



SUPPLEMENTARY INFORMATION

Planning Committee

3 November 2022

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If you need any further information about the meeting please contact Aaron Hetherington, Democratic and Elections democracy@cherwell-dc.gov.uk, 01295 221534

Planning Committee 3 November 2022 – Public Speakers

Agenda Item	Application Number	Application Address	Ward Member	Speaker – Objector	Speaker – Support
8	22/00203/OUT	Land To Rear Of St Marys House Adj To Henge Close Adderbury Banbury OX17 3GA		Anthony Hartwell, local resident	Wesley McCarthy, agent for the applicant
Page 2	22/01999/F	60 Bicester Road Kidlington OX5 2LF	Councillor Ian Middleton		Ajaz Rehman, agent for the applicant
10	22/02845/F	27 Shearwater Drive Bicester OX26 6YR		Tony Pratt, local resident	

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE**

3 November 2022

WRITTEN UPDATES

Agenda item 8

22/00203/OUT

Land to rear of St Marys House adj to Henge Close, Adderbury

Additional representations received

Statement submitted by Councillor Hingley:

I apologise to the committee for being unable to attend to speak on today's item located within my ward, in the west of Adderbury. However, I would like to avail myself of the opportunity to make the committee aware of my thoughts. While I recognise the officers' recommendation is to accept the proposal, I am satisfied that the multiple concerns expressed by neighbouring residents and the Adderbury Parish Council merit significant considerations in the committee's deliberations, and as such I urge the Committee to take full account of these representations. I am particularly concerned about the impact of this proposal on existing residents in Henge Close and adjacent areas, including, among several reasons, impact on existing properties and on a conservation area, impact during construction, and health and safety, and draw attention to the large number and content of associated responses to the public consultation; the impact on the greenfield space on the periphery of Adderbury that would be encroached upon and which should be protected, in line with the Adderbury Neighbourhood Plan which this application appears to run counter to; and the subsequent impact on biodiversity. I also have concerns about the specific design of this application, which leaves an undeveloped space in the northwest of the development such that this could potentially be used as future access to additional development beyond, in the way that access to this proposal is being provided by way of an area in the northwest of the existing Henge Close. I therefore encourage the Committee to give especial weight to the opinions and reasons set out against this application and invite members to give very serious consideration to refusing permission, and notwithstanding this to securing that potential future access to any additional adjacent areas be prevented.

Officer comments

In response to the Councillors statement the officer's report has outlined the comments / objections received by members of the public many of whom are residents on the Henge Close estate. The response to the comments has been provided in the officer's report to this committee.

In terms of the concern over impact on residents on Henge Close as outlined in the report this is an outline application and as such the layout provided is indicative and the position of the dwellings along with design details such as windows will be part of the reserved matters application. It is considered that adequate space is available to ensure that adequate distance between the existing and new dwellings will be provided to reduce any impact on the existing Henge Close residents to an acceptable level.

The issue over health and safety and construction is not a planning issue which can be considered as there is separate legislation covering this issue.

The concern that this development would lead to a further extension into adjacent sites is not a reason to refuse the application. The application to be considered is that which is presented as part of this proposal and if further applications are submitted for any adjoining sites this will need to be considered as part of a further application. The concern that permission may lead onto a further application on adjoining sites is not a reason to refuse an application.

It is noted that the committee report has missed a condition which is as follows:

The development shall be constructed so as to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day.

Reason: Cherwell District Council 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.

Recommendation

As per the published agenda report with the addition of the extra condition stated above.

Agenda item 9

22/01999/F

60 Bicester Road, Kidlington, OX5 2LF

Additional representations received

No additional representations.

Recommendation

As per the published agenda report.

Agenda item 10

22/02845/F

27 Shearwater Drive, Bicester, OX26 6YR

Additional representations received

No additional representations.

Recommendation

As per the published agenda report.

Agenda item 11

Review and Monitoring Reports

21/01818/F: Allowed the appeal by Churchill Retirement Living Ltd against non-determination of the application for the Redevelopment of the site to form 38 no. Retirement apartments including communal facilities, access, car parking and landscaping at Pakefield House St Johns Street Bicester OX26 6SL

Officer recommendation: Non-Determination
Method of determination: Hearing
Appeal reference: APP/C3105/W/21/3287556

The Inspector noted that the main areas of consideration were:

- Whether the proposed development would be appropriately located and designed in respect of flood risk;
- Whether the proposed development would adequately provide for biodiversity, with particular regard to river corridor habitat; and
- The effect of the proposal on highway safety, with particular regard to the proposed access
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On the first issue the Inspector concluded that with regards to the exception test part of LP1 Policy ESD 6, the proposal includes relocating two small areas of Flood Zone 3b and an area of Flood Zone 3a on a level for level, volume for volume basis to the central area of the site, to provide additional flood storage for all flood events up to the design storm event with an allowance for climate change on the site.

The Inspector saw no reason to doubt the expert view of the appellant's civil engineering consultant, informed by their site-specific Flood Risk Assessment (the FRA), that this re-engineering of ground levels would provide a slight increase in flood storage on the site, and would not increase flood risk elsewhere. In this respect, the proposal would satisfy the first sentence of paragraph 167 of the Framework, and paragraph 049 of the Flood risk PPG. Also, the Inspector accepted that there was no reason to doubt the view of the appellant's civil engineering consultant that the re-engineered site, with its future functioning Flood Zone 3a and 3b areas, would be safe in terms of flood risk. Suggested planning conditions would further cover flood risk mitigation and storage detailing.

In conclusion the Inspector stated that in terms of locating a relatively small amount of development within a relatively small area of the site categorised as existing Flood Zone 3b, the proposal would conflict with the approach of LP1 Policy ESD 6 and underpinning guidance of the Framework's policies and PPG's approach on flood risk.

On the second issue of biodiversity the Inspector considered that the sites rear boundary mix of garden walling and fencing acts as a barrier between the appeal site and the adjacent stretch of the river Bure corridor. Against a baseline of the relatively limited ecological value of these urban residential properties and their existing disconnect from the river, there is scope to enhance the biodiversity value of the appeal site and the river corridor. In removing the appeal site's existing riverside walling and fencing barrier, the Inspector considered that the development would improve permeability between the riverside and the site for flora and fauna.

Furthermore, as set out in the Ecological Technical Note by the appellants' ecological consultant, there is scope on the site for nature-friendly measures including native species planting, using fencing that is permeable to small animals, bird/bat boxes and habitat piles. Also, the biodiversity metric calculation by the appellant's ecological consultant indicates that the development would deliver gains in habitat and hedgerow units. Given the proposed apartment block's location to the north-east of the river, and the relatively open green space

to the south-west, the proposal is unlikely to significantly alter receivable light, or associated biodiversity levels, to the river. The Inspector concluded that the proposed development would adequately provide for biodiversity, with particular regard to river corridor habitat. As such, it would accord with Policy ESD 10 of the LP1, and the Framework's approach to conserving and enhancing the natural environment. A suite of planning conditions covering site clearance, species protection, landscaping, watercourse buffer zone conservation and enhancement, and a landscape and ecological management plan will help secure a suitably holistic, nature-sensitive approach to the development.

On highway safety, the Inspector considered that highway users of Queens Avenue, St Johns Street and the roundabout intersection of the two, in the vicinity of the appeal site, are required to travel in a vigilant and careful way as is to be expected on the approach to the town centre. Pavements and pedestrian crossings in the locality provide for relatively comfortable walking routes. Also, cyclists are able to take advantage of the area's relatively flat terrain to cycle in and around the town centre, including on the road along St John's Street.

Given the above, the Inspector anticipated that the proposed development would not significantly alter this apparently workable highway situation and would preserve highway safety. In conclusion, the proposed development, including its site access would not harm highway safety. As such, it would not conflict with Policy ESD 15 of the LP1, which seeks to ensure that development contributes to, among other things, high quality and multi-functional streets and places in line with principles in the Manual For Streets. Also, the proposal would accord with paragraph 110(b) of the Framework in respect of safe and suitable access.

The Inspector considered other matters raised as part of the application, which included design, impact on Conservation Area and impact on neighbour's amenity. In considering these matters the Inspector accepted the Council's view that the design of the scheme was acceptable, and that the proposal would not harm the setting of heritage assets. On the issue of neighbours' amenity again the Inspector agreed with the Council's analysis that the proposal would not unacceptably harm the neighbours' living conditions.