

SUPPLEMENTARY INFORMATION

Planning Committee

16 March 2017

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CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

16 March 2017

WRITTEN UPDATES

Agenda Item 7 14/02121/OUT Proposed Himley Village, Bicester.

- 1 email of objection has been received raising the following points:
 1. Flooding - there will be a huge run off from this scheme when all the Suds swales are full. There is no way the applicant can control the amount flowing into the River Bure and Pingle brook. So central Bicester and Bicester village will flood more often. The study shows a very low level of expected rainfall.
 2. There will be an adverse impact on the Bicester AQMA as the residents travel into Bicester for dentists, Sainsburys, restaurants etc. and bring NOX pollution with their cars and buses. This is illegal under EU law. No further development in the area should be approved until the Air Quality improves to below the legal requirements
- E-mail received from OCC

With regard to bullet 3 of the Himley committee report recommendation (copied below for ease of reference), as Local Highway Authority we recommend option 'A' over option 'B' because it would reduce the risk of even more houses being built without the necessary infrastructure in place. We also request that the words "and the Local Highway Authority" are inserted after "Network Rail" in bullet 1, and after "Cherwell District Council" under bullet 3 option b as the Local Highway Authority are inherently involved in the road/tunnel delivery programme.
- Response to above comments

With regard to the Highway Authority response suggesting option 'A' over option 'B' in bullet point 3, the recommendation is made for both options. This is explained at paragraph 7.43 of the report. The recommendation seeks agreement that both points will be built into the Legal agreement.

Officers agree with the OCC recommendation to add 'and the Local Highway Authority' in the relevant place within the resolution and the wording for the recommendation is therefore amended to be as follows:

Approval; subject to:

- Finalisation of a programme that has been received by the local authority, agreed and supported by Network Rail and the Local Highway Authority, that provides confirmation that the proposed road and tunnels under the railway at NW Bicester can be provided

2019/2020 prior to the issue of the planning permission.

- The following set of conditions with delegation provided to the Head of Public Protection and Development Management to negotiate final amendments to the wording of conditions following a detailed review by Officers;
- The completion of a legal agreement in accordance with the attached Heads of Terms (at appendix B), including delegation provided to Officers to negotiate the agreement, including the following requirement with regard to phasing;
 1. No more than 500 dwellings shall commence and be occupied until either;
 - a) The realigned Howes Lane and tunnel under the railway (as permitted under application 14/01968/F or such other application for the road and tunnel that has been approved) has been provided and is open to all traffic or;
 - b) The realigned Howes Lane and tunnel under the railway (as permitted under application 14/01968/F or such other application for the road and tunnel that has been approved) is subject to all necessary consents and approvals, such that there is certainty over the programme for its delivery and agreement is in place between the applicant and Cherwell District Council and the Local Highway Authority as to the phasing of the remaining 1200 dwellings and associated infrastructure the subject of application 14/02121/OUT
- An additional planning condition is required as set out below (which was referred to verbally at the Committee in February 2016 and which is also mentioned in the February 2016 report but does not appear in the list of recommended conditions). This will be inserted into the list in the appropriate place potentially requiring a re-numbering of conditions and this will be carried out during a detailed review of conditions by Officers, delegation for which is sought via the recommendation made:

Notwithstanding the submitted drawing titled 'Building Heights – Parameter Plan 5' (drawing number 592-PL-104 Rev D), the maximum height at the north of the site (indicated in dark orange) shall not exceed 17m.

Reason: To secure the delivery of high quality sustainable development that is of an appropriate scale in accordance with Policy ESD15 of the adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Agenda Item 8 16/02355/F Bramshill Park Farm, Horley

APPLICATION WITHDRAWN

Agenda Item 9 16/02529/F 60-62 Broad St, Banbury

- Eight further letters of objection have been received. The issue of the authorised use of the building has been raised. The most recent application to change the use of the building was made in 1998 (98/01724/F). This was for a change of use from bingo hall (Class D2) to a restaurant (Class A3). This was at a time when the use classes order was looser and included drinking establishments and hot food takeaways as well. Therefore, the change of use to a drinking establishment could have happened without the need for a change of use application, prior to 2005. Even if it is considered that the building's last use was as a drinking establishment, there are a significant number of other drinking establishments in the town centre. Paragraph 70 of the NPPF states that planning decisions should *'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs'*. As there are a number of other similar drinking establishments in close proximity of the site, it is considered that the loss of Wonderlounge would not significantly reduce the community's ability to meet its day-to-day needs. Whether the authorised use is as a restaurant or a drinking establishment, it is not as a theatre and has not been for a number of decades and this application has been assessed on this basis.
- Since the committee report has been published, the building has been nominated as an Asset of Community Value. The Council has an eight week period in which to decide whether the building is to be registered as an asset or not. The Assets of Community Value and associated Community Right to Bid schemes were introduced as part of the *Localism Act 2011*. Community assets can be nominated by parish councils or groups with a connection to the local community. Once an asset is listed by a council, it is held on the register for a five year period and if the owner of the asset intends to sell the said asset, the group that has listed the asset can trigger a six month moratorium to raise funds and bid on the asset. The scheme does not give first refusal to the community group; it just gives the group the right to bid for the asset. The scheme does not give the community a right to buy the asset, just to bid. The building has been marketed for a number of years and remains on the market at the time of writing this update. Its nomination as an Asset of Community Value is a material consideration but this would not change the recommendation.