

SUPPLEMENTARY INFORMATION

Planning Committee

10 July 2014

Agenda Item Number	Page	Title
21.	(Pages 1 - 12)	Written Update

If you need any further information about the meeting please contact Aaron Hetherington, Democratic and Elections aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Agenda Item 21

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

10 July 2014

WRITTEN UPDATES

Agenda Item 7 14/00080/F North Oxon. Ac. Drayton Road, Banbury

- The Chairman of Committee has received the following correspondence from the speaker at the last Committee

Further to the last planning committee, I have now had time to consider the documents which were put into the public domain on 16 June. I remain concerned about planning procedures regarding the above applications and detail the points below.

Continued Concerns Regarding Planning Procedure – 14/00080/F

In his e-mail of 20 February, Raymond Cole of Sport England states the following:

“Should you require the applicant to address the concerns raised by Sport England, it should be made clear that the applicant should direct any response to the local planning authority and not Sport England directly. This will assist Sport England in ensuring it comments only on information formally submitted as part of the planning application.”

This request was not respected during the process.

The Case Officer states in an email to the Architect soon after on 24 February:

“Please copy me in on any direct correspondence that you have with Sport England”, instead of reiterating that contact should be via Planning.

I appreciate, as I stated at the last planning committee, that sick leave did play a part but I still do not find it acceptable that the Architect resorted to direct contact with Sport England, knowing this went against policy. “I am aware of the procedure in that I should direct emails through the case officer so she can consult you....” (email from Architect to Sport England dated 11 March).

Further correspondence from the Architect to Sport England could be seen to put some pressure on Sport England. “Your assistance in this matter is incredibly important to the success of this project.” (email dated 13 March).

Further correspondence continued that week.

Files indicate that the Case Officer was back at work from 17 March and the Architect is aware of this (email dated 17 March to the Case Officer). However, the Architect continues to contact Sport England direct later that day by email with further admission “I have perhaps interfered by contacting you direct...”

There is once more a feeling of pressure to the email.

Direct contact continues: emails dated 24 March, 26 March, 27 March, 31 March.

There is also evidence of direct phone calls between representatives of the applicants and Sport England. The Director of Sport at United Learning makes a direct phone call on 4 April. Of course, direct phone calls such as this cannot be properly detailed, but subsequent emails show that Sport England was not “persuaded” (reference Raymond Cole’s email of 7 April).

Meanwhile the general public’s only access to this information was via the correct procedure of contacting the Case Officer (and the public was not aware

of absences due to the Planning Department not ensuring out of office emails were activated and updated voicemail messages recorded). The website was not kept up to date with scanned documents so the public was unaware of this level of communication taking place with Sport England until just before the last planning committee when this point was raised.

Missing information on Application 14/00080/F

I have now worked through the files uploaded to the website on the 16 June. However, related files still seem to be missing or not appropriately linked to this case. I wish to highlight the following 2 important points:

- It appears the Case Officer held a meeting with the applicants at the school on 7 April. Documentation of this meeting is important because the Architect's email of 4 April states "From this meeting, the case officer will then start to compile her report..." The letter mentioned which came out of this meeting was attached to an email from the Case Officer to Sport England on 7 April but does not, as far as I can see, appear to feature in the public domain. There seems to be particular significance attached to the contents of this letter and it would be beneficial for the public to view.
- Another important point is that in the latter stages, correspondence appears to jump from the Architect's email of 30 April when it is clear that Sport England are still not in a position to withdraw their objection; to Sport England's letter of 17 June formally saying they will withdraw their objection subject to certain conditions being met. Again, it is in the public interest to continue to follow the trail of correspondence and have this available.

Planning Application 14/00695/F

The above referenced missing correspondence between 30 April and 17 June may well be under this linked application.

Objectors to application 14/00080/F were not notified direct of this other application when I feel they should have been. I was informed in passing by the Case Officer on 16 June but this was when the public consultation period had passed.

There is still currently just one document in the public domain under this application on the website, despite my raising this at the last planning committee.

Objectors have been clearly disadvantaged by not being directly made aware of this application and also not now able to view any documentation concerning it.

It has to be recognized that these applications have been intrinsically linked from the outset.

I am concerned with the way that this has been handled.

Conclusions

From reading the material I have access to, it is clear that the applicant had a hard job convincing Sport England of their case. As this appears to have been a drawn-out decision, it is all the more important that this process demonstrated it correctly adhered to procedures and was in the public domain throughout.

It is an important point to highlight that the public sometimes have local knowledge that can dispute certain points. For instance, the original application made much of the fact that the field concerning application 14/00080/F is currently "under-used" when local people know it has been used virtually every school day this school year. The original application also makes much of the fact that the car park is quiet and under-used too, omitting to recognize the

extent of its dual-purpose with NOA school traffic and the potential increased problems therein, which Highways was left to highlight. It could well be that other assertions have been made during the process which the public have not been party to, that may have changed opinion.

The fact is that I do not know for sure, given what has taken place. The whole reason this application was requested to be referred to planning committee was that there were a number of significant issues which the public needed to have confidence would be dealt with appropriately. I have to conclude that I still do not have that confidence and I would like to request that the procedure is independently investigated.

- The HDM has responded to the objector via the Chairman as follows
 - 1.The General Development Procedure Order does not prevent applicants from contacting consultee's directly. It's standard practice and often encouraged, provided the LPA is copied in on all correspondence.
 - 2.Although Mrs Blake is aware the case officer was off sick, she will not be aware of the extent of sick leave. However, this is a confidential matter.
 - 3.The LPA cannot prevent anyone from contacting Sport England in writing or by telephone.
 - 4.During the second period of absence, e-mails were forwarded to a colleague and voicemail was updated.
 - 5.The letter sent to Sport England following the site meeting wasn't scanned. I am arranging for this to be done.
 - 6.There doesn't appear to be any further correspondence between 30th April and 17th June with Sport England. The second application was validated on 30th April and the correspondence on 17th June was Sport England's formal consultation response to the application.
 - 7.The meeting on 7th April was a standard site visit to look around the site. I asked Mr Duxbury to attend as so that he could offer his experienced opinion on the application. Sport England were invited to attend a site visit, but declined.
 - 8.All of the documents for the Sports pitch application are scanned and should be available online
 - 9.I have previously informed Mrs Blake that she can still comment on either application. Any comments received prior to the committee meeting will be reported in the appropriate manner.
 - 10.It has always been clear that the sports pitch application was submitted in response to comments made regarding the loss of playing field required for the nursery.
 - 11.With regards to the concluding paragraphs of the letter; I content that procedures have been correctly followed. It is not unusual to except

consultee's such as highways to highlight concerns with applications – that is why we consult them.

12. The application is considered on the submitted drawings, documents, observations from the site visit, comments received and in relation to planning policy.

Agenda Item 8 14/00107/F Manor Farm Buildings Claydon

- Email from applicants agent advises that please advise the Committee that Mr & Mrs Jeffries are to vacate the premises within the next two weeks and further that the two remaining ponies will be moved to Mollington no later than 1st August 2014.

Agenda Item 9 14/00184/F Greenup, Banbury Road, Bloxham

- A letter has been sent to Members by agents acting for applicant as below

You may recall that the application was reported to the Committee meeting on 19th June 2014 and recommended for approval but a decision was deferred to allow a site visit by Members to assess the effect on neighbouring properties and the visual amenity of the locality.

We act as planning consultants to the applicant (Mr P Townsend) who moved into the bungalow in November 2013 and plans to live in one of the proposed dwellings. Our client's parents plan to live in one of the other properties to be near to the centre of the village. We write to set out the key issues in relation to our client's application and would appreciate you taking the time to read this before the site visit and Committee meeting on Thursday.

We wish to make 10 points about the proposal:

1. Compliance with the Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications like this to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In this case, the Council's officers have accepted that the proposal complies with Policies H13, C28 and C30 of the adopted Cherwell Local Plan, which although adopted in 1996 remains the Development Plan for this locality.

2. Lack of 5-year Housing Land Supply

Using the Council's own latest figures (Housing Land Supply Update, June 2014) there is just 3.4 years supply of housing in the District. The lack of a 5-year housing land supply weighs significantly in favour of this application.

3. Consistency with the National Planning Policy Framework

With the Cherwell Local Plan being out-of-date and the Submission Cherwell Local Plan (2014) not yet adopted (Examination suspended until December 2014) the application should be determined in accordance with the Government's National Planning Policy Framework, which aims to significantly boost housing supply. Paragraph 14 of the NPPF states that development proposals that accord with the Development Plan should be approved without delay.

4. Presumption in favour of sustainable development

The NPPF (Paragraph 49) states that housing applications should be considered in the context of the presumption in favour of sustainable development. The site lies in Bloxham in a residential part of Bloxham and in one of the largest and most

sustainable settlements in the District; it has accessible local services, good transport links, schools, shops and a wide range of homes, jobs and supporting community facilities and clearly constitutes sustainable development for the purposes of the NPPF.

5. Extant Planning Permission

The principle of demolishing the existing bungalow and erecting three dwellings on the site has already been established by the extant outline planning permission granted in May 2013 (13/00334/OUT); this is a significant material consideration in support of the current application.

6. Retention of character and appearance of the area

The principle of developing this site in depth and in the manner proposed was shown on the plans submitted with the 2013 outline application, which was considered by the Council to be acceptable on its planning merits being of a layout, scale and design appropriate in its context and not having any detrimental effect on the neighbouring residential amenities. The current proposal respects this previous consent in respect of layout, footprint, orientation and access.

7. Consistency with other decisions in the locality

This decision and layout is similar and consistent with others that have been approved in the locality, including those nearby at The Poplars, which was allowed on appeal, Claypits and Temple Close. The site lies within the built-up and urban part of Bloxham and the three dwellings will sit comfortably on the land with adequate space between properties. The height and size of the properties is similar to those approved and built in Bloxham recently.

8. Preservation of setting of Conservation Area

The site lies outside the Conservation Area but the traditional design, attractive appearance, vernacular materials, attention to detail and quality of construction of the dwellings will ensure that the proposal will be an asset to this part of the village and will preserve the setting of the Bloxham Conservation Area.

9. Compatibility with neighbours

The proposal has been carefully planned and designed to ensure that the dwellings are compatible with their neighbours; the design and layout has paid particular regard to the privacy, outlook and amenities of adjacent properties. The location and orientation of windows on the properties along with their relationship with other elements of the design (i.e. projecting roofs) ensures privacy for neighbouring properties. This is shown on the 3D drawings and the attached information prepared by the scheme architect and the applicant. This material satisfactorily addresses all the concerns expressed by local residents.

10. No technical objections

No technical objections have been raised by any other consultee; the Council's Arboricultural Officer and Ecologist, Oxfordshire County Council's Highways Liaison Officer and Thames Water are all satisfied with the proposal subject to the imposition of planning conditions on any planning permission. Planning conditions can also be used to effectively deal with any further details (e.g. levels) and materials to ensure that a high quality, low-impact development is secured on the site.

Conclusion

The Officer's previous report to Committee sets out all the relevant planning issues and concludes that the application should be approved.

The proposal would provide much needed housing in a sustainable location and the lack of a 5-year housing land supply weighs significantly in favour of the application. The principle of the proposal has been accepted by the extant planning consent, there is no adverse effect on the character and appearance of the area, the amenities of neighbouring properties will be protected and there are no technical objections. The proposal is clearly in accordance with the Development Plan and with policies in the NPPF

including the presumption in favour of sustainable development. As such, under Section 38(6) of the Planning and Compulsory Purchase Act 2004 the application should be approved; the failure to do so would result in a decision that would be unjustified and result in an appeal and a likely application for costs for unreasonable behaviour.

We would therefore ask you to accept your Officer's recommendation and grant planning permission for the proposal.

Agenda Item 10 14/00565/F Land at Wendlebury

- The applicant has been working with the Environment Agency to overcome the need for proposed condition condition 23. Whilst an amended plan has been submitted which marginally reduces the number of panels , this has yet to be ratified, and therefore the condition remains necessary
- A letter of objection has been received from a local resident I which they comment

I would like to object to this application based on several items

. a) Wildlife. There is substantial wildlife lives on this site, I see it every day as it is at the rear of my home. It is fine to say that the badger set must be protected but this does not protect them from the noise of pile-driving, which will inevitably lead to them being frightened away.

b) Benefit to the Village. I can see no benefit in this to the village and a huge one for the proposed owner of the site. No one has been able to answer what the actual 'benefits' will be, other than making the now tranquil field look like a prison site and giving the area 'street cred' as a green place.

c) Access. The footpath's view will be obscured by it. There are few safe places to walk pets (or not) around this village due to the main road being used as a bypass for junction 9. Why would anyone want to go out walking past a solar farm? I can see the current visitors to the village vanishing.

d) Traffic. The construction phase of this will last several months. Personally, I work nights and do not want to be kept awake all day by the noise of construction.

e) M40. I am concerned that this will further slow the traffic on the M40, either by people slowing down to have a closer look at it (until it is known) and by suffering glare from it causing yet worse safety than we already have on the motorway.

f) Construction traffic. The 7.5 tonne weight limit on the bridge from the A34 means surely that trucks would need to come through the village via the A41. There are numerous children and elderly people live in this village and I would not like them to be subjected to months of potential danger on our roads

Agenda Item 11 14/00463/F The Bell Inn, Hook Norton

- A letter has been received from the applicants agent. This is attached as an appendix at the end of this report
- E-mail from Mrs McLeod to Members in which she comments as follows

I am writing formally to you and those members of the Planning Committee who may remember me as a former member.

My address is Anvil House High Street Hook Horton , so I am within a few yards of the site of this application. The applicant lives at Wistaria House

which is directly opposite the site, across the road, and which they have beautifully restored and rescued from its long period of neglect. They want to do the same to the old pub building, which was another eyesore and worse, for us residents of the Village High Street, which we all do our best to keep attractive.

We have 2 excellent pubs in the village, the Sun and the Pear Tree, 3 if you count the Gate Hangs High just up the road.

So, as a resident of Hook Norton and as a former member of the Planning Committee, I am asking you all to look on this application favourably please.

- A further letter of support has been received from a nearby neighbour which comments

Our house is 3 doors up from the Bell. My wife and I would like to communicate our support for the change of use of the Bell. Since its closure as a pub, we have been spared regular – and filthy – midnight screaming matches outside our windows and broken glass, litter and used condoms in the bushes in front of our house in the morning. I seem to remember the car, or others' cars, being vandalised over the years. I believe that the Bell was heavily frequented by non-Hook Norton clientele, who were attracted by the drugs reputed to 'go on' there and its being away from main roads and the accompanying police presence.

There is a large pub just yards up the road (the Sun), also another at the end of the village and a third a mile outside. We have been very grateful for the improvement in the environment since the Bell closed.

Agenda Item 12 14/00695/F North Oxfordshire Academy

- See comments in Agenda Item 7 above
- Drayton Parish Council are not against the provision of a new pitch and welcome the provision of new sports facilities in the area.
 1. However there is great concern that the proposed location will have a detrimental effect on the Banbury end of the village. The new development of houses at the eastern end of the village is only a field away from the new pitch and will suffer from additional noise and the glare of the lights. There needs to be a requirement to limit the hours of use like the running track and Drayton golf?
 2. This is creeping urbanisation that will destroy the separate nature of Drayton Village and its conservation area.
 3. The new pitch would be better located nearer the school and away from the road in the NE corner of the existing playing field adjacent to the Athletics track.
 4. There should be no access direct from the Stratford Road to prevent problems with parking.
 5. Needs to be no access apart from organised events or school use.
 6. No cricket facility planned!

Agenda Item 13 14/00698/F Glebe Leisure Caravan Park, Fringford

- An e-mail was sent to Members from the applicants in which the following comment was made
Over the past ten years the caravan park has expanded into one of the premier

touring parks in the area south east of Bicester. The demand has been brought about by the fact that it is a well run and maintained site together with an increase in the development of Bicester and particularly the shopping experiences. To this extent the site requires to be monitored over 24 hours for the use of the fishing lakes and more importantly to provide and maintain the well being of the visitors, whether it be for a stopover one night or a holiday period.

Experience has told us that we require a permanent residential manager/warden on site and for this reason we have applied for permission to construct a permanent dwelling on site. The planning statement submitted sets out all the incidents that a permanent dwelling would overcome.

At a time when the present Government offering encouragement to small businesses to expand and create local employment we would therefore request your support in this application

Agenda Item 17 14/00847/F Land at Long Barn, Millers Lane, Hornton

- The following correspondence has been received post preparation of the report for committee:
 1. Hornton Parish Council wishes to raise no objection to the application.
 2. Eleven letters/emails in support of Mr Britton's application have been received from local residents.

JPPC ref: nw/5133

Laura Bailey
Planning Officer
Cherwell District Council

By Email

8th July 2014

Dear Laura

Application 14/00463/F
The Bell Inn, High Street, Hook Norton

I am writing further to the report to Committee in respect of the above application. I am disappointed that my offer to meet since the last Committee meeting has not been taken up, I am also surprised to see the item reported to Committee seeing as our most recent correspondence of 30th June (between myself and Olivia Coulson) advises that the Council was "at this stage ... considering the matter with our legal advisors".

It is my view again, that the item should be removed from the Committee Agenda this Thursday 10th July as there are significant matters which are not addressed and which cannot adequately be dealt with by way of an update.

I have set out as briefly as I can below the areas which I consider need attention.

Change of Use

Your report does not identify at 5.15 that the photocopy shop is currently in operation and as regards 5.16 bullet point 2, no vestige of the pub remains.

Village Services

Paragraphs 5.49 onwards of your report, deal with my question, notwithstanding our differing view on the use, as to the harm that would result from the loss of "The Bell". It is a long held principle that it is not sufficient for something to be contrary to policy to be objectionable, there must also be some harm demonstrated.

The John Phillips Planning Consultancy
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You have quoted from an appeal at the Bishop's Blaze as a comparable site. I do not share your view as to the similarities between these cases, but I do consider that if you are to rely on it as an example it would be correct to consider not just the first appeal, but also the second more recent appeal and most relevant from that, the opinions set out at paragraphs 22 onwards (APP/C3105/A/13/2190714).

Paragraph 28 of the NPPF suggests local plans should promote the retention of various local services and community facilities and this is qualified by paragraph 70 where the emphasis is on protecting such facilities where the loss would reduce the communities ability to meet its day to day needs.

The Inspector considers whether there would be any harm by assessing whether the retention of the Bishops Blaze was desirable as it possessed some attributes that were not provided by other pubs in the locality and whether there was clear evidence from the local community of an alternative viable community use. He considers the requirement to show long term viability in financial terms to be tempered by the NPPF. In other words, would it provide something to the communities day to day needs that currently is lacking or which would be lost as a result of the proposal?

Your report does not make an objective assessment of the attributes of the application site versus the other public houses in the vicinity. The nearest, The Sun Inn is less than 100 metres away, has convenient parking and a pleasant outside area, serves food and drink and has a large area inside to accommodate guests, provides accommodation, had a coffee shop (which notably closed through lack of custom despite the endeavours of clearly committed and knowledge proprietors) and has a function room.

The Pear Tree Inn is only some 600 metres away and again serves food and drink and has bed and breakfast accommodation and pleasant gardens. The Gate Hangs High is just outside the village, but has the countryside views, again accommodation including camping facilities, food and drink.

The straight question is – what would The Bell have that these don't? The other public houses provide adequately for the communities day to day needs.

The Parish Council and some commentators mention they "would have bought it" but the fact remains it was on the market as a leasehold premises between 2006 and August 2010 with no interest and as a freehold interest from 8th October 2010 until my clients purchase nearly 2 years later (see 11/00894/F). That is to my mind ample opportunity for any willing purchasers to come forward. They didn't!

As regards alternative community use, we are not aware of any interest expressed to the owners by the Parish Council or any group as regards purchasing the pub and I regard your paragraph 5.25 as misleading in that respect. Shadowy unknown individuals referred to as "people" or "local businessmen" are not reliable new owners on which to make decisions on planning applications and in that vein, 16 customers (the number of letters you have received) do not support a viable business.

I have seen no clear evidence from the community of a viable alternative community use. We have provided a list of other community facilities and it is again clear that the community does not lack any service which is required for its day to day needs.

Housing land supply

You comment at 5.55 that the contribution to housing land supply would be negligible. I attach an appeal decision which demonstrates that, in a situation where there is not a 5 year supply, even 1 dwelling is significant.

I trust the item will be removed from the Agenda and these matters dealt with. I would again state that I welcome the opportunity to meet with Officers to discuss these points prior to any new report being drafted.

Yours sincerely

A black rectangular redaction box covering the signature of Neil Warner.

Neil Warner BA(Hons) MSc MRTPI
Associate

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Attached:

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