scale and design of this will need to be carefully considered within the context of the approved adjacent development (and if any future changes are required to this approval). The aim should be to provide a positive environment to the canalside and the design and treatment of the rooftop terrace in particular will require detailed consideration.

- 6.9 The **Canal and River Trust** note that this section of the canal is dominated by the Castle Quay shopping centre and there is little evidence of the areas industrial past. The canal however is a conservation area and the site is opposite Tooley’s boatyard which is a Scheduled Ancient Monument. The submission does not appear to have any detailed assessment of the likely impacts on these. They comment that the indicative massing diagrams appear reasonable though detailed assessment will be necessary to enable a full appraisal of the likely impacts to be made. In their view the existing building is not particularly sensitive to the canalside location when viewed from the north, and the proposed development offers an opportunity to improve this. They say that there appears to be very little glass on the revised canal elevation and opportunities to animate this should be considered. Finally, they seek an informative placed upon any decision **noting** the need to work with the CRT on obtaining any necessary consents from them on working alongside a canal.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD 1: Presumption in favour of sustainable development
- SLE 2: Securing dynamic town centres
- SLE3 : Supporting tourism growth
- SLE 4: Improving transport and connections
- ESD 6 Sustainable Flood Risk Management
- ESD15 - The Character of the Built and Historic Environment
- ESD 16 The Oxford Canal
- Banbury 9 Spiceball Development Area

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C25 – Setting of Scheduled Ancient Monuments etc.
- C28 – Layout, design and external appearance of new development
- C29 – Design of buildings adjacent Oxford Canal
- TR1 – Transportation funding

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Banbury Vision and Masterplan – no specific policies but within development area

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Heritage impact
- Design and massing, and impact on the existing building
- Residential amenity
- Access and parking
- Flooding
- Ecology

Principle of development

8.2. The museum building lies within the Spiceball Park development area to which Policy BAN 9 of the Cherwell Local Plan 2011-2031 applies and is identified in the Banbury Vision and Masterplan. Both documents have assumed that the Museum will continue in its present location and form. As noted in paragraph 1.3 above the museum building was unaffected by the recent development proposals for CQ 2 , and this proposal similarly does not affect the implementation of the approved schemes with the small exception of the servicing arrangements off Spiceball Park Road which are discussed below.

8.3. Policy SLE 3 of the adopted Local Plan seeks to support development in the tourism sector of the economy at the two main towns in the district as this will reinforce their role as places to visit and stay. This proposal is aimed at a quantum change in the size and importance of exhibitions that can be organised and hosted at the museum

8.4. Subject to complying with other policies of the Development Plan, such as heritage, access and residential amenity policies

Heritage Impact and impact upon the design of the existing building

- 8.5 The museum sits adjacent to the Oxford Canal Conservation Area and opposite the Tooley's boatyard scheduled ancient monument
- 8.6 Scheduled Ancient Monuments and Conservation Areas are designated heritage assets, and Paragraph 129 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*
- 8.7 Paragraph 132 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm loss should require clear and convincing justification.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 8.8 The proposed extensions to the building would take place on the rear and above the existing building, which is of very contemporary design. Whilst the mass of the building will be added to it is not considered that it will do so in a way that overdominates the canal or Tooley's boatyard. The extension to the side and rear of the building (ie towards Spiceball Park Road) will be visible across the roof of the GF Club as one approaches from the north on the canal or on either towpath but will not be unduly prominent. The proposed extension on the roof of the existing building will be more obvious when viewed from the opposite side of the canal by the rear access to the existing Castle Quay shopping centre, and will alter the building from its existing very geometric shape. However this is not necessarily detrimental to the appearance of the building. Overall the proposed extensions, of the size and positioning indicated are not considered to be detrimental to the appearance of the building or to the setting of the canal conservation area or the setting of the scheduled ancient monument..
- 8.9 It should be recalled that this is an outline application, and that although we have illustrative details of the likely form of the extensions there is no commitment to the final form and that a further reserved matters application will be necessary when the final form and elevational detail will need to be assessed and considered.

Impact upon residential amenity

- 8.10 The museum sits alongside Chamberlaine Court, a sheltered housing scheme containing 60 flats. The flats face towards either the canal or Spiceball Park Road. The proposed extensions would retain the blank south-eastern elevation facing towards the block of flats with no additional windows likely. There be no other impact upon the residential amenity of that block. A further opportunity for assessment of this aspect of the design would be undertaken at reserved matters stage when the details of design will have been finalised.

Access and parking

- 8.11 The existing museum does not have its own dedicated visitor parking as the building almost completely fills its site. The same position will exist after this proposed development if allowed. The County Council as local highway authority considers that this is not an acceptable position as other developments have been

required to demonstrate that there is sufficient parking in the area and this development should do also. Insufficient parking could lead to queueing obstructing the road network, and additional circulation of traffic contributing to congestion. Your officers do not agree with this position. It is difficult to predict the increased customer numbers associated with such an enlargement. This expanded use is a town centre use that visitors will also, it is to be hoped, make linked trips to other town centre facilities (shops restaurants etc) and can make use of town centre parking. It would be unreasonable to resist this improved tourist facility on the grounds of lack of parking or expect the applicants to make some form of off-site contribution.

- 8.12 The existing building has a rear service access at right angles to Spiceball Park Road. The proposal is to reconfigure this facility so that it is parallel to the road, and formed in a lay-by. It will be seen in paragraph 6.3 above that the County Council has raised objections to these proposed service arrangements as they possibly conflict with the movements of HGVs servicing the new supermarket that will be built as part of the CQ2 development. It is hoped that some clarification of this concern and some solution can be tabled before the Committee.
- 8.13 At the time of writing the Council was awaiting the reaction of the County Council to the Transport Assessment that had belatedly been submitted by the applicant. This TA will hopefully deal with OCC's concerns about the lack of information upon which to base a view on the impact of the traffic flow upon the wider highway network associated with this enlarged facility. An update will be given at Committee.

Drainage and flooding

- 8.14 The site lies within Flood Zones 1 and 2, within a wider area of Flood Zone 3. The proposal is classified as "less vulnerable" in the EA's standing advice and therefore acceptable. Further comments are awaited from OCC as lead local flood authority.

Ecology

- 8.15 The application site is located directly adjacent to the Oxford Canal and pollution prevention measures should be followed during construction to protect the water course and included within an appropriate plan such as a Construction Environmental Management Plan (CEMP) appropriate to the site.
- 8.16 At detailed design stage there will be opportunities to introduce features which will enhance biodiversity

9. PLANNING BALANCE AND CONCLUSION

- 9.1. This proposal will result in a significantly enlarged museum with extra gallery space. It will allow for the housing of more extensive museum/art gallery exhibitions, including travelling exhibitions. This will be a clear cultural benefit for the town and remainder of the district. Although the plans accompanying the application are illustrative it does demonstrate that such an enlargement can be undertaken without undue harm to the adjacent heritage assets of the Oxford Canal Conservation Area and the Tooley's Boatyard SAM. It is also apparent that the development will not cause harm to the residential amenity of the adjacent sheltered housing flats.
- 9.2. At the time of writing officers were awaiting a response from OCC to see whether their objections on parking, cycle provision and servicing have been overcome. It is anticipated that this matter will have been addressed by the date of the Committee meeting.

10. RECOMMENDATION

That permission is granted, subject (i) the satisfactory resolution of the OCC objections and (ii) to the following conditions

1. No development shall commence until full details of the layout, scale, appearance access and landscaping (hereafter referred to as reserved matters) of the hereby approved development have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

2. In the case of the reserved matters, no application for approval shall be made later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in general accordance with the following plans and documents: *(to be confirmed in written update)*

Reason – For the avoidance of doubt, to ensure that the development is carried out generally as shown in the plans submitted to the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site and existing and proposed site levels for the proposed extensions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the

Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

6. The details to be submitted as part of the clearance of condition 1 above, and notwithstanding the illustrative details accompanying the outline application, shall include details of the servicing arrangements for the museum form Spiceball Park Road.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect biodiversity, AND do not adversely affect residential properties adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the biodiversity value of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details

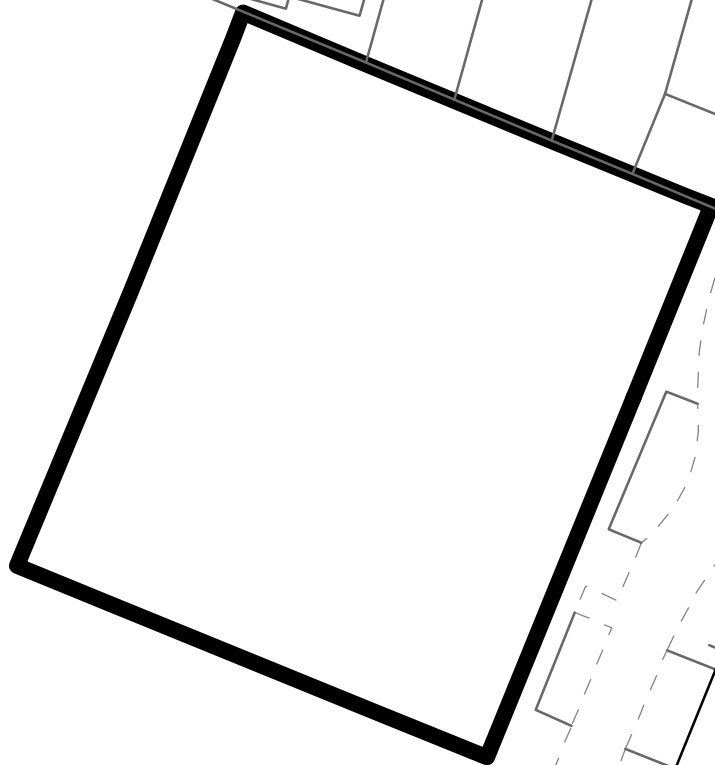
Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

9. All extensions hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

17/00575/DISC

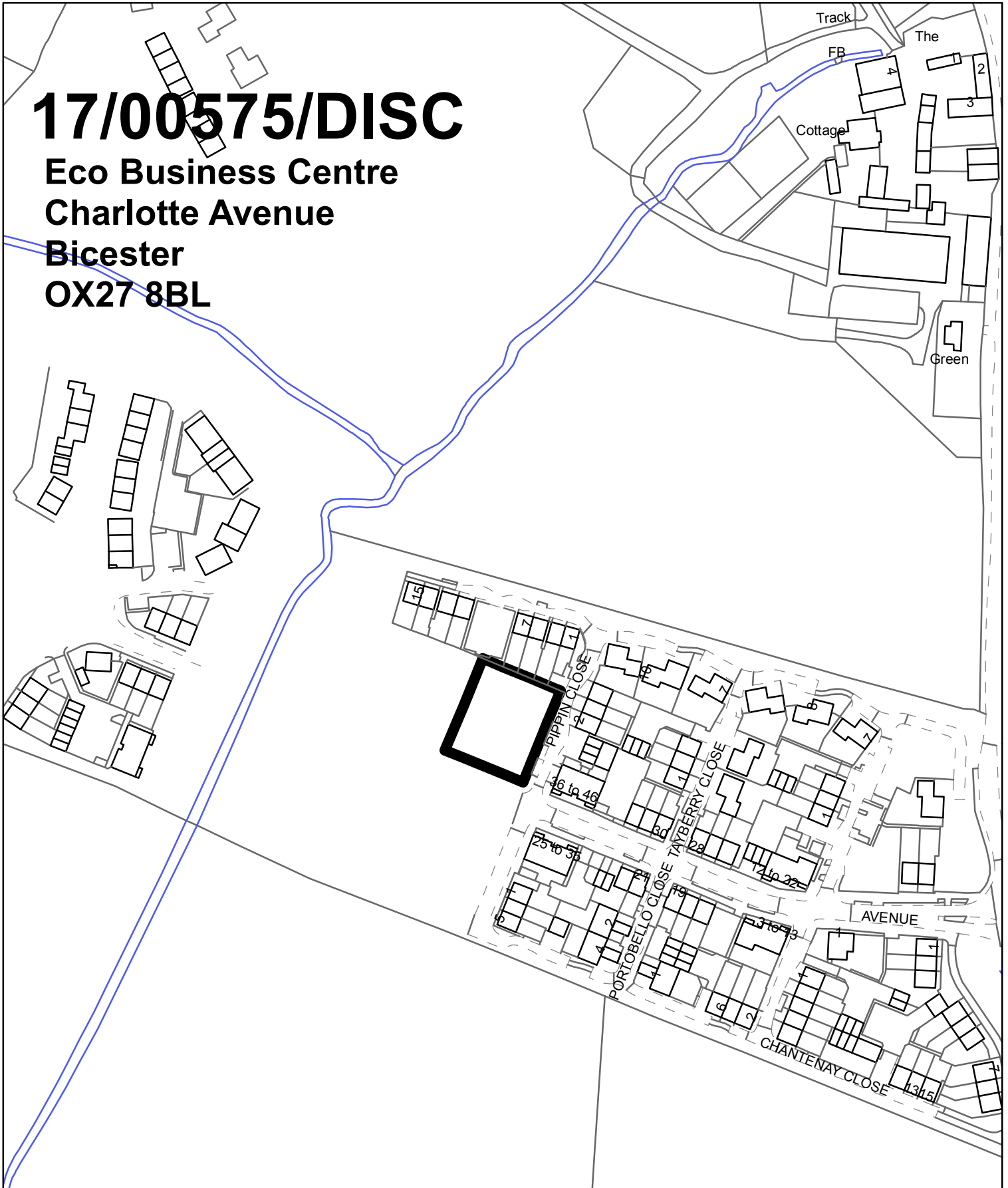
Eco Business Centre
Charlotte Avenue
Bicester
OX27 8BL



1:500

17/00575/DISC

Eco Business Centre
Charlotte Avenue
Bicester
OX27 8BL



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**Eco Business Centre
Charlotte Avenue
Bicester
OX27 8BL**

17/00575/DISC

Applicant: Cherwell District Council

Proposal: Discharge of condition 10 (details of parking) of 17/00573/CDC

Ward: Bicester North And Caversfield

Councillors: Cllr Nicholas Mawer
Cllr Lynn Pratt
Cllr Jason Slaymaker

Reason for Referral: The Applicant is Cherwell District Council

Expiry Date: 1 February 2018 **Committee Date:** 18 January 2018

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The site of the Eco Business Centre is located within the Exemplar site at North West Bicester, known as Elmsbrook and is accessed via Charlotte Avenue, the main street through the development.
- 1.2. The Eco Business Centre was granted planning permission subject to conditions in June 2017 (17/00573/CDC). An application was made in July 2017 to discharge pre-commencement planning conditions which was reported to Planning Committee in August 2017 and subsequently approved. This application has been made to re-discharge planning condition 10 (full specification details – including construction, layout, surfacing material, colour finish and drainage of the parking and manoeuvring areas). The change between the approved details and the currently proposed details being the colour finish of the parking area only.

2. CONSULTATION

- 2.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 2.2 CDC Landscape Services – No concerns
- 2.3 OCC Highway Authority – Objection on the basis that details of construction and drainage have not been included. It was noted that the car parking spaces are proposed to be coloured tarmac rather than permeable.
- 2.4 Upon further clarification as to the fact that this proposal relates to the change of the colour finish of the parking area only and that the other detailed matters remain as previously approved, it has been confirmed that the Highway Authority have no objection.

3. APPRAISAL

- 3.1 As set out above, planning condition 10 has previously been cleared and the only change proposed is a different colour finish to the tarmac. Rather than a buff colour as originally approved, a more standard grey tarmac is now proposed.
- 3.2 The parking area is provided to the rear of the building and dark tarmac is commonly found within parking areas. Whilst the originally approved buff colour would have helped to lighten the parking area, the provision of grey tarmac as proposed now would not affect the public realm through the main street. Therefore it is considered that the proposed change to the parking area finish is acceptable.
- 3.3 As mentioned above, the Highway Authority originally objected, however upon receiving additional clarification, including with reference to previously approved plans and details, it has been confirmed that no objections are raised. In response, it is proposed to refer to those originally approved plans as well as the new plan showing grey tarmac.
- 3.4 In the circumstances, it is considered that the plans as submitted are acceptable and they should be approved in order to clear the pre-commencement requirements of condition 10.

4. RECOMMENDATION

That the details submitted pursuant to Planning Condition 10 be cleared in accordance with the following:

Condition 10

Approval is given for the details of the parking and manoeuvring areas as shown on drawing number 456/100 Rev C (Landscape Plan) and the following plans previously approved: 456/301 Rev C (Paving Details – except for the description of the buff colour finish, which shall be replaced with ‘grey colour finish’), 456/110 Rev C (Kerbs and Edges – GF) and 25408-600 Version 3 (Below Ground Drainage Ground Floor). The pre-commencement requirements of the condition are therefore satisfied.

Planning note:

The applicant is reminded of the compliance requirements of condition 10.

CASE OFFICER: Caroline Ford

TEL: 01295 221823

Cherwell District Council

Planning Committee

18 January 2018

Appeals Progress Report

Report of Interim Director for Planning and Regeneration

This report is public

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.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **17/01233/OUT - Caravan Park, Station Approach, Banbury, OX16 5AB.** Appeal by Land Group (Banbury) Ltd against the refusal of outline planning permission for the development of land to the west of Banbury Railway Station to comprise 44 apartments all within Use Class C3; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures.

17/01466/F – Heyford Park Parcel B2A, Camp Road, Upper Heyford. Appeal by Bovis Homes against the refusal of planning permission for the addition of approximately 310m of metal 'field' style railings painted black (Retrospective).

17/01922/F – 1 Austins Way, Hook Norton, OX15 5LQ. Appeal by Mr & Mrs Kirk against the conditions opposed to planning permission for a single storey extension.

17/01981/ F – The Pheasant Pluckers Inn, Street Through Burdrop, Burdrop, OX15 5RQ. Appeal by Mr Noquest against the refusal of planning permission for the change of use from A4 to C3 (AVC Listed).

2.2 Forthcoming Public Inquires and Hearings between 18 January 2018 and 15 February 2018.

None.

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Allowed the appeal by Albion Land Ltd against the refusal of outline planning permission for the Erection of up to 53,000 sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure. OS Parcel 4200 Adjoining And North East Of A4095 And Adjoining And South West Of Howes Lane, Bicester. 14/01675/OUT (committee).

The appeal related to a 20ha area of land forming part of the NW Bicester site allocated by Policy Bicester 1 for a zero carbon mixed use development. The appeal site is in the south east corner of the site adjacent to Howes Land and the Middleton Stoney Road and is set aside within the Masterplan for commercial and residential development as well as including land required for the realignment of Howes Lane as part of the strategic highway improvements. Following the refusal of the application and before the inquiry, the Council had granted planning permission in response to two further applications which, in sum, duplicated the appeal proposals. The inquiry therefore centred on the submitted Unilateral Undertaking and the extent to which it adequately or otherwise contributed to mitigating the impacts of the development and securing the provision of necessary infrastructure as well as the required planning conditions.

The Inspector considered the main issues and in respect of the employment mix proposed, he concluded that notwithstanding the conflict with local plan policy requirements for an emphasis on B1 uses, that the proposal would produce an acceptable degree of employment generation in accordance with the numerical aims of the policy. He also concluded that based upon the parameter plans and the existing landscape characteristics, that the proposal would have an acceptable effect on the character of the area according with Development Plan

policies. The Inspector also concluded that the scheme would have an acceptable effect on transport infrastructure and that there would not be unacceptable impacts upon living conditions of existing neighbours by air quality and noise.

The appellant's submitted unilateral undertaking contained most of the matters the Council sought to secure through it (and as were secured through the planning permissions for the two permitted applications), but with a 'blue pencil clause' attached to each schedule allowing the Inspector to consider the justification and requirement for each matter in accordance with the Statutory tests and to either impose or strike out the obligation. This arose from the appellant's concern as to the 'burdensome' nature of the planning obligations resulting from the S106 agreements attached to the two permitted applications. The Council sought to justify all of its requests for matters to be secured through the UU and also raised concern with some of the detailed legal drafting matters of the UU.

The decision considered each of the detailed points of the Unilateral Undertaking. The Inspector concluded that various obligations to be sought through the agreement met the statutory tests but concluded that a number of other obligations did not and struck them out including some community provision (however some matters were secured via planning condition instead; such as the provision of affordable housing and the securing of the zero carbon standards). The Inspector agreed with the Council that the safeguarding of the land for the strategic highway and contributions to its funding are critical and he imposed a Grampian condition to control the level of development that can be constructed in advance of that road being constructed and opened to vehicular traffic. The Inspector also considered the other recommended planning conditions and imposed a number but also did not consider all necessary omitting some.

The Inspector concluded overall that the development could be permitted with a lesser extent of obligations and conditions than the fall-back position but without compromise to the objectives of the eco town concept or the substantive outcome of the development.

- 2) Allowed the appeal by Gladman Developments Limited against the non-determination of an outline planning application for up to 280 dwellings (including 30% affordable housing), introduction of structural planting and landscaping, formal and informal public open space and play areas, surface water flood mitigation and attenuation, new priority junction arrangements to White Post Road, creation of section of spine road to link Bloxham Road with White Post Road as well a creation of 34 space car park and other associated ancillary works. All matters reserved except for access. OS Parcels 6741 and 5426 West of Cricket Field and North of Wykham Lane, Bodicote. 15/01326/OUT (committee).**

The appeal was allowed and was against the Council's non-determination of the planning application which proposed, in outline, up to 280 dwellings and associated infrastructure on land including alterations to White Post Road.

The appeal site formed part of a larger residential allocation in the Cherwell Local Plan 2011-2031 Part 1 known as Banbury 17 which provides for an urban extension to the south of Banbury. The Council had already concluded that the principle of the proposed development was acceptable at its August 2016 Planning Committee subject to satisfactorily securing necessary on and off site infrastructure through a legal agreement prior to issuing of a decision.

The appellant lost patience with negotiations surrounding the content of the legal agreement and lodged an appeal against non-determination of the application.

At appeal the Council did not object to the proposals subject to satisfactory planning obligations and imposition of the conditions recommended by the Council. Following extensive discussions with the appellant a Unilateral Undertaking that was considered to be acceptable to both Cherwell District Council and Oxfordshire County Council was submitted as part of the appeal together with a list of agreed conditions.

The Inspector duly concurred with the Council that the appeal proposals were consistent with Policy Banbury 17 (both in principle and elements of detail) and in turn allowed the appeal and confirmed that all of the planning obligations were lawful and had full effect. The vast majority of the conditions recommended by the Council were also imposed on the planning permission. The planning permission together with the associated planning obligations secures the section of new link road and its delivery by the occupation of 150 dwellings as well as on-site sport and recreation facilities, contributions towards education and community infrastructure to be provided on the wider Banbury 17 site as well as wider transport improvements.

- 3) Allowed the appeal by Midcounties Co-Operative Society and Cantay Estates Limited against the refusal of planning permission for the erection of new buildings off Sterling Road Approach to contain 46 x 2 bedroom flats, conversion of offices above existing retail store to form 8 x 2 bedroom flats, and alterations to existing retail store. Construction of new accesses, car parking, service and turning areas and landscaping. CO-OP, 26 High Street, Kidlington, OX5 2DH. 15/01872/F (committee).**

The application had been refused on two main grounds and the Inspector consequently said that the principal issues were (i) whether the proposal would meet the policy requirements of Kidlington Policy 2 of the CLP 2031 Part 1 and the Kidlington Framework Masterplan to strengthen and regenerate the village centre, and (ii) whether the proposal makes adequate provision for the necessary supporting infrastructure, including affordable housing.

On the first issue the Inspector noted that Policy Kidlington 2 states that residential development will be supported in appropriate locations in the village centre except where it would lead to a loss of retail and other main town centre uses. He also noted that the NPPF recognises that residential development can play an important role in insuring the vitality of centres. Policy Kidlington 2 states that the change of use of sites used for main town centre uses in the village

centre for residential development will normally be permitted if proposals contribute significantly to its regeneration. The Inspector concluded that in respect of meeting the terms of Policy Kidlington 2 the evidence persuaded him that the 44 new residential units on the existing car park would contribute significantly to the regeneration of the centre by helping boost its vitality and providing revenue to existing commercial uses. He also found that whilst the proposal would result in the loss of retail and office floorspace it would retain the primary shopping frontage towards the High Street and therefore that the proposal complied with that Policy.

With regards to the Kidlington Framework Masterplan the Inspector argued that this proposal is of a use that the Masterplan suggests, and that the NPPF is not prescriptive. He gives only limited weight to the Council's allegation that the scheme would conflict with the aspirations of NPPF, and the necessary connectivity through the site, because of the absence of a more detailed Masterplan for the village centre. The Inspector also gave limited weight to the argument that we deployed about the need to ensure that Kidlington village centre will need to meet the needs of a growing population that may come about as a function of the proposals contained in the CLP Part 1 Review. In the Inspector's opinion this could be resolved through CLP Part 2.

In respect of the second issue, this turned on the viability of the scheme. Both appellant and the Council provided updated evidence in respect of that which had been available to officers and Members at the application stage. The parties differed over the sales values of the flats created and the construction costs. On values the Inspector concluded that current economic uncertainty and fiscal changes might dampen the price levels gained for the flats and he was not persuaded to reject the appellant's estimates. On construction costs he concluded that the small level of variance provided insufficient basis for him not to accept the appellants assessment of costs and therefore of viability. As a result of this assessment the unilateral undertaking provides 3 units of affordable housing.

Whilst this decision on affordable housing and infrastructure funding is unfortunate it is not considered to set a precedent for anything other than cases of redevelopment on high land value sites – e.g. in this case retail use in a commercial centre location as they are generally only acceptable in such locations as part of mixed use schemes. In this case the existing use value of the site was particularly high. This decision should not affect future negotiations on other village centre sites in Kidlington or in our town centres, or indeed on green field sites.

In terms of the effect upon the Kidlington Framework Masterplan it is noticeable that the Inspector afforded it little weight due to the absence of a village centre Masterplan and because the existing document was not prescriptive of the layout of land uses etc. This needs to be corrected as soon as other pressures on policy formulation allow, to avoid other proposals in the village centre having to be determined in a similar policy absence.

Based on the assessment above, the appeal was allowed subject to the legal undertaking and conditions.

4) Dismissed the appeal by Mr Smith against the refusal of outline planning permission for the development of existing domestic tennis court, stable and land to provide new residential dwelling and associated parking and amenity areas. Land Adj to Ridgeway House, Hogg End, Bloxham. 16/02334/OUT (delegated).

This appeal related to refusal of outline planning permission for the redevelopment of an existing domestic tennis court, stable and land to provide a new residential house and associated parking and amenity areas. Access was the only matter for consideration at outline stage.

The Inspector considered that the main issues were the principle of development and the impact on the character and appearance of the area.

The appeal site is currently used as an area of paddock and a tennis court serving a dwelling on Hogg End, whilst the site itself would be accessed from The Ridgeway.

With regard to the principle of development, the Inspector considered that the site was located outside of the built-limits of Bloxham and that there was no evidence that the proposal would comply with the restrictions set out in saved Policy H18 of the CLP 1996. The Inspector considered that H18 is more restrictive than Paragraph 55 of the NPPF, as it does recognise that rural housing can contribute to sustainable development where it would enhance or maintain the vitality of rural communities and therefore only moderate weight was given to this policy. The Inspector considered that the proposal would also conflict with Policies ESD1 and Villages 1 of the CLP 2031 Part 1 and that the failure to comply with the Development Plan meant that the proposal would not be sustainable development.

With regard to the impact on the character and appearance of the area, the Inspector considered that the site related more to the surrounding countryside than the residential development on Hogg End and that the site made an important contribution to the rural setting of Bloxham. The Inspector considered that the dwelling would appear inconsistent with the existing pattern of development and the domestic paraphernalia associated with a residential use would add to this harm.

The Inspector recognised that there were benefits to the proposal, however these did not outweigh the harm caused and the conflicts with the Development Plan. The appeal was dismissed.

5) Dismissed the appeal by Mr Bart Dalla Mura against the refusal of prior-approval for the conversion of agricultural building into a dwellinghouse. Field Barn, Epwell Ground Farm, Shutford Road, Epwell. 17/00532/Q56 (delegated).

The appeal related to the refusal of a prior approval application for the conversion of an agricultural building into a dwelling (change of use only).

The Inspector identified the main issues to be whether the proposal would be permitted development under the provisions of the GPDO and if it is, then whether prior approval is required.

The prior approval application was refused for four reasons: that insufficient information was provided to demonstrate that the proposal meets the criteria of paragraphs Q.1 (a), (b), (c), (d), (e), or (f); that insufficient information has been submitted to demonstrate that the existing building is capable of conversion under paragraph Q.1 (i); that the actual curtilage exceeds that of the original building and that identified under Paragraph X; and that the proposal represent an impractical and undesirable location.

Reason 1 – the Inspector agreed that insufficient information had been provided to establish that the proposal meets the criteria of Q.1 (b), (c) and (f).

Reason 2 – the Inspector concluded that the applicants had only applied for the change of use and therefore the buildings capability of conversion was not a consideration (despite the condition of the building).

Reason 3 – the Council did not contest this reason (relating to the curtilage) as previous Inspectors have concluded that this issue can be dealt with by way of a condition. As such, the Inspector did not consider this issue.

Reason 4 – Given that the Inspector’s conclusion in respect of the first reason for refusal, they did not need to consider the practicality of the location.

Having regard to the above, the Inspector concluded that the appeal should be dismissed.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members’ information only.

5.0 Implications

Financial and Resource Implications

- 5.1 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:

Denise Taylor, Group Accountant, 01295 221982,
Denise.Taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

- 5.2 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, Interim Legal Services Manager – Planning, Law and Governance,
01295 221687,
Nigel.Bell@cherwellandsouthnorthants.gov.uk

Risk Management

- 5.3 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, Interim Legal Services Manager – Planning, Law and Governance,
01295 221687,
Nigel.Bell@cherwellandsouthnorthants.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clark

Document Information

Appendix No	Title
None	
Background Papers	
None	
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