

AYNHO PARISH COUNCIL

Minutes of the Special Planning Meeting held on Friday 11TH January 2008 at 7.30 pm in the Village Hall

Present: Chairman – Keith McClellan

Councillors: Anderson, Bellamy, Bradford, Brook, James, Macklin, Oakey and Phillips.

In Attendance: John Townsend (District Councillor), Peter Cole (Clerk) and at least 50 members of the public.

The Chairman welcomed members of the public, and explained the procedure so far as discussion of the planning applications was concerned. He said that James Perkins and John Townsend would both be invited to address the meeting, and at each stage, Standing Orders would be suspended to enable members of the public to speak and ask questions if they so wished. When all the relevant information had been obtained, the meeting would revert to a normal parish council meeting, and members of the public could stay and listen, but would not be able to speak or comment.

1 Apologies for Absence

None.

2 Declarations of Interest

Cllr. James declared a prejudicial interest in planning application S/2007/1576/P.

The Chairman explained that under the revised Code of Conduct, as adopted by the Council on 3rd September 2007, Cllr. James is entitled to ask questions and to take part in the initial discussion on this matter, but when the time arrives for a decision to be taken, he is required to leave the room and to take no further part in this application.

3 Planning Matters

S/2007/1576/P – New building to use as a Working Heritage Centre, incorporating a large open plan workshop, storage area and teaching space (Use class B1 (c) – land at Aynhoe Corner, Aynho.

The Chairman first invited Mr. Perkins to outline the purpose and use of his proposed building.

He said that he had made known for over a year now at Parish Council meetings his plans to build a much needed storage and workshop facility for his internationally renowned cast collection, which at present is partially held in the stables and garage area, and in the old garages which were due to be demolished, but cannot be until they are emptied.

He originally planned to site a building on the west side of Aynhoe House for this, but English Heritage objected, so he decided to use his land at Aynhoe Corner.

The workshop and storage facility proposed is needed to train artisans for the restoration of many 19th century casts that will then be housed in the building, so that he can make further areas of his home open to encourage those interested in the in the history of art and classicism from schools and universities to visit.

He has no intention of disrupting the way of life in this beautiful village and only hopes and intends that any contributions that he makes will be positive and will benefit all concerned.

Aynhoe Park Corner is ideally suited for the proposed use due to the enormous road and drainage system that has been in place there for many years. The site has 3 accesses; unfortunately the one most suitable from the Highways perspective is over his neighbour, Cllr. James' land, over which he believes he has full access rights, but this is a matter of dispute between them.

Detailed traffic surveys have clearly produced results that will not disturb this village as the intended use will be far less than those allowed by Highways regulations. The building proposed is well designed by an award-winning architect, and is entirely of oak in appearance, so it will become virtually invisible behind the estate wall and trees within. As for any ecological concerns, these have been addressed when considering the siting of the building and important surrounding trees and wildlife. Any trees that are to be removed are those that are infected or dying.

Reference has been made to local planning policies, which may be superseded in the near future, as they are currently under review.

Cllr. James said that there is no dispute that a right of way exists, since Mr Perkins has a right of way that comes from his own land and goes across his (Mr James') drive into the north-west corner, but he does not have a right of way down his (Mr James') drive.

In response to a question by the Chairman about coaches of people visiting the workshop, Mr Perkins replied that these would visit the collection in the House, not the workshop. Deliveries would be very occasional.

Cllr. Macklin was concerned about increased traffic. Mr Perkins replied that normally there would be no more than three commercial vehicles a week visiting the site.

Cllr. Brook asked why there were only four car parking spaces marked on the plan. This is because there would be no need for any more. Only two people would normally be working there. The large size of the building is needed for storage, not only for the casts being worked on, but also for the moulds, etc., which cannot be left outside, as they would be ruined.

Cllr. James pointed out that the traffic statement referred to 64 vehicle and lorry movements per day. Mr Perkins said that he was required by planning regulations to produce a Transport Statement, and this had concluded that a building of that size could generate that number of vehicles, but as previously stated it was his intention that no more than six movements per day would usually occur.

Cllr. Bellamy asked if Mr Perkins had built in sufficient capacity for his future use, or might he be asking in a few years for additional buildings to cope with his growing collection. The reply was that he hoped this would be sufficient for his future needs.

At this point the Chairman suspended Standing Orders to enable members of the public to speak.

It was feared that despite the assurances given, there would be an inevitable increase in traffic resulting from this application. Mr Perkins said that he believed that this would not be so, and gave as an example that his main restorer, who had previously travelled into Aynho by car every day, had just successfully applied to live in the almshouses, so he would henceforth be able to walk to work, even when the Centre is built. Some one was worried lest it could be changed for another more industrial use in future. Cllr. Townsend said that this would require a fresh application for change of use, and in any event it would be possible for the Planning Department to impose stringent restrictions on future change of use. Mr Perkins confirmed that he did not manufacture casts for sale. It was also confirmed that he had an interiors business which is expanding, and which represents about 10% in the workshop.

The Chairman then invited Cllr. Townsend to address the meeting to outline the planning criteria, by which South Northamptonshire Council would judge the proposal. He said that this was quite a challenging one, because it was outside the norm. He does not have a view on it at this stage. The highways issue is usually a technical one. If they have no objections it is very difficult for planning authorities to turn an application down on highway grounds. This is against Council policy in that it is outside the village framework, it is not an agricultural building, it is an industrial building, which would not normally be permitted. Are there other justifications for it, however? It seems that it relates well to Aynhoe Park, so will it support this great house? How will it affect

neighbours? Will it be visible to anyone from anywhere? These are the sort of questions that should be considered.

Cllr. Anderson asked what weight the parish council's recommendation had. He cited a previous example where there had been a great deal of local protest, and the parish had opposed it with a very strong case, but this had been disregarded by District. Cllr. Townsend promised that the parish council's view is important, but districts had also to put government, regional, county and district guidelines into the mix as well. In planning terms it has to be judged on what the experts tell you. In that specific case, Highways did not have any objections, so our concerns about that could not be substantiated. Highways issues are always a problem, and with increasing development in all areas this can only get worse. Cllr. Anderson said that the main issue here seems not to be about now, but about what the position might be in ten years or so if James Perkins moved away. Cllr. Townsend replied that each application has to be judged on its merits. You cannot take into account what might happen in several years time. Conditions can however be imposed at the time of the application to mitigate any future problems. Conditions cannot be added retrospectively.

Cllr. Macklin asked if there is a cumulative effect, if say one application is granted on some land, does that create a precedent for future expansion? The reply again was that every application is looked at on its merits. That is one of the foundation principles of the planning system.

Cllr. Bellamy asked how the phrase "detriment to the community" was interpreted in planning terms. Cllr. Townsend said that this was something for the parish to apply to any application.

Cllr. Brook asked if a change of use for a small part of a piece of land, applied to the whole of the land. John said that it would depend on what is included in the site plan for the application.

The Chairman said that his discussions with the Planning Officer on this case had indicated that if the application were accepted, tight restrictions would be placed in terms of the type of activity, and the scale of activity, etc. She also said that if anyone else bought it, they would have to apply for any change of use, and they would look to build in a condition to restrict use if he sold it on.

At this point the Chairman again suspended Standing Orders.

It was noted that some felt that there was no benefit to the village whatsoever. It was also noted that Mr Perkins had previously mentioned that he had a 5 million pound budget for development here, which suggests that there may well be more applications in the future. One person suggested that the circular put round implied that there would be an adverse affect on wildlife and trees, etc. In fact the Ryelands of old was a lovely area where people could walk and exercise dogs, and Mr Perkins has started to open up the woods again, and has indicated that he plans to reinstate it for such uses.

Cllr. Bradford, Aynho Parish Council's Planning Officer, gave his views on the proposal. He said that in considering this application the Parish Council have to consider the following criteria: -

- 1 The visual effect on the surrounding area
- 2 The materials to be utilised in its construction
- 3 Access to the site in question
- 4 Services that are currently on the site
- 5 Any potential benefits to the village
- 6 Will this development have a detrimental effect on a similar business in the immediate area?
- 7 We can only consider the above application as it stands, and this precludes any reference to subsequent applications that ay or may not arise.

In respect of 1 above, the proposed building will not be visible from the highway, as the site is surrounded by a high wall and situated in a wooded environment to which members of the public do not currently have access. The building itself is not excessively large for a commercial building. Indeed, there are many in the Banbury area, which are ten times the size of this one.

2 The proposed building is to be clad in oak, which will blend in very well with the surrounding trees and once established, the building will lose any visual impact on the surrounding area.

3 There are currently three accesses to the site. One on the Bicester road at the entrance to Mr Belchers Farm, one at Aynhoe Park corner, and one via the entrance to Ryelands House. There is currently a dispute over the third access by the respective landowners, but this dispute is outside the jurisdiction of the Parish Council.

4 The site in question was utilised during the last war as a billeting and administration area for the Army and as such has a very extensive permanent concrete roadway system running throughout the site. The roads are still in a very good condition and useable.

5 There is also a possibility of employment at the proposed development, which could be of benefit to the village.

6 There are no other businesses of a similar type in the area.

The proposal will only generate a limited amount of additional traffic gaining access to the site, but with three access points this should not pose a problem. He again stressed that we can only consider this application as it stands. His recommendation to Council, based on the above criteria, is that this application is supported in its current form.

Cllr. James asked if Cllr. Bradford accepted that the Transport Study suggested 64 traffic movements per day. The reply was that the study stated that a building of that size could be expected to generate 64 traffic movements per day, but Mr Perkins has said that there will only be parking for 4 vehicles, so that is the number expected daily.

Cllr. Bellamy asked if it was confirmed that the preferred access is through Ryelands. Cllr. Bradford said that he could not say, since this might well be down to Highways, but there are two likely entrances, one of which appeared to be in dispute. Cllr. Townsend said that the parish council could make a comment, but it would be decided by negotiation with Highways.

Cllr. James produced photographs to illustrate how the roads had been absorbed into the wood before recently being cleared.

At this point the Chairman again suspended Standing Orders.

Some one suggested that it sounded as though Cllr. Bradford might be acting on behalf of Mr Perkins rather than the Council. Cllr. Bradford said that he had made a personal recommendation, based on the criteria by which all applications had to be judged. The Chairman explained that Cllr. Bradford is at present the only Council member who has received proper training in dealing with planning applications. As such he advises Council and gives guidance on every application.

Cllr. Bradford was asked on what basis he justified that change of use in this instance. He replied that with existing roadway and drainage structure, the site bordered on being a brownfield site. Even though it is outside the confines of the village, we have to look at it on its own merits.

It was suggested that the only benefit mentioned was that of some employment, but with high employment locally, this did not seem to be much of a benefit. One benefit was a limited amount of traffic would be removed from Aynhoe Park House. Another benefit was the restoration of the neglected woodland.

Cllr. James asked Cllr. Bradford how he squared his recommendation with the fact that this application was completely against District Council planning policies. The reply was that that was a problem for the District Council.

When asked about District Council policies, Cllr. Townsend said that it is clearly against Council policy for a building in the countryside, which is not an agricultural one. But that is only one policy. There are a whole number of different policies, and this is a very interesting application that has a lot of different considerations, so you mustn't let one consideration dominate. It has to be a balancing act to weigh up whether there are benefits to the main house or the woodland, and in the end you have to come to a conclusion.

The Chairman then asked the Clerk to speak about the correspondence he had received from the public.

The Clerk said that he had received 14 letters, 17 emails and about a dozen telephone calls. He read out a list of names and addresses. Many of them had mentioned the same points, so rather than reading them all, he had summarised the salient points, which he read out: -

A number of residents have either lived here for a good many years, due to Aynho being a peaceful rural community, or have recently moved here for the same reason. They are concerned that light industry would not be in keeping with a woodland area, and could result in a possible huge increase in traffic and industry, with the resulting pollution, effluent and machinery noise.

The increase in traffic, particularly heavy lorries, would cause problems in and around the village. If the building is for display purposes, it is likely to involve even more traffic movements.

It will disturb a wildlife haven in an area of natural woodland. Several people have mentioned the Red Kite, which does not feature in the ecological study.

Many people think that if this were allowed, it would open the door to further industrial or warehouse expansion on this site, and there are also concerns that if Mr Perkins were to move on in a few years time, someone else would take this site over and increase the problems even more.

Several people suggest that there are other alternative locations locally for such a use.

One person has suggested that Mr Perkins might want to build a caretaker's house near the Centre, which could lead to other housing.

Another believes that somewhere to the south and east of the Park House was a burial ground for Cromwellian soldiers, and the ground should not be disturbed.

In particular, Mr Belcher, as a neighbouring farmer, is concerned about a dry pond in land falling down towards his field, which is rarely dry, and regularly overflows onto his land. He is concerned that this could be polluted from the proposed site.

On the other hand Mrs Usher has pointed out that this site seems better for a plastercast workshop than at the House itself, as it would not be visible from outside, especially if Mr Perkins continues to preserve the Park walls and woodland. She adds that the South Northants branch of the C.P.R.E. will not be opposing this application.

At this point the Chairman again suspended Standing Orders, and asked members of the public if there were any more matters they wished to draw to Council's attention, as this was their last opportunity to do so.

No one had anything further to say. The Chairman thanked everyone for attending, and especially Cllr. Townsend and Mr Perkins.

The Chairman then invited Cllr. James to make a statement before he was required to leave for a decision to be taken.

Cllr. James said that this planning application has the potential to change our village, and tip it towards an urban future, with more traffic, lorries, noise and pollution. He feels that the whole village would be affected. It is not in accord with several Council planning policies, which exist for good reason, and should not be put aside lightly.

If approved, this application would introduce industrial development onto the 25 acres of natural, English woodland, on the edge of Aynho, an area that has almost always been a haven for wildlife, including the protected bird the Red Kite.

Mr. Perkins is not really a long-term Aynho resident. He freely admits he is a Property Developer. Property developers build on land, change the environment, change people's lives, and move on. They build for financial gain.

Mr. Perkins says the proposed building is for his own personal use. But if approved it could be used for any light industrial or office use, sold or commercially let.

Common sense tells us that more development would follow this one, and lead to a new built up area, which would mean not only more traffic, but less safety and security for all of us as well.

Already, under Mr. Perkin's ownership, the Aynhoe Corner's natural woodland floor has been deliberately cleared. It is no more a brownfield site because of its buried concrete tracks, than a long buried roman road or mosaic would be.

The decision that Council is about to take can either sow the seed of urbanisation, or save our beloved countryside, English woodland, and quality of village life.

He thinks he speaks for many Aynho residents in asking Councillors to think long term, employ wisdom in their decision, and object to the application.

At this point in accordance with the Code of Conduct Councillor James left the meeting.

Parish Councillors then gave their views on the application: -

The Chairman said that what had to be considered was whether, since it was outside the curtilage of the village, there are extenuating or unique circumstances about this application which outweigh this, if so what are they, and do we wish conditions to be imposed to prevent the fears expressed today being realised?

Cllr. Anderson said that we need to get rid of all the emotion and look at the facts. This site has potential for greater development in the future, Cllr. Bradford suggested that conditions should be requested that placed restrictions on that it should only be used for this particular aspect.

Cllr. Macklin asked if likely planning changes soon would alter the position. Cllr. Bradford said that we stand a much better chance of getting restrictions now, than we would in twelve months time. He asked what restrictions we should consider. One is for it to be specifically used as a Heritage Centre, workshop and museum. Another that if Mr Perkins decided to move away in the future, it should be tied down so that it could only be used for a similar purpose, or be demolished.

Cllr. Anderson said that there are practical restrictions, such as those placed on the Wensden site, relating to not storing things outside the building, and no expansion of the four car or small van parking spaces.

Cllr. Phillips said that it was important for utilities (water, electricity, etc.) to be supplied underground.

Also there is concern about possible pollution into the "dry pond", which is prone to overflowing onto neighbouring farmland after rain, which must be addressed.

The Chairman said that it was important to have the woodland and the walls properly maintained and managed.

Cllr. Bellamy said that he hoped that this would be done anyway, He is happy with the design of the building, and it is as far away as possible from everyone, but nevertheless he felt there were no benefits for the village from this application.

Cllr. Anderson felt that well-managed woodland to which the public could have access would be of benefit to the village, and if the restrictions are agreed, and are enforceable, there should be no effect on anyone in the village.

Cllr. Brook pointed out that about 45 people had contacted the Clerk about this, which represented about 15% of the total village households. He would far rather see the site used for a Heritage Centre than turned into a housing estate, which is what it could be. It was generally agreed that the document circulated was alarmist and inaccurate in some ways.

The Chairman said that it had come down to two choices, whether to oppose it or to support it with restrictions.

A vote was taken and it was decided by six votes to one, with one abstention, to support the application, but with the following stringent conditions: -

- 1) That permission is granted for a Heritage Centre, workshop and museum only, and for no other purpose.

- 2) That the building should be for the sole use of Mr James Perkins, and that if he decided to move away, to change the use of the building, or to sub-let it, that fresh permission should be required.
- 3) That this permission relates only to the proposed building and not to the general use of this whole site.
- 4) That the parking spaces should be restricted to a total of four cars or small vans.
- 5) No overnight parking should be permitted.
- 6) No items should be permitted to be stored outside the building.
- 7) All utilities should be underground, so as not to impact upon the rural environment.
- 8) It is understood that there is a "dry pond" close to the site, on land that falls away towards neighbouring farmland. It is essential that steps are taken to ensure that no pollution from the building can leak into this pond.

In making this decision Aynho Parish Council has taken into account the correspondence received by letter, email and telephone from members of the public.

S/2007/1579/P – Demolition of outbuilding and erection of replacement building at The Grammar House, Croughton Road (Listed building)

S/2007/1580/P – Demolition of existing garage/store and rebuild as double garage incorporating roof space as studio accommodation at the Grammar House, Croughton Road (Listed building within Conservation area)

Cllr. Bradford said that he had visited the site. The garage in question is in very poor condition, so the building is inherently unsafe. The intention is to demolish it except for a party wall, which is sound, and to replace it with a double garage. He feels that the new building is quite different, but he is happy to support it, provided that it is acceptable to the Conservation Officer. When invited, Dr. Hodges said that at some point well before he moved there, the floor of the upper room and all the roof ties were taken out, leaving the walls and roof with no support at all. The original old-style doors will be re-instated.

It was agreed that this application should be supported, subject to the Conservation Officer's approval.

4 Approval of cheques

The Clerk had produced a schedule of outstanding invoices. It was proposed by Cllr. Macklin, seconded by Cllr. Bradford and agreed that the following cheques totalling £404.59 should be authorised for payment: -

Cheque	VAT(£)	Cost(£)	Total (£)	Payee	Detail	Power
100450	0.00	72.39	72.39	Allianz Insurance plc	Additional premium (pavilion work)	(a)
100451	40.33	230.43	270.76	E-on	Street lighting	(d)
100452	2.60	14.84	17.44	A H Contracts	Dog bin emptying	(f)
100453	0.00	44.00	44.00	Aynho Village Hall	Fourth quarter meetings	(a)

Code	Power	Regulation
(a)	Administration	Local Government Act 1972, s111
(b)	Salaries	Local Government Act 1972, s112
(d)	Electricity/street lighting	Parish Councils Act 1957, s3 & Highways Act 1980, s301
(f)	Provision of litter bins	Litter Act 1983, ss 5, 6

The meeting finished at 10.45 pm.