

SUPPLEMENTARY INFORMATION

Planning Committee

4 August 2016

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CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

4 August 2016

WRITTEN UPDATES

Agenda Item 7 14/01932/OUT Land S of Saltway, Banbury

1.) Following the publication of the agenda Oxfordshire County Council issued a short letter raising a minor query relating to the specific wording of part of the officers' recommendation. The letter is attached as Appendix 1 to the written updates paper.

2.) In response to Oxfordshire County Council's late representation as referred to above, the Head of Development Management is proposing a minor amendment to the officers' recommendation in the Committee Report.

The recommendation for approval remains as set out in the agenda subject to an amendment to point 3 to clarify that both a ceiling on the amount of development may be needed as well as a legal mechanism to secure delivery of the spine road rather than the 'either: or' approach originally recommended. The full recommendation to Members is now as set out below:

That Committee resolves to inform the SoS that the Council proposes to grant planning permission subject to:

- 1. The satisfactory completion of a legal agreement with both Cherwell District Council and Oxfordshire County Council to secure the items listed in paragraph 7.90 of the report;**
- 2. The imposition of the conditions set out in the agenda;**
- 3. The imposition of a ceiling on the amount of development that can take place on Banbury 17 until the spine road is completed including through use of additional/amended planning conditions/planning obligations; and/or, Securing an appropriate legal mechanism by which the means to deliver the completed spine road can be ensured prior to the occupation of a substantial amount of development on the Banbury 17 site.**

In the event that the application is not called-in by the SoS, to delegate authority to the Head of Development Management to issue the notice of planning permission subject to accordance with points 1-3 above.

That Committee also resolves to delegate authority to the Head of Development Management to make any necessary post-Committee minor amendments to the recommended conditions and items in the legal agreement subject to the prior written agreement of the Chairman. Any such changes would be limited to the extent that they

would not materially deviate from the nature of the Committee resolution and the basis on which on the SoS was informed of the Council's proposed decision.

- 3.) It is understand that Members have been sent a joint statement by both applicants for the two Banbury 17 applications that describes their collaborative approach to date and sets out their commitment to delivering the developments and the link road within their respective sites. A copy of the letter is appended to the updates.

Agenda Item 8 15/01326/OUT Land N of Wykham Lane, Bodicote

- 1.) Following the publication of the agenda Oxfordshire County Council issued a short letter raising a minor query relating to the specific wording of part of the officers' recommendation. The letter is attached as Appendix 1 to the written updates paper.
- 2.) In response to Oxfordshire County Council's late representation as referred to above, the Head of Development Management is proposing a minor amendment to the officers' recommendation in the Committee Report.

The recommendation for approval remains as set out in the agenda subject to an amendment to point 3 to clarify that both a ceiling on the amount of development may be needed as well as a legal mechanism to secure the delivery of the spine road rather than the 'either: or' approach originally recommended. The full recommendation to Members is now as set out below:

Approval, subject to:

- 1. Satisfactory completion of a legal agreement to secure the items set out in paragraph 6.79 of the report;**
 - 2. Imposition of the conditions set out at the end of the report;**
 - 3. Imposition of a ceiling on the amount of development that can take place on the Banbury 17 site through use of additional/amended planning conditions/planning obligations; and/or Securing an appropriate legal mechanism by which the means to deliver the completed spine road can be ensured prior to the occupation of a substantial amount of development on the Banbury 17 site;**
 - 4. Delegation of authority to the Head of Development Management to make any necessary post-committee minor amendments to the conditions and legal agreement (with the Committee Chairman's prior approval) in the interests of satisfactory decision making having regard to the Development Plan and any changes in circumstances including updates to central Government policy/guidance.**
- 3.) It is understand that Members have been sent a joint statement by both applicants for the two Banbury 17 applications that describes their collaborative approach to date and sets out their commitment to delivering the developments and the link road within their respective sites. A copy of

the letter is appended to the updates.

Agenda Item 10 15/01872/F Coop, 26 High St. Kidlington

- Error in para 7.1 of report – this application does not relate to extra care housing
- To assist in further understanding the County Council's request for public transport funding the case officer posed the following questions to OCC

Negotiations on the viability of this proposal and it's ability to fund all the Section 106 requests continue, and it is accepted by us at officer level that, with the level of affordable housing that we seek (which is proposed to be accepted as only 15% rather than 35% on viability grounds), only £200k is available for other payments.

I need therefore to provide advice to Committee on 4th August on the various merits and priorities for the limited funding.

With regards to the County's request for support for the improvement of the bus service to Langford Lane , I have two questions

1. *Given decisions taken by the County Council in the meantime is this request still valid; i.e. what is the unsupported future of this extended service?*

2. *I note that the legal agreement that is to be completed with Hill St Holdings/Bloombridge with regards to the proposed technology park on Langford Lane (app ref no 14/02067/OUT) should be providing £50k per annum for 5 years for the same service improvement. In the light of this funding stream is the request related to the Co-op site application really justified?*

Your views are invited on these issues

In response we have now received the following

1) *Yes. The purpose of the funding is to pump-prime the improved bus service towards an eventual commercially viable bus service.*

2) *Whilst the Technology Park may have planning consent, there is no absolute certainty that the development (and the s106 payments) will be delivered. If not, then the Contribution from the Coop redevelopment would be the first part of amount required to deliver the improved bus service,*

If the £250k is triggered, then this will pay for an enhanced bus service between 1000 and 1500 (approx.) on Mondays to Fridays. It will not pay for any service on Saturdays, Sundays or weekday evenings after 1900.

Ideally a bus service (at lower frequency) would be procured for these times, and the contribution from this development would enable this.

- Comments of local resident

Thanks for speaking to me about the Co-op site application in Kidlington last week. As you know I think that an appropriate development on the site could improve Kidlington centre, but that the current proposal represents damaging overdevelopment. I've now read your report for the planning committee and find it impossible to understand how your conclusion to recommend approval follows from the information in the report. The proposal is contrary to two policies (ESD15 and Kidlington2) in the recently adopted Cherwell Local Plan) and contrary to advice from your own Design and Conservation Officer. If the Council ignores its own plan and specialist advice what is the point of having them?

I won't repeat the objections I have already made to the application. However I would like to make three comments in relation to your report.

(1) There is a misleading statement in the very first paragraph (1.1) of your report. It says the site is "bounded by 3 and 4 storey housing to the east (Hampden building)". This is wrong. The Hampden Building is wholly retail on the ground floor with housing only on the upper floors. Also, most of the Hampden building is three storeys with two floors of housing. The only 4-storey element is included on the corner of the High St as a 'landmark' feature. It is opposite the part of the existing Co-op store which will be retained. No part of the Hampden building would be opposite the proposed new 4-storey housing only block on Sterling Road Approach.

Indeed, there is no four storey housing in the centre of Kidlington at all. There are two recent out-of-scale four storey buildings (Cydel Court) on the High Street with, again, retail below. However, three storey buildings with the top storey downplayed (for example by being within the roof) are the norm for the High Street and the centre of Kidlington. The proposed development is therefore out of scale and contrary to policy ESD15.

It is also contrary to your Design and Conservation Officer's advice (which you quote on p186-7): "The length and scale of this building are monumental and it risks overwhelming the character of this route" (Sterling Road Approach); A four storey building is "completely out of context with the surrounding area"; "I would recommend that the height is reduced to three storeys and the third storey is set back...".

Your officer concludes (p188) "It is my view that the proposed development is too dense for the site. This has led to significant concerns around the scale and massing of development alongside public realm issues. The scale of development along Sterling Road Approach will confuse the relationship between this area and the High Street. While the Council is comfortable with the principle of residential apartment development in this area, a substantial reduction in the number of units is required alongside significant changes to the design and massing of the building for the

proposals to be acceptable”.

While these comments related to the original application, the resubmitted proposal is substantially the same 4 storey block and your officer’s comments still apply.

I cannot see therefore how you can conclude in para 5.6 (p197) that the proposal would “fundamentally change and improve the area”.

(2) We spoke on the phone about the need to maintain ‘connectivity’ in the village centre which is currently provided by informal pedestrian routes and which serve to link the High Street with Oxford Road and Exeter Close beyond. These will be lost under the current proposal contrary to Policy ESD15, the draft Kidlington Masterplan and the earlier urban design study and village healthcheck that preceded it.

You said you would contact the adjacent landowners to establish whether they would be willing to help to retain these routes (which may well be established as Rights of Way already by virtue of continuous use). I trust that their responses will be documented. I would also point out that there are four possible pieces of land (and therefore potential landowners) that could provide pedestrian routes: (i) the Red Lion car park, (ii) the land alongside the Red Lion car park which is adjacent to the Shopping Parade, (iii) the access to Lloyds Pharmacy (all of which are currently used at present) and (iv) access alongside the Library building. The latter is presumably owned by the County Council and not accessible by the public at present. I appreciate that there would be difficulties in formalising any of these but with some thought and effort it could and should be done and create a real improvement both functionally and visually.

(3) The proposal as it stands would result in the loss of a significant amount of retail floorspace and would not significantly contribute to the regeneration of Kidlington Centre. It is therefore contrary to policy Kidlington 2. By removing car parking spaces it is likely to take away some passing trade and damage local businesses. I note that OCC Transport group in their comments on the proposal state that “Parking provision is considerably lower than standards for Cherwell urban areas” and express concern “about the low level of visitor parking”. By providing insufficient resident and visitor parking the proposal will put further pressure on the parking provision that remains in the Centre exacerbating the situation for local businesses. The proposal is simply too big and will damage, not regenerate, the Centre.

To conclude, I consider that the Council would be completely justified and reasonable in refusing this application as representing overdevelopment and being contrary to policy. The proposal does nothing to improve the village centre and simply appears to seek to maximise short term financial gain for the developer and landowner. I hope that with some time, imagination and effort a much better scheme can be developed that will benefit Kidlington for years to come. I hope you will reconsider your

recommendation.

- Comment from Kidlington Parish Councillor
I am disappointed at the conclusions you have come to in recommending approval of the application. The proposals as they now stand are very similar to the original proposals and the key objections made by me and many others have not been taken into account.

This site is one of the last opportunities to make a real difference to the quality of the village centre and this opportunity will be lost if the application is approved.

The proposal does not support and is contrary to policies ESD15 and Kidlington 2 in the recently adopted Local Plan.

It seems that you have ignored the advice of you Design and Conservation officer The design remains predominately 4 storey and there is a loss of retail opportunity at the ground floor There is no permeability of the site. There are established walkways by the Pharmacy and potential opportunity through the Red Lion car park. Have these opportunities been explored before recommending approval to members.

You state that the application will contribute to the viability of the village centre but I fail to see how you can justify this.

OCC Transport group state that the parking provision. Is considerably lower than standards for Cherwell urban areas. This will inevitably lead to further problems with on street parking near the village centre which is already a problem I remain concerned that there issues relating to affordable housing and other S106 funding from this project are not being met. You justify this on the basis of a commercial independent assessment which is not available as a public document You state that the parish council were to be consulted before the meeting but as far as I am aware there has been no further consultation I believe in relation to the inadequate S106 provision.

For these reasons alone I consider the committee should consider refusal on the basis of the application as it stands.

Agenda Item 13 16/00752/F Horton Grounds Farm, Hornton

- The Unilateral Undertaking has now been received – it requires checking by our legal advisers. The **recommendation** is therefore subject to the UU being deemed to be acceptable

Agenda Item 15 16/00982/F Shenington Gliding Club

- Shenington Parish Council raise no objections to this application. However, they would like a condition prohibiting the landing of helicopters

Agenda Item 17 16/01077/F Orchard Way, Heyford Road, Somerton

- Conservation Officer:

Is there any way this can be conditioned in such a way to ensure it is not converted to a dwelling in future?

The row of cottages behind the site are quite handsome, built of local stone with slate roofs and local brick chimneys. They are shown as enjoying uninterrupted views to Heyford Road in our historic OS maps up until the modern development that was inserted along Heyford Road with gardens to the rear. It appears that Somerfield enjoyed a larger piece of land and built a garage to serve the house. This was subsequently converted to a home office, then a separate dwelling 'Orchard Way'. A new garage is now proposed which is larger in size than the house 'Orchard Way'. There is little context to the drawings, no detail of the proposed garage next to the width of the lane on the other side of the timber fence and the properties to the rear or front, or indeed the house it serves, or the existing and proposed planting. It would appear the trees that screen the property would be lost, making the views from the properties to the rear, harder which is a pity as this provides some screening from the conservation area of the modern development, if there is to be any impact on the conservation area, it is the loss of tree screening and the building on backland development

We do not consider the open shed (which might be expected within a paddock) would have a significant detrimental effect on the character and appearance of the Conservation Area but the scale is large when viewed against the existing garage conversion which the proposed garage would serve. Suggest the length of the garage could be reduced - as it is an open-shed it would not normally have both cars opening their doors at the same time.

Access is considered under another application, the rural feel of the lane should be retained. Asked to consider an open shed for cars, I do not consider the impact on those houses in the conservation area or views from the conservation area via the footpath or Heyford Road will be compromised subject to details.

Barge boards are not traditional with only a few exceptions in the district, suggest eaves/gable details are supplied. Further detail is needed on how the boarding will abut the timber posts – will these be oak? How is the timber cladding to be detailed?

The slate should be natural, blue-grey to match the adjacent property behind. Is the pitch adequate for a natural slate roof?

- Somerton Parish Council response:

Object to the application on the following grounds:

This application is too brief on detail and does explain the relationship between this and application 11/01805/F | Proposed detached garage, store and log hovel | Somerfields Heyford Road Somerton Oxfordshire OX25 6LN. This was for a garage to house cars etc and a base has been laid.

The established principle for this area has been to maintain the loose knit nature of the settlement and not densify the area (as stated in the Appeal Decision letter relating to 14/00067/F) so a clear link/condition needs to be drawn between this application and 11/01805/F. The current lack of clarity would mean additional structures being built.

It is unclear to which property the space for the vehicles is associated with.

- Two letters of objection received, the following issues were raised (summarised, please refer to electronic file for full versions):
 - Confusion over publicity
 - Land abuts Conservation Area and footpath and would detract from the visual amenity of the area
 - Understood that Inspector put a restriction on further construction/extension
 - Too brief in detail, does not explain how it relates to 11/01805/F – this was for a garage to house cars etc. and a base has been laid
 - Established principle for area has been to maintain the loose knit nature of settlement and not densify area as stated in Appeal for 14/00067/F. A clear link needs to be drawn between 11/01805/F.
 - Current lack of clarity will mean additional structures being built
 - Unclear which property the space for the vehicles is associated with

Agenda Item 18 16/01078/F Orchard Way, Heyford Road, Somerton

- One letter of objection received, the following issues were raised (summarised, please refer to electronic file for full versions):
 - Confusion over publicity
 - Applications on back of a large number of applications, history document is not entirely accurate
 - Retrospective applications due to garage not being built in accordance with approved plans
 - Neighbours have always repeated that the intention was to build a dwelling; moved steadily now to an application for an extension with basement
 - Very little detail as to what is proposed, materials, nothing relating to basement, this is important given scale and nature of development
 - Understood that Inspector put a restriction on further construction/extension
 - Somerton built on springs, we are adjacent to land in elevated position and have 2 wells in our garden. Has there been a hydrological survey otherwise there is risk of flooding if basement changes existing water courses. Listed as minor groundwater vulnerability aquifers but on what basis?

Agenda Item 20 16/00002/F Sundown, Crowcastle Lane, Kirtlington

- Correction to Section 5 The comments are from Kirtlington PC and not Kidlington PC
- Further comments from Kirtlington PC

As with most Parish Councils, we do not meet in August and by the time we knew about this planning application going to Committee we had all made our holiday arrangements and apologise to the Committee for not

having anyone present from the KPC

However may I ask you to represent us at the hearing and reiterate that there is very little,if any, difference between the original application in January and the latest version and therefore the applicant has not taken into consideration any comments made about the first application. The box shape design and the materials do not match the existing village architecture and from a street view would be very imposing and somewhat incongruous.

I quote below KPC's original comments to the first application –(as set out on page 340 of the agenda)

Date: 29 July 2016

Your ref: 14/01932/OUT and 15/01326/OUT

Matthew Parry
Principal Planning Officer
Development Management
Cherwell District Council
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Bodicote
Banbury
OX15 4AA

**Environment & Economy
County Hall
New Road
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OX1 1ND**

**Bev Hindle
Acting Director for
Environment & Economy**

Sent by e-mail to
matthew.parry@cherwell-dc.gov.uk

Dear Matthew,

**Officer Recommendations to 4th August 2016 Planning Committee for Applications
14/01932/OUT and 15/01326/OUT (Banbury 17, Salt Way): Delivery of Link Road**

Thank you for your consideration of OCC's consultation response to the above applications in your committee reports and for the continuing constructive joint working on this allocation site. I am writing to recommend that you consider a slight variation to the recommendations to Planning Committee for both applications in order to ensure delivery of the link road across the Banbury 17 allocation site between Bloxham Road and White Post Road.

As you are aware, subject to grant of planning permission for both applications, if implementation of either permission is stalled or development is not commenced as expected, there is a small but significant risk that full and early delivery of the link road will not be possible. To cover this eventuality, we would wish to ensure there are options in place for full and early delivery of the link road as required by policy Banbury 17. Point 3 on both of the recommendations requires an appropriate legal mechanism by which delivery of a completed spine road is secured. However, as currently written this is an 'either/or' requirement, along with a ceiling on the amount of development that can take place. OCC would strongly recommend that both these requirements are necessary to ensure full delivery of the link road and that the either/or option is removed. Imposition of a ceiling alone would not ensure delivery of a complete spine road.

If on reflection you decide not to amend the recommendation, I would be grateful if you could share the above advice from OCC with your Planning Committee.

Please do not hesitate to contact me if you wish to discuss this matter further.

Yours sincerely



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Members of Cherwell District Council Planning Committee: Councillor David Hughes (Chairman); Councillor James Macnamara (Vice-Chairman; Councillor Hannah Banfield; Councillor Andrew Beere ; Councillor Colin Clarke; Councillor Chris Heath; Councillor Alastair Milne-Home; Councillor Mike Kerford-Byrnes; Councillor Alan MacKenzie-Wintle; Councillor Richard Mould; Councillor D M Pickford; Councillor Lynn Pratt; Councillor Nigel Randall; Councillor G A Reynolds; Councillor Barry Richards; Councillor Nigel Simpson; Councillor Les Sibley; Councillor Nicholas Turner

Reserve Members of Cherwell District Council Planning Committee: Councillor Ken Attack; Councillor Maurice Billington; Councillor Hugo Brown; Councillor Ian Corkin; Councillor Nick Cotter; Councillor Surinder Dhesi; Councillor Carmen Griffiths; Councillor Timothy Hallchurch MBE; Councillor Sandra Rhodes; Councillor Bryn Williams; Councillor Barry Wood; Councillor Sean Woodcock

2 August 2016

Dear Councillor

Planning Committee, 4 August 2016

Land Adjoining and South of Salt Way (14/01932/OUT) and Land West of Cricket Field and North of Wykham Lane, Banbury (15/01326/OUT)

This letter has been prepared on behalf of Gallagher Estates and Gladman Developments, the applicants of the above two applications to be put before you at Planning Committee on the 4th August 2016.

The applicants have been engaged in discussions for some time to bring forward this allocated site. The applications collectively deliver some 1,280 homes (including affordable), together with a new primary school; secondary school land; a local centre and general green space; allotments; play space and sports provision on land allocated as part of the Strategic Development of South West Banbury (CDC Local Plan Policy Banbury 17). Furthermore, it is through the development of these two sites, that the east-west spine road between Bloxham Road and White Post Road, will be delivered.

The purpose of this letter is specifically to address matters raised by OCC in its consultation response, in respect of the delivery of the spine road between the two developments; matters which Gallaghers and Gladman would ask you to consider prior to reaching a view on the applications before you.

Firstly, Gallaghers and Gladman wish to make Members aware that they have been working together for some time on these sites and have jointly engaged in a number of round-table discussions with officers from CDC and OCC specifically in respect of site (Banbury 17) wide infrastructure. These joint discussions proved helpful in exploring the indicative housing trajectories for each site, which have in turn informed timescales for provision of site-wide infrastructure items, and well as resulting in an agreed comprehensive Master Plan for the site (enclosed), a requirement of Local Plan Policy Banbury 17. The Master Plan illustrates the disposition of development and provision of infrastructure proposed by the wider site allocation, to include the alignment of the spine road between the two sites.

Notwithstanding this collaborative approach to infrastructure provision, OCC appears to question the ability to reach agreement with both applicants in respect of the timely delivery of the spine road between Bloxham Road and White Post Road across the two application sites.

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To confirm, Gallaghers and Gladman remain committed to delivering the spine road across the land they control as part of the phased implementation of their respective developments, acknowledging the triggers to secure completion of the spine road to the site's respective boundaries as set out in the Committee Reports. Indeed, those triggers being the outcome of joint discussions as referred to above.

Gallagher and Gladman have together agreed the point of connection of the spine road and this is reflected in each of the respective submission documents. The point of connection and agreed design parameters for the link road, will be secured through the S106s for each development.

The spine road will be subject of S38 agreements between the Highway Authority and applicants, which could include securing a bond for the requisite monies to be held to ensure the spine road is constructed to an adoptable standard and in accordance with the design and construction details to be approved at a later date, but prior to the implementation of development. This provides a mechanism for securing design consistency as well as appropriate pro-rata funding towards the costs of the construction of the spine road, as requested by OCC.

We appreciate that the delivery of infrastructure, (spine road, primary and secondary education, local centre/community building and formal and informal open space uses) alongside the development will require an effective, co-ordinated and managed programme from start to completion. This is in effect a role of the "master developer" and one which Gallagher Estates has significant current experience in through its implementation of major strategic developments across the country and one that Gladman is experienced through past business parks and industrial development and through the sale of many large residential sites across the Country to housebuilders. Our approach to infrastructure delivery is considered to satisfy the requirements of Local Plan Policy Banbury 17 and should provide sufficient certainty to Members regarding the collaborative approach taken by the applicants to agree the nature of and timely delivery for site-wide infrastructure.

Both Gallagher Estates and Gladman Developments have committed significant resources to the evolution of not only the application proposals themselves, but also the policy context that underpins these proposals. They will continue to work with the Councils to progress their respective S106's to ensure that development can be delivered not only comprehensively, but also at the earliest opportunity so as to secure the delivery of homes and infrastructure in accordance with the allocation, whilst making a substantial contribution towards meeting the housing need in the District.

Yours sincerely

Nicholas Freer
Partner
Email: nfreer@davidlock.com

Encl: Banbury 17 Comprehensive Master Plan