

**CHERWELL DISTRICT COUNCIL  
PLANNING COMMITTEE**

**8 December 2022**

**WRITTEN UPDATES**

**Agenda item 8**

**22/01829/OUT**

**Unit D1 Graven Hill Circular Road, Ambrosden**

**Additional consultation responses received**

CDC Building Control: No comment to make.

Ambrosden Parish Council: Object. Stand by our original response sent in July 2022.

Local Highway Authority (OCC): In our last response we identified that the red line boundary was incorrect as it did not incorporate the Employment Access Road. This has been amended with a revision of the Site Location Plan and all the other relevant drawings that show the red line area. Therefore, my previous recommendation of no objection remains, subject to the S106 contributions, obligation to enter into a S278 agreement (if required) and planning conditions.

**Additional representations received**

None.

**Officer comments**

None.

**Recommendation**

As per the published agenda report.

**Agenda item 9**

**22/01773/F**

**Land South of Faraday House, Woodway Road, Sibford Ferris**

**Additional representations received**

Applicant has requested that this application be withdrawn.

**Officer comments**

As the applicant has formally withdrawn the application no further consideration on this proposal will be made.

**Agenda item 10**

**21/01966/F**

**Land to rear of Gracewell Care Home, Gardner Way, Adderbury**

**Additional representations received**

CDC Landscape Officer:

*"There appears to be no intention to retain the existing belt of trees on the western boundary by the developer. I would therefore wish to see a detailed hard and soft landscape proposals along with tree pit details under a DISC application. I can then*

*consider the landscape management plan in in context with the detailed landscape proposals”*

OCC Highway Engineers: Confirm that OCC’s position is that  
*“the contributions requested are necessary to make the development acceptable. It is now for the planning authority to decide whether the development should be permitted or refused”.*

#### **Additional Information received**

The applicant has provided a Sustainability Statement in support of the application. This statement confirms the following:

The Statement accompanies the planning application for the proposed residential development off Gardener Way, Adderbury. It has identified the measures that will guide the detailed design of the development such that the proposals comply with national and local sustainable development policies. Full details are included on the previous pages. However, we can summarise as follows:

- The house type designs and site layout include features to aid passive solar gain, including plot orientation and glazing design;
- A traditional build specification will provide beneficial thermal mass to each home. An alternative timber frame specification will have a lesser impact on the environment and act as a carbon store;
- The house type designs and build specification will achieve high levels of insulation and energy efficiency, aimed at achieving comfortable betterments over the u-value backstops identified in Part L;
- A low carbon electric heating strategy will be pursued at the development. This will include the specification of air source heat pumps and hot water heat pump cylinders;
- The site’s forecasted emission rate represents a significant 63.90% saving over Part L 2021;
- The site’s emission rate will lessen in the years ahead as the National Grid continues to decarbonise;
- Each home will be zero carbon ready from the point of first occupation; and
- Measures will be incorporated into the design of each property to achieve a water consumption lower than 110 litres per person per day.

#### **Officer comments**

In terms of the Landscape Officers comments the permission is subject to a condition covering the protection measures to existing trees however, it is considered that a further condition requiring a landscape scheme should be provided and therefore it is recommended that the following additional condition be attached to any permission:

A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(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 landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

With regards to the Sustainability Statement, this document has addressed the missing information as outlined in the committee report. The details submitted confirm that the proposal will comply with Policies ESD1, ESD2 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 as well as paragraphs 154 and 155 of the National Planning Policy Framework. In order to ensure that the details in the statement are provided it is recommended that the following condition is added to any permission:

Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Turning to the comments of OCC, this relates to the request by OCC for contributions towards public transport improvements. The County were advised that the proposal was the subject of a viability assessment and that the Council's independent consultant had confirmed that the development would not be viable if S106 contributions were required.

The contributions requested by the County are as follows:

Since the previous response, the project to expand the Warriner School has now been fully funded, and as a result the county's education department has withdrawn the request for contributions towards secondary education. However, the request for a primary education contribution remains as per the 16<sup>th</sup> July 2021 response. The expansion of Christopher Rawlins CE (VA) Primary would directly benefit this proposed development and was forward funded by the county council. This forward funding has not yet been received from Section 106 contributions, and therefore contributions towards the cost of expansion are still required.

The public transport infrastructure contribution request is broken down as follows:

- £1,162 x 2 for Premium Route standard pole, flag and timetable case; and,

- £8,774 for a 3-bay shelter

We would advise that at a minimum the public transport infrastructure contribution needs to be £2,442 (July 2021) for a new pole, flag and timetable case in each direction. The provision of a 3-bay shelter on the southbound stop would make bus use from the development more attractive due to protection from inclement weather.

With regards to the public transport services contribution the Service S4 is supported by S106 funds in the evenings and on Sundays. Without securing ongoing contributions from development on the corridor, the level of bus service may be reduced if it has not yet secured commercial viability, which would make the development less sustainable.

In summary the total contributions sought are as follows:

Contribution	Amount	Index & Price Base
Public Transport Services	£18,918	RPI-X July 2021
Public Transport Infrastructure	£11,098	BAXTER July 2021
Primary & Nursery Education	£173,848	BCIS 327

**The County have now confirmed that the contributions are required**, but as outlined in the report the development cannot provide the sums requested. The County have not stated that the development would represent a highway safety issue.

The need for housing has therefore to be weighed against the need to provide the contributions requested by County for the public transport and the education contributions.

The access to the site is as existing and there has been a previous approval on the site for a 36 bed care unit. The parking provision is considered acceptable and although the level of vehicle movements will be greater than that of the care home it is not considered that a contribution to public transport can be required, and the County have not raised a highway safety issue. The request for the education contribution cannot be provided as part of this development due to the viability issue.

### **Recommendation**

As per the published agenda report minus the second point in Recommendation B and the inclusion of the additional conditions as set out above.

### **Agenda item 11**

**22/02493/F**

**Car Parking Area west of 37 Holm Way, Bicester**

### **Additional representations received**

No additional representations.

### **Officer comments**

Correction to report:

Paragraph 4.2. highlights the Section 52 Agreement (as amended) that applies to this land and is related to the original planning permission for the estate. This requires that the car park be made available to members of the public for the purpose of parking their vehicles in connection with the use of the local centre facilities.

The report states that the land being bound by this covenant does not form a material

consideration in the assessment of this planning application. This statement requires clarification.

The existing requirements on the land continue to restrict and govern its use. In this sense the existing Section 52 agreement (as amended) and its requirement to provide public parking is a relevant and material factor to consider. However, it does not preclude the Local Planning Authority coming to the view that a new a planning proposal can be found to be acceptable on this land. If there was to be a future grant of planning consent that was inconsistent with the existing Section 52 agreement, the appropriate steps would need to be gone through for these restrictions to be lifted.

**Recommendation**

As per the published agenda report.

**Agenda item 12**

**22/02567/F**

**St Georges Barracks, Arncott Wood Road, Arncott**

**Additional representations received**

No additional representations.

**Officer comments**

None

**Recommendation**

As per the published agenda report.

**Agenda item 13**

**22/02491/CDC**

**Recreation Ground, Keble Road, Bicester**

**Officer comments**

Issues have been discovered with the submitted plans that require correction. On this basis the application has been withdrawn from this committee agenda. It will be included on a future committee agenda when these issues have been resolved.

**Agenda item 14**

**22/02721/F**

**The Paddocks, 2 Foxtowns Green, Kirtlington**

**Additional representations received**

Comments submitted from Cllr Conway:

*"I previously lived in Hertfordshire where I owned an equestrian centre which I sold after 25 years. We decided to move to Oxfordshire and found a house that would accommodate not only ourselves but our two horses. However, at the closure of my equestrian centre I was left with a lame horse that the owner did not want. Rather than have her put down I brought her with me to Oxfordshire. The result was I ended up by default with three horses and only two stables. To accommodate the lame horse I bought a small stable on skids as I did not have time to organise planning permission. We still have the lame mare.*

*The neighbouring houses which overlook the stables were not built at the time we erected the small stable.*

*Our neighbours are all very supportive and enjoy watching the horses without any of the hard work!"*

**Officer comments**

None

**Recommendation**

As per the published agenda report.

**Agenda item 15**

**Appeals Progress Report**

No update.