

SUPPLEMENTARY INFORMATION

Planning Committee

21 May 2015

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If you need any further information about the meeting please contact Natasha Clark, Democratic and Elections natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 May 2015 at 6.35 pm

Present: Councillor Colin Clarke (Chairman)
Councillor Fred Blackwell (Vice-Chairman)

Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Matt Johnstone
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Alastair Milne Home
Councillor Richard Mould
Councillor Lynn Pratt
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor Rose Stratford

1 **Appointment of Chairman for the Municipal Year 2015-2016**

Resolved

That Councillor Colin Clarke be appointed Chairman of the Planning Committee for the Municipal Year 2015-2016.

2 **Appointment of Vice-Chairman for the Municipal Year 2015-2016**

Resolved

That Councillor Fred Blackwell be appointed Vice-Chairman of the Planning Committee for the Municipal Year 2015-2016.

The meeting ended at 7.35 pm

Chairman:

Date:

PLANNING COMMITTEE

21 May 2015

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site.

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Land to Rear of Tangmere Close and Scampton Close, Skimmingdish Lane, Bicester	14/0069/F	Bicester East	Approval	Linda Griffiths
8	Otmoor Lodge, Horton Hill, Horton cum Studley	14/01153/F	Otmoor	Approval	Tracey Morrissey
9	1 Hyde Grove, Bloxham	15/00263/F	Bloxham and Bodicote	Approval	Rebekah Morgan
10	Garage Block Adjacent 29 Westbeech Court, Banbury	15/00300/F	Banbury Easington	Refusal	Aitchison Raffety
11	The Roebuck, Banbury Road, North Newington	15/00307/F	Sibford	Refusal	Aitchison Raffety
12	Land to west of Banbury Road Twyford	15/00317/OUT	Adderbury	Refusal	Alex Keen
13	Land adjacent to Shipton Road Shipton on Cherwell	15/00394/F	Kirtlington	Approval	Shona King
14	Bloxham Mill, Barford Road, Bloxham, Banbury	15/00418/F	Bloxham and Bodicote	Refusal	Aitchison Raffety

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

16 April 2015

WRITTEN UPDATES

Agenda Item 7 Land S of Skimmingdish Lane, Bicester

- OCC comments received - raising no objections (see Appendix1)
- **Additional condition recommended** re noise levels
- The Council's landscape officer raises no objections

Agenda Item 8 Otmoor Lodge, Horton-cum-Studley

- Letter received from local resident urging refusal (see appendix 2)

Agenda Items 9 1 Hyde Grove, Bloxham 15/00263/F

- Letter received from adjoining resident objecting to the proposal (see appendix 3)

Agenda Item 11 The Roebuck, Banbury Road , North Newington

- Letter received from applicants agent criticising the officers report and seeking a formal site visit (see appendix 4 for full letter)
- Change to reason for refusal 1 as consequence of above removing reference to Policy H18
- OCC as local highway authority confirm they have no objections

Agenda Item 12 Land W of Banbury Road. Adderbury 15/00317/OUT

- 8 additional letters have been received from members of the public. The material planning issues raised have already been covered at Paragraph 2.1 of the committee report.
- **Letter from applicant** - see Appendix 5
- **Consultations** – CDC's Arboricultural Officer has commented that he is satisfied with the Arboricultural Impact Assessment submitted with the application.
- **Amendments to Appraisal**

1. at the end of Paragraph 5.17 insert:
"Furthermore, s66 of The Planning (Listed Buildings and Conservation

Areas) Act 1990 (as amended) requires that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*".

2. After Paragraph 5.51, insert:

"With particular regard to the harm caused to the setting and significance of the Grade I listed Church of St. Mary, whilst on balance this is considered to be less than substantial, nevertheless Paragraph 134 of the NPPF states that the harm should be weighed against the public benefits of the proposal. Moreover the Council has a duty, under s66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to have 'special regard to the desirability of preserving (a listed) building or its setting'. In this case Historic England have objected to the development and officers consider the level of harm that would be caused to the significance of a building which is recognised as being of exceptional historic interest would be considerable. Therefore the public benefits identified at paragraphs 5.49 and 5.51 above, which are limited, are decisively outweighed by this harm".

Agenda Item 13 15/00394/F - Shipton Road, Shipton on Cherwell

- Ecologist comments

There is no ecological information to accompany the application. I am unclear from the plans as to whether the temporary road will necessitate the removal of trees and shrubs and whether the field margin to be affected is likely to be a valuable habitat. There are several records of protected species in close proximity including Great Crested Newts however it is unlikely that the proposal for the haul road will have a significant impact on many of these beyond that already made by the adjacent development. The arable field is not optimal habitat for them.

The applicants should be aware of the possibility of badger setts in the wooded belt either side of the public right of way as there are local records and ensure that if any are discovered the law is adhered to in terms of disturbance (no works within 30m with heavy machinery) and they should be aware a licence may be needed should any setts be discovered.

The tree belt is also likely to be important to bats in terms of foraging and commuting between areas of woodland in the vicinity. Therefore the temporary road should not be lit as this could constitute unacceptable disturbance which in the case of bats can be considered unlawful.

Should permission be granted I would recommend that any vegetation removal is carried out outside of the bird breeding season, unless a survey for nesting birds is made by an ecologist beforehand (to include a check for ground nesting birds in the arable field and margins). Following its use all habitats should be restored and preferably enhanced from the current with additional planting and management.

I would suggest the following conditions:

- 1) All site clearance (including all vegetation removal,

movement of vehicles on site and all ground works) shall be timed so as to avoid the bird nesting/breeding season from 1st March to 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can commence based on the submission of a recent survey (no older than one month) that has been undertaken by an ecologist to assess the nesting bird activity on site (including ground nesting birds) together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

2) Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for restoring the habitats affected and enhancing the habitats/biodiversity on site following the cessation of the operational period shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
and the following informative:

Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

It is **RECOMMENDED** that these conditions are added to the decision

Agenda Item 14 Bloxham Mill, Barford Road, Bloxham 15/00418/F

- Amended plans received from applicants to show additional window openings to the original West screen elevation

RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: Cherwell

Application no: 14/00697/F-2

Proposal: Amendment – residential development for 71 dwellings

Location: Land to rear of Tangmere Close and Scampton Close, Skimmingdish Lane, Bicester

Transport Development Control

This is an amended TDC response from the initial comments provided on 27th January 2015. It is based on an Addendum to Transport Assessment issued by MJA Consultants on 17th April 2015.

It is noted that the following amendments have been made to the development proposals from those listed in the initial application in June 2014;

- Amendments to proposed site access,
- Reduction in number of units from 71 to 46,

The Addendum includes modelling of the revised access junction.

Recommendation:

No objection subject to conditions

Key issues:

- Accessibility & layout; and,
- Access arrangements and potential highway safety implications,

Legal Agreement required to secure:

- **Section 106 Agreement – Town & Country Planning Act**
 - Section 106 agreement to contribute £1,000 per additional dwelling towards the cost of enhancing bus services to the Launton Road / Skimmingdish Lane area of Bicester. Indicative contribution to improved public transport services - £46,000.
 - Section 106 contributions in line with the scale of impact of the development, towards the Bicester Area Transport Strategy, particularly emerging works on the Skimmingdish Lane corridor,
 - Provision of lighting along the footway / cycleway between Skimmingdish Lane and Sunderland Drive in accordance with commitments made in the Transport Assessment,
 - Provision of at least 4 Sheffield cycle stands at local shops in accordance with commitments made in the Transport Assessment.
- **Section 278 Highways Act 1980**
 - Technical approval of the geometrical parameters of the site access junction,
 - Amendments to Skimmingdish Lane to provide acceleration and deceleration lanes and ghost islands and central hatching.

- **Section 38 Highways Act 1980**
 - Main access road through the site.

Conditions:

1. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway (A4421), including; position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - *In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.*

2. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - *In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.*

3. No development shall commence on site for the development until a full drainage design for the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with Oxfordshire County Councils Drainage Team).

Reason - *In the interests of highway safety and flood prevention and to comply with Policy NRM4 of the south East Plan 2009 and Government advice contained within the National Planning Policy Framework.*

4. No development shall commence on site for the development until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason – *In the interests of highway safety and to safeguard the residential amenities of local residents in accordance with Government Guidance in the NPPF.*

Informatives:

- The nearby Glory Farm housing estate is currently served by buses S5 from Langford and Launton to Bicester Town Centre and Oxford. There is currently no evening or Sunday bus service east of Boston Road. Similar requests for £1,000 per dwelling to improve this service have been made in the greater Bicester area, (for example in Ambrosden). If other developments were to come forward, for example in Launton, then a similar funding arrangement would be sought.
- There is also currently a daytime bus service (no. 24) operating along Launton Road. This service is operated as part of the Caversfield-Bicester-Langford local route 22/23,

making use of some spare time in the current schedule. The continued operation of this service cannot be guaranteed, given pressures on the subsidised bus budget.

- The Bicester chapter of the draft Local Transport Plan contains a diagram of future bus routes in the Bicester area, and gives an indication of the proposed future network.
- Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's (OCC) Road Agreements Team for the proposed access works under S278 of the Highway Act. For guidance and information please contact the County Council's Road Agreements Team on 01865 815700 or email Road.Agreements@oxfordshire.gov.uk.

Detailed Comments:

- The original application concerned the provision of 71 residential dwellings. The amended Transport Assessment (undated) indicates that the revised proposals comprise a maximum of 50 residential units, with 46 included on the Site Layout Plan (141103/SL/05) and planning application. A development of 46 units would normally fall below the threshold for a Transport Statement and Travel Plan Statement. However, it is noted that there are existing capacity issues at local junctions on the highway network and therefore the scope of the assessment provided is considered appropriate for this site.
- The Addendum TA shows a visibility splay of 81m to the right (to the roundabout) and 160m to the left, 2.4m back from the stop line. Removal of existing vegetation will be needed to achieve these splays.

Skimmingdish Lane is subject to a 50mph speed limit. OCC's Technical Support Data (*Table B*) indicates that a splay of 160m is required for 50mph roads where no speed data is available. However, an ATC survey was undertaken at the location of the proposed residential site access between 15th and 31st November 2014. 85th percentile speeds were recorded as 41.7mph in a northbound and 41.6mph in a southbound direction (equivalent to 67.1kph and 66.9kph respectively). Using these actual 85th percentile speeds, *Table A* of the Technical Support Data indicates that lower visibility splays of 120m are required (based on a major road speed of 70kph).

- The north-western edge of the development is within 250 metres walking route (not straight line) of the Duxford Close stops on Sunderland Drive, whilst the south-eastern edge of the development is within 250 metres walking distance (not straight line) to the Scampton Close bus stops on Boston Road. The maximum walking distance from a dwelling in the middle of the development would be around 450 metres. Whilst these distances are not excessive, the development lacks clear pedestrian connectivity with adjacent areas, and thus walking routes could be perceived as indirect and less convenient than using a motorised vehicle.
- Whilst the developer describes bus services to this part of Bicester as reasonable, further development of the local Bicester urban and inter-urban bus network is urgently required to establish the bus as a credible option for journeys to work and for other purposes. Hence, this development will be required to contribute to the cost of funding this improvement of bus services in the Launton Road / Skimmingdish Lane area.

The developer proposes the provision of new bus shelters at stops in Sunderland Drive and at the Scampton Road stop. The Oxford-bound stop at Sunderland Drive already has a shelter. There could be difficulties at Scampton Road, as a consequence of previous correspondence with a frontage in this location. It is preferable for the developer to contribute to the cost of procuring additional bus-

vehicles to increase the frequency of bus services to destinations to the north-east and east of Bicester.

- In terms of walking and cycling the Transport Assessment is very positive – the walking and cycling distances to key infrastructure demonstrate the sustainability of this location. Features such as the cycleway taking priority over the road and cycle parking at the houses are all positives for this development. The proposal to provide links through the development to existing pedestrian and cycle infrastructure, particularly a link to the north western boundary to Sunderland Drive (and therefore Tesco Express and primary school) is welcomed.
- It is good to see the Transport Assessment for this site making reference to the Eco Bicester One Shared Vision principles and having a good awareness of local mode share targets.
- The TA makes reference to BicITLUS – the transport and land use strategy for the town from a few years ago; it would have been good to see more current reference to the area transport strategy within the Local Transport Plan (LTP3), but as the strategy has not changed fundamentally over the years this has not caused a problem in the assessments carried out.

The LTP3 transport strategy sets out three key aims for the town, which in short are:

- *BIC1 – to improve access and connections between key employment and residential sites and the strategic transport system;*
- *BIC2 – to work with strategic partners to develop the town’s walking, cycling and bus networks, and*
- *BIC3 – to investigate ways to increase people’s awareness of the travel choices available in Bicester.*

- In terms of links to the strategic transport network, the TA in paragraph 4.2.8 states that, “The M40, accessible via Bucknell Road described above, lies to the west of Bicester providing a link to London....” Although there is a rural link to the M40 via Bucknell the primary connection is to the south via the A41 and Junction 9 and the secondary connection is to the north via the B4100 to Junction 10.
- The proposed level of car parking falls within the maximum set out for Cherwell Urban Areas in the *OCC Parking Standards for New Residential Developments*. A total of 7 unallocated spaces are proposed from a maximum calculated allowance of 16. If visitor parking demand exceeds provision, potential exists for on-street parking outside of designated spaces. This could block access by refuse lorries, emergency vehicles and HGVs making domestic deliveries.
- The Addendum to Transport Assessment includes capacity modelling for the amended access arrangement based on 2024 SATURN flows;
 - No committed development flows associated with the adjacent Bicester 11 site have been included as part of the main modelling scenario as it is not currently known when a planning application will be submitted and MJA suggest that the proposed residential site could be built out and occupied before the employment site has gained planning consent. However, a sensitivity test has also been undertaken to assess the impacts of this.
 - The revised modelling for the access junction without Bicester 11 indicates significant delay for right turning movements out of the access road (c.53 seconds) during the PM Peak period. It is noted that there is a low demand for this movement during this period (only 6 PCUs) and therefore this does not lead to the formation of queues.

- There could however be a potential safety implication if the gap tolerance of drivers trying to egress is significantly reduced due to the long delays.
 - On occasions when several vehicles do arrive in quick succession, there is potential that vehicles will block back across the cycle / footway link running parallel to the A4421.
- Similarly, the sensitivity test of a staggered junction arrangement serving access to the residential development and adjacent Bicester 11 site shows long delays (c. 41 seconds) to right turning movements from the employment site in the PM Peak. Demand for traffic to make this movement is assumed to be low hence this does not lead to the formation of queues. However, only AM model outputs have been included in Appendix D of the Addendum to TA for the Sensitivity Test so it is not possible to review this modelling. Furthermore it is noted that the AM sensitivity test is based on a 'flat' profile whilst the modelling of only the residential access junction has used the more robust 'One Hour' flow profile.

Officer's Name: Neil Taylor
Officer's Title: Temporary DC (Transport) Officer
Date: 20 May 2015

4 The Green
Horton-cum-Studley
Oxfordshire
OX33 1AE

Chairperson
Planning Committee
Cherwell District Council

20th May 2015

Ref: 14/01153/F

Dear Chairperson,

I would like to submit comments regarding the application to convert the Otmoor Lodge pub at Horton-cum-Studley into residential houses. Unfortunately I cannot speak in person at the meeting at such short notice, so please would you ensure that this letter is read out or at the upcoming meeting on 21st May 2015, or distributed to members for their consideration.

The report presented to the committee represents a U-turn in recommendation. The previous report, prepared for the February Committee meeting, recommended refusal of the application primarily because it would result in a loss of village facility. Although no reasons have been submitted for the u-turn, I believe it to have been caused by the applicant's heavy use of legal advisors which has 'spooked' the Council's own legal department. I urge the planning committee to stand strong against this application, and not to be intimidated by the applicant's threats of legal challenge.

The crux of the matter is summed up in paragraph 5-13, where the report asserts that the Otmoor Lodge is categorized as a hotel, and thereby it "*does not involve a loss of a village service which serves the needs of the local community*". The assertion that hotels cannot serve their communities is clearly false; there are many small hotels, coaching houses and inns, that serve the needs of their local communities just as well as Public Houses do, and especially so in communities like Horton-cum-Studley where there is nowhere else for local people to gather. Policy S29 of the ACLP states: "*Proposals that will involve the loss of existing village services which serve the basic needs of the local community will not normally be permitted*". The applicant argues that because the Localism Act is limited in reach, and does not extend to Hotels or residences, that the Council is now powerless to protect the likes of the Otmoor Lodge. I urge the committee to realize that this is not the case. The Committee still has the same powers and responsibilities as before to protect essential local amenities and services, even for properties that the Localism Act does not cover in its narrow definition of 'Community Asset'.

The report presented for this committee meeting has dropped one of the key issues for consideration that was present in the February 2015 report. The complex and troubled history of the site is a key factor which should be considered by the committee. There have been numerous applications submitted, amended, and in some cases, violated, showing the applicant's disregard for the process of planning. The report's recommendation to approve the application with so few conditions would give the applicant carte blanche to launch further, more ambitious planning

applications, causing harm to the Oxford Green Belt. Members will remember that the Planning Committee approved retrospective change of use of 4 separate units of accommodation under 14/00430/F that were associated with hotel use. Essentially, it was considered that the loss of those units would not, in principle, impact on the viability of the hotel business. Indeed those 4 separate units were constructed in the Green Belt not long before, on the basis that they would make the Otmoor Lodge a viable business in an isolated community.

The February report's concluding recommendation still holds true: that the application should be refused, and that *"A reduced scheme could maintain a viable public house within the village"*. The loss of the facility as proposed would lead to an unacceptable impact on the local community and would therefore be contrary to Policy S29 of the adopted Cherwell Local Plan 1996, paragraphs C.205 and C.206 of the Submission Cherwell Local plan 2014 and Government Guidance contained within the National Planning Policy Framework.

Furthermore, approving this application would reinforce the view that pub landlords can benefit from the substantial windfall of changing their premises to domestic use in these times of inflated house prices, if only they will run their business poorly enough, and neglect the building for a long enough period. If the committee believes it is important to preserve the last remaining public amenity in a community, where people can meet, eat and drink together, then I hope it will reject this application.

Please forgive me, other villagers and our Parish Council for not attending the meeting in person – it only came to our attention at very short notice that the committee is considering this matter in May.

Yours truly,

William Lee
Villager of Horton-cum-Studley.

BJ & J.M. ROBERTS
27 BROOKSIDE WAY
BROMHAM, OXISLIP
17 MAY 2015

REF 15/00263/F

Sir, We have received the report of the planning officer's approval of the above application. Having written several letters opposing this, we unfortunately cannot attend the meeting arranged for Thursday 21st May 2015 as my wife and I will be on holiday, booked months ago, and will not return until the day after. So should it reach the point whereas C.D.C will not grant us an inspection and conduct the enquiry on Thursday, everything that our neighbour at N°25 Brookside Way says is our voice as well.

The front corner wall is about 14 mtrs from our kitchen, looking directly at N°1 Hyde Ave. If the application is allowed to build right upto the fence and our garden wall, it will bring the outside wall of the proposal less than 11 mtrs from our rear of my house as Rebekah Morgan states "Planning guidelines are not hard and fast rules". As there isn't any provision for a 1 metre gap (Planning Guidelines between our wall and the proposed build the net result will be, in our case, two brick walls running parallel to each other for nearly three metres about 25 centimetres apart. This in turn will enable the new proposed kitchen over looking me and my wife whilst we work in our well cultivated plot. No suggestion was made to your planning officer about looking into our kitchen or living room (5.16). Rebekah Morgan has resisted all overtures made to her, that following extensions built on the estate, it can be achieved by extending the kitchen at N°1 across the front of the house and around the side, with all services (water & sewage) already in place on the southern aspect of the house. Because, if this is recognised, the extension could be taken right upto the existing roof level as there would not need a "step down".

We hope and pray that this imposing and unfair application is rejected outright.

Sincerely

Page 14
BJ & J.M. Roberts



Our Ref: PJF/LS/kz/PF/9299
(Please reply to Banbury office)

louise.steele@framptons-planning.com

19th May 2015

Councillor Beere
149 West street
Banbury
OX16 3HE

Dear Councillor

**TOWN AND COUNTRY PLANNING ACT 1990
ROEBUCK INN, NORTH NEWINGTON
PLANNING APPLICATION REF: 15/00307/F**

I write regarding planning application ref. 15/00307/F to be heard at your planning committee on 21 May 2015.

We write to request that the planning application is deferred for a committee site visit.

The proposal is for a detached single storey dwelling at land at the Roebuck, Banbury Road, North Newington. The submission is a detailed planning application.

I want to bring your attention to some concerns we have with the officer's committee report. Unfortunately we feel the officer's report does not accurately summarise a previous appeal decision on the site.

In 2009 the Applicant sought to obtain outline planning permission for a dwelling, which was not successful through the planning appeal process. The officer's report to committee (ref. 15/00307/F) fails to refer to the following parts of the Inspector's appeal letter. The Inspector's appeal letter stated - when considering a proposal in outline form (at paragraph 10) that the proposal:

'It would not appear as isolated, built development in the open countryside unrelated to the existing village. In this respect I find no conflict with the overarching aim in PPS 7 to protect the countryside for the sake of its intrinsic beauty and character or the intention underpinning Policy H 18 which is to ensure that the countryside is protected from sporadic development.'

In this case the architect for the current detailed planning application has paid very careful attention as to how his detailed design for the dwelling would appear from the southern approach to the village. The dwelling will not appear unduly prominent on arrival into the village.

The Inspector's overall conclusion on this issue (paragraph 11 of her decision letter) was that:

*'erecting a single-story dwelling on the appeal site would **not** harm the rural character or high landscape value of the area.'*

Furthermore, the Inspector had difficulty with the earlier proposal due to the absence of a detailed design (the appeal application was in outline form). The Inspector stated at paragraph 17 that *'It seems to me that the effect of the development on the setting of the listed building cannot properly be assessed on the basis of an outline application where, scale, layout, external appearance and landscaping are reserved matters'*. This criticism of the earlier scheme is now properly addressed in the submission of a full application for planning permission.

The architect has properly had regard to the vernacular of the former Roebuck Inn in the design of the proposed dwelling, and its use of materials and design characteristics, particularly in the context of the roof pitch and use of external materials.

The Framework emphasises the commitment of the Government to deliver a wide choice of high quality homes (Section 6). Presently Cherwell District cannot demonstrate a delivery of the minimum requirement of a 5 years' housing land supply. While this proposal is for one dwelling only, the contribution towards remedying the shortfall is in itself a material planning consideration to be factored into the planning balance when considering where the public interest lies.

The proposal which provides a single storey, two bed dwelling would in particular meet the needs of the elderly and could be suitable for local residents of the village who may want to downsize.

We feel that the modest scale of the scheme and its lack of impact on the landscape and heritage assets can only be appreciated by viewing the site. We therefore respectfully request that the planning committee members visit the site to view the proposals.

Yours sincerely



Louise Steele

(signed in absence to avoid delay)

Democratic Services
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB
T: 01260 288800
F: 01260 288801
www.gladman.co.uk

20th May 2015

Dear Committee Member,

Planning Application Ref: 15/00317/OUT – Residential development of up to 98 dwellings, land for potential GP outreach surgery/pharmacy/community use and associated infrastructure (outline with means of access) at land to the west of Banbury Road, Adderbury.

Following the publication of the Council's Committee Report on 14th May 2015 for the above site, Gladman Developments Ltd (Gladman) would like to take the opportunity to respond to the Committee Report and outline their response to each of the Council's reasons for refusal. Gladman consider that each of the reasons could be overcome and that the proposed residential development represents sustainable development and should be approved without delay.

Reason for Refusal One

Cherwell District Council (CDC) identify that the Council can now demonstrate a 5.1 year housing land supply, including an additional 5% buffer, in order to meet Cherwell's objectively assessed housing needs set out in the emerging Local Plan.

Gladman considers that the Council is unable to demonstrate a 5 year housing land supply and a 20% buffer must be applied. The Council has a record of persistent under delivery of housing since 2001, which has been recognised in a number of recent appeal decisions, supported by the Secretary of State (SoS) (including Hook Norton (App Ref: APP/C3105/A/12/2184094) and Banbury Road, Deddington (App Ref: APP/C3105/A/13/2201339). If a 20% buffer were to be applied to the land supply calculation, CDC would be unable to demonstrate a five year housing land supply. This would render the Council's Local Plan housing policies 'out-of-date', which is a material consideration that weighs heavily in favour of granting permission. To revert to a buffer that is contrary to that which the SoS has prescribed to apply to Cherwell, in an effort to try and demonstrate a deliverable 5 year housing land supply must be incorrect.

In any event the policies are also out of date and inconsistent with the NPPF because the plan is a) time expired, b) the requirement is based on a revoked RS requirement, c) does not reflect the full objectively assessed need and d) the settlement boundaries are based on an out-of-date housing requirement and a housing requirement that is not NPPF or PPG compliant.

National policy also does not suggest a five year housing land supply should be viewed as a ceiling on permissions or that harm will arise as a result of approving sites in sustainable locations that will result in more than a five year supply. The housing requirement is a minimum requirement and delivery of a rolling housing land supply is important in meeting the local market and affordable housing needs of Adderbury and Cherwell.

Reason for Refusal Two

In reason for refusal two, the Council consider that the proposed development would cause considerable harm to the setting and significance of the Grade I listed church of St. Mary in Adderbury. Gladman commissioned a Built Heritage Statement as part of this planning application, which considers that through restricting development to the eastern section of the site and preserving the majority of the site as green space, the impact on the church of St. Mary would be lessened. The location of development will also ensure that some views from within the development area would be maintained, with these measures ensuring that any harm caused to the listed church would be less than substantial. It is considered that the impact on the Church of St Mary could be outweighed by the public benefits (listed below) of this proposed development

Reason for Refusal Three

This reason refers to the perceived unacceptable harm to the rural landscape character and quality of the area. Gladman commissioned a Landscape and Visual Impact Assessment as part of this planning application, which considers that the site and the receiving environment have the capacity to accommodate the proposals and would not result in significant harm to the landscape character or visual environment.

It is considered that any greenfield land will inevitably give rise to landscape impact, but in this case the impacts are not significant. The landscape impact must also be balanced against the substantial market and affordable housing need in Cherwell, which would significantly and demonstrably outweigh the landscape harm of the proposed residential development.

Reason for Refusal Four

This reason refers to the details of access shown on the initial Framework Plan dictate a modern estate layout. This application is outline only with all matters reserved apart from access. The Illustrative Development Framework Plan is presently for illustrative purposes only and not for determination. The final details of the proposed internal layout would be dealt with at reserved matters stage and would have to be approved by the Local Planning Authority. The internal road layout of the development can respond to the surrounding settlement pattern, therefore this reason for refusal could be easily overcome.

Reason for Refusal Five

The Council consider that the proposal would result in the unnecessary loss of Best and Most Versatile (BMV) agricultural land. The proposed development only includes the loss of approximately 3ha of BMV, which is considered insignificant in regard to the District's wider resource of agricultural land.

The Council are unable to demonstrate a five year housing land supply and it is considered that the loss of BMV agricultural land is not of a significant scale that would outweigh the clear social and economic benefits of the scheme. The loss of the agricultural land itself as a resource needs to be considered in the wider planning balance and in regard to the presumption in favour of sustainable development.

Reason for Refusal Six

In the absence of an archaeological field evaluation, the Council state that they cannot be satisfied that the proposal would not result in unacceptable harm to archaeological assets.

The results of the archaeological desk based assessment submitted with the planning application indicated that any archaeological features present within the study site are unlikely to be of significance to preclude development taking place. In order to overcome this reason for refusal, Gladman have undertaken a geo-physical survey which has now been completed (awaiting final report) and the results are expected to confirm that the site is of no archaeological interest.

Reason for Refusal Seven

The Council consider by reason of the lack of a satisfactory completed s106 to secure contributions, the LPA cannot be satisfied that the impacts of the development in these respects can be made acceptable. However, it is anticipated that an agreement could be found between Gladman and the LPA to confirm that reason for refusal seven is no longer relevant.

The Benefits of the Scheme

There are a considerable number of significant and demonstrable benefits of the scheme including:

- The provision of up to 98 dwellings, a considerable number of which are capable of being delivered within the next five years.
- The provision of policy compliant 35% affordable housing (up to 34 homes) for local people.
- Land for a potential health facility, pharmacy and community centre for existing and new residents.
- Substantial economic benefits, including:
 - An investment in construction could generate an associated spend of £2.7 million.
 - Around 106 FTE construction jobs per annum on average throughout the construction period.
 - Significant household spending annually following completion of the development.
- A New Homes Bonus estimated to be around £930,000.
- A significant overprovision of public open space including a Locally Equipped Area of Play and a Community Orchard.

These constitute (individually and cumulatively) considerable and weighty material benefits which, when taken together indicate significant and substantial adverse impacts would need to be demonstrated to justify anything other than the approval of this application.

The oversight in respect to the buffer is an unfortunate one, which clearly runs contrary to Inspector's decisions and those from the SoS. Without a supply the Council's planning balance would have to be significantly altered.

Planning Balance Conclusion

Gladman consider that the proposed development constitutes sustainable development, which is sustainably located and provides a significant number of benefits to the existing community of Adderbury.

This proposal will make an important contribution to meeting the shortfall in housing land supply and the second bullet of paragraph 14 of the NPPF is engaged in any event. The proposed residential development would provide market and affordable housing for local working people in Adderbury. There is substantial need for affordable housing in Cherwell District and this residential development could provide housing for local teachers, police officers and nurses etc. In this instance, members should also be aware that the land is owned by Cancer Research UK Limited and therefore any receipt to them will benefit there ongoing cancer projects.

It is clear from SoS decisions for Highfield Farm, Tetbury (App Ref: APP/F1610/A/11/2165778), Towcester Road, Silverstone (App Ref: APP/Z2830/A/12/2183859), Bloxham Road, Banbury (App Ref: APP/C3105/A/12/2178521) and Barford Road, Bloxham (App Ref: APP/C3105/A/13/2189896) that even with some impacts from the development, in order to rectify a 5 year land supply deficit, they have been found by the SoS to constitute sustainable development and permission has been granted.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is respectfully requested that the application should be granted based on the significant weight of material considerations

and benefits that demonstrably and favourably outweigh the departure from the policies of the out of date and time expired Local Plan.

Yours Faithfully,

Peter Hildrup

On behalf of Gladman Developments Ltd.