

URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

Planning Committee

8 September 2011

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Agenda Item 21

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

8 September 2011

WRITTEN UPDATES

Agenda Item 6 10/01667/OUT

**Land between Birmingham-London
rail line and Gavray Drive, Bicester**

1. Members will have received a lengthy representation from Mr. D. Woodfield of Bioscan, (an interested third party). Members will therefore be aware that the objector raises issues concerning housing land supply and biodiversity

In response the the SDPHE has the following comments:-

With regard to the housing land supply issue:

- Gavray Drive has been an important part of the district's housing land supply since permission was granted on appeal in July 2006.
- PPS3 requires a 5 year rolling supply of deliverable housing sites
- Since June 2011 it has been the Council's position that the district has a 5.2 year supply for the next five years (2011-2016).
- Gavray Drive is relied upon in the district's housing land supply. It contributes significantly to the district's 5 year supply.
- The Inspector who recently allowed Talisman Road (140 homes) on appeal (18 August 2011) concluded, in relation to the whole district, that the '*...supply of deliverable housing sites is likely to be well below the 5.2 advanced by the council...*'. With regard to the part of the district that lies within the South East Plan's Central Oxfordshire sub-region (including Bicester) she concluded that supply would be '*...about 4.8 years...*' [Gavray Drive included]
- Consequently, there is undoubtedly a need for housing to be delivered at Gavray Drive and for homes to be delivered on the site over the next 5 years. Housing delivered beyond 2016 would not contribute to the district's current 5 year supply.
- Further housing, as set out in the Draft Core Strategy, will be needed at Bicester to meet housing needs to 2026 in addition to meeting the short-term 5 year supply.

With regard to the ecology issue:

Your officers disagree with Mr Woodfield's submission that comments have been report 'inaccurately to Members'. It is clearly stated in the report that full comments are available on line. Whilst a revised EIA may have been preferred, we have sought to retain a balanced position on this by following the guidance from NE which stated that the 'Environmental Statement is updated or supplemented'. This approach is supported by government guidance on extension of time applications concluding that "when it is necessary to update environmental information, provide new information or alter the proposed mitigation measures, this can normally be done by means of a supplementary ES". This advice has been followed and the work has been done. The information submitted to date is comparable in terms of raw data which will inform future negotiations regarding layout and management.

White letter hairstreaks aside (not an EPS) the majority of the data needed has been submitted..

The presence of all five species of butterfly as stated in the appraisal section has not yet been established, only suspected and that is why we are requesting a further survey. We accept that this may raise the importance of the site in general terms but we need to take a balanced approach given the status of this application as an Extension of Time application. It is Natural England's advice that "all of the above issues need to be weighed in the balance when considering the appropriateness of the scale and extent of the proposed development for this site".

The loss and pressure that some of the CWS will experience and how this can be weighed against its future management is largely a matter of ecological opinion. Future secured management will be beneficial in comparison to it being left as is. It is an option that measures can be taken within the WMP to reduce pressure on this part of the site. Contrary to Mr Woodfield's comments there is flexibility for design changes as these have yet to be agreed.

2. CPRE (Bicester District) view the application for an extension of time for previous permission as an golden opportunity to re-visit the parameters of the proposed development plan to allow more open space and sensitivity to the site's colonies of rare butterflies and other wildlife. This seems to us to accord also with the Council's evolving concept for the whole of Bicester as an exemplar eco-friendly town. To achieve this we would suggest the total number of units envisaged should be trimmed accordingly as a condition of renewal of permission.

SDPHE Response :-

It is not appropriate for the parameters of the application for the residential development for not more than 500 dwellings to be changed as this is an Extension of Time application. Please note that condition 7 reads that no more than 500 dwellings shall be built on the site which suggests a maximum only.

3. Members should also have received a letter from the applicants summarising their view of the principal considerations
4. **Amendment to the recommendation (a)** to read "subject to the applicant entering into a planning obligation satisfactory to the District Council to link the existing Section 106 to this permission to secure the required financial contributions and other matters"

Agenda Item 7 11/00819/F

35 The Rydes, Bodicote

Application withdrawn

Agenda Item 8 11/00820/F Penrose House, 67 Hightown Rd, Banbury

- Amendment to recommendation (i) to read “subject to the applicant entering into a planning obligation satisfactory to the District Council to secure financial contributions towards; “

Agenda Item 9 11/00894/F The Bell Inn, High St. Hook Norton

Application withdrawn

Agenda Item 10 11/00906/F Former Pye site, Langford Locks, Kidlington

- Comments have been received from the ASB Manager advising that:

There is no objection in principal subject to the following conditions:

1. Prior approval of any external lighting to be installed (Condition 12 of report)
 2. That the rated level of noise emitted from the site shall no exceed background when measured in accordance with British Standard BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas at the nearest noise sensitive location. (New condition to be added)
- Conditions

Amendment to condition no. 16

That notwithstanding the approved plans and documents, units 24 – 30 (inclusive) shall not be used for the purposes of Class B8 of the Schedule of the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005.

Reason - In the interests of highway safety and to comply with government guidance in PPG13: Transport and T4 of the South East Plan 2009.

New condition no. 20

That the rated level of noise emitted from the site shall not exceed background when measured in accordance with British Standard BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas at the nearest noise sensitive location.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with advice in PPG24: Planning and Noise, and Policies C30 and ENV1 of the adopted Cherwell Local Plan.

- Amendment to recommendation (i) to read “subject to the applicant entering into a planning obligation satisfactory to the District Council to secure financial contributions towards; “
 - Transport infrastructure in Kidlington
 - Improvements to the Oxford Canal Towpath

Agenda Item 11 11/00974/F 42 South Bar Street, Banbury

- Amendment to recommendation (i) to read “subject to the applicant entering into a planning obligation satisfactory to the District Council to secure financial contributions towards; “

Agenda Item 13 11/01071/OUT Land at Station Rd, Enslow

- Members should have received an e-mail from Cllr Hallchurch (as OCC Member for this division) seeking support for this proposal which is linked to the community’s aspirations for a new school/village hall complex
- Members should also have received an e-mail from a representative of Bletchingdon Parish Council providing a summary of the Bletchingdon Community Project and some comments on behalf of the PC
- Members should also have received an e-mail from a planning consultant acting on behalf of the applicants who deals with the employment provision, housing provision and sustainability issues.

In response to this latter representation the SDPHE comments that

1. Policy EMP5 of the NSCLP must be read alongside other policies in the draft Local Plan and compliance with the requirements of that policy does not mean that other issues should not be assessed
2. The proposed contribution is unrelated to the scale and type of development proposed and should not be given undue weight as a planning benefit
3. It is not accepted that Policy EMP5 and H17 pull in opposite directions; there is a need to consider the sustainability of the proposed housing site, which in this case is poorly related to facilities
4. This site is too small to influence the Council’s position on it’s housing land supply
5. If Members were minded to approve the application consideration would need to be given to the mechanism for securing the affordable housing and the Council’s position on other normally required contributions to off-site facilities
6. The Head of Legal and Democratic Services has advised that the unilateral undertaking is not dated so can not be taken into account as a completed unilateral undertaking.

In addition, the UU is flawed in that the obligations are to pay sums to the Parish Council. The Parish Council are not the local planning authority so this obligation would fall outside the terms of section 106 Town and Country Planning Act 1990. Such an obligation (which is not related to a restriction on the use of the land) would be difficult for the District Council to enforce.

If Members are minded to grant planning permission and consider that these contributions are (1) necessary to make the development acceptable in planning terms (2) directly related to the development and (3) fairly and reasonably related in scale and kind to the development I recommend the planning permission is granted subject to the satisfactory completion of planning obligation with Cherwell District Council so that the contributions can be robustly secured.

- OCC as local highway authority have confirmed that they have now objections to the proposal

- A letter has been received from a local resident who comments as follows

I live at Stone Quarry House which is located next to B Line business centre.

With regard to the application for a business unit and seven new dwellings, I concur with the concerns raised with the position of the B1 Business unit (on the CDC website) in relation to levels, the fruit trees and the oak tree.

The proposed location of the B1 offices appear to be shoe horned into this corner of the site and far more description in the way of sections etc. are required to see how this new building would sit in its context.

I have serious doubts about its position in relation to the site entrance, the bank and the oak tree which is located on the boundary between Stone Quarry House and the development site. If a building was built in the location shown for the offices then most likely the oak tree would need to be removed (its influence on the foundations for the new building) and a retaining wall would need to be built near to the site boundary due to the significant change in level approx. 7 metres away. The oak tree provides good screening of this site from the road.

In addition, the fruit trees are enjoyed by people from the surrounding area. This group of trees also provides a thriving natural habitat for a wide range of animals.

I am in support of a development on this site as long as it is sensitively done and it relates to its context. I understand that this is an application for outline planning permission but these issues would need to be resolved in a detailed application would they not?

- The Council's Urban Designer has commented as follows
This is a revision of 10/00187/OUT on which I previously commented adversely in terms of urban design and visual impact. The DAS states that this submission has been redesigned to address my previous comments. The principal changes are
 - the reduction in number of units from 11 to 7
 - the layout along only one instead of both sides of a cul de sac
 - the changed appearance of the house types.

The planning policy principle of residential development on this site aside, on which I will not comment, and restricting my comment to layout and urban design, the DAS should demonstrate that an acceptable form of residential development can be accommodated on the site ie one that responds to the characteristics of the site and the local building typologies and urban form. This will include the amount, scale, massing, layout and landscape.

The DAS states:

The aspiration is to create a sensitively proportioned mixed use development which runs in sequence over the width of the site. The proposed scale of massing will look to create a common language between the scale of the development in Enslow and that in Bletchington.

Design of the proposal is to emulate a traditional farmstead style development with farmhouse and barn-conversions accommodation.

The aim is to create a rural farmstead development. The proposed property styles are diverse and designed to be interesting, creating a strong and cohesive sense of place. The development will emulate a farm house with associated barn conversions and farm structures.

- *On plot 1 and 2 – We have created a pair of semi-detached workman style cottages with shallow plan form as would be expected from this type of dwelling. The eaves height is kept low to provide enhanced views for Hilltop Cottage and Quarry House.*
- *On Plot 3 and 4 – A wider plan form reflecting the proportions of a barn in footprint. These units have large format glazing like you would expect from a barn conversion and similar to Ingelby Paddocks in style.*
- *Plot 5 – This property reads as a domestic farm building being a simple rectangular form with numerous subservient additions.*
- *Plot 6 – a much lower building reminiscent of a converted cattle shed or milking parlour, 1.5 storeys in height and simple in form.*
- *Plot 7 – a grand double gabled farmhouse style with significant bay windows overlooking the canal, large chimneys and courtyard type driveway with outbuilding.*

Scale and massing: The DAS states that the scale will range from 1.5-2.5 storeys, however the building footprints and massing are similar, as revealed in the cross section / street elevations, creating a repetitive series of large detached units. Some of the details of the roof form etc are not traditional to the area but matters such as this are reserved and do form part of this application.

Layout: No urban design analysis of the form of settlements or farm groups or how buildings relate to one another is included within the DAS. As I commented on the earlier application, *had one been undertaken it would have revealed that traditional village streets in the locality are generally composed of a mixture of dimensions of building footprint, of terraces and detached properties of a variety of locations on plot, often at the back of the highway, and of walls, open spaces and vegetation.* Regardless of the authenticity of the particular building typologies proposed (being farm house, barn, cattle shed and workers cottages), these would be constructed in a particular functional arrangement, usually around a yard, not strung out along one side of a street.

The proposal is for 7 dwellings arranged along one side of a cul de sac, each property sitting independently (other than the semi-detached units) with a front and back garden in its plot. As a result the 7 dwellings, described above, are revealed for what they are: a collection of large houses arranged in sequence along one side of a cul de sac. This proposal is reminiscent of a group of developer's show homes (one of each type in a suburban layout).

Appearance, scale and massing: The DAS includes numerous photographs of buildings in the vicinity, with a description of materials and features, which are used as inspiration for the building typologies in the application. The DAS is required to explain the design rationale behind the proposed appearance of the buildings and whilst this is done in part, the way the information collected is

applied is wholly inappropriate. The DAS states that the scale ranges from 1.5 -2.5 storeys and includes semi-detached workman style cottages, a barn conversion, a domestic farm building, a converted cattle shed or milking parlour and a double gabled farmhouse. Despite the typologies being based upon rural building types the layout is still a suburban one. The source buildings would have traditionally had functional relationship with one another, most probably grouped around a courtyard.

Landscape: The site is immediately outside the Oxford Green belt, effectively a shelf on the steep valley side that drops from the A4095 to the Cherwell valley floor. It is surrounded by woodland scrub vegetation and thicker woodland to the north east. The mooring basin on the Oxford Canal below the site is currently developing into a more commercial operation. This is a busy stretch of canal and the canal tow path is a popular amenity route. The DAS is required to explain the principles that will inform the future landscape proposals. In view of the sensitivity of the location I would have expected to see a landscape strategy setting out the key landscape principles that would ensure successful integration into the landscape. The DAS states that supporting information has been provided in the proposal drawings and photomontages, but this is inadequate for the purpose.

Therefore I conclude that the rationale behind the proposed design and layout of the scheme as set out in the DAS is inadequate and that the submitted layout is unacceptable.

Agenda Item 14 11/01081/F 21/22 Portland Rd. Milcombe

- As set out within paragraph 1.4 of the Officer report, amendments were awaited to show ten parking spaces on the site, the footpath linking from the street to the new site access road and the red line amended to include the land directly up to number 20 Portland Road. Amended plans have been received to show this, although the plan does not show the footpath linking from the street to the new site access road.

As such, **the conditions are recommended to be changed to:**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: application forms, design and access statement, information received with agent's email of the 17 August 2011 and drawing numbers 1167CCCD100 rev A, 1167CCCD102 rev A, 1167CCCD103, 1167CCCD201, 1167CCCD211 rev B, 167CCCD212 rev A, 1167CCAB113 rev A (proposed first floor plans), 1167CCCD113 rev A (proposed ground floor plans), 1167CCCD112 rev C
Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with PPS1: Delivering Sustainable Development
6. 4.13CD (RC13BB) [Parking and manoeuvring area retained]
7. Remains the same as within report

- Banbury Town Council have confirmed that they have no objections.
- Paragraphs 1.1 and 1.2 of the report are incorrect. They should read as follows;

1.1 The application site is a semi-detached, brick built property with an attached single storey garage and open fronted garden. The site is within a planned, relatively low density residential estate on the Western edge of Banbury.

1.2 The proposal is for the erection of a small front extension, comprising a porch and shower room to the front of the property, with a lean-to roof in brick and materials to match the main dwelling.