

**SUPPLEMENTARY INFORMATION**

**Planning Committee**

**18 May 2017**

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*If you need any further information about the meeting please contact Aaron Hetherington, Democratic and Elections [aaron.hetherington@cherwellandsouthnorthants.gov.uk](mailto:aaron.hetherington@cherwellandsouthnorthants.gov.uk), 01295 227956*

## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

18 May 2017

### WRITTEN UPDATES

#### **Agenda Item 7 15/00837/OUT Land on NE side of Gavray Drive, Bicester**

- In order to allow some limited flexibility following Planning Committee to assist in the negotiation of the legal agreement and enable some minor modifications to the recommended conditions, officers are recommending an **amendment to the recommendation** set out in section 9 of the committee report so that it now reads as follows:

*“That Members resolve to grant outline planning permission subject to the conditions listed below and delegate the issuing of the decision notice to the Head of Development Management following satisfactory completion of a legal agreement to secure the items listed in paragraph 7.68.*

*That Members delegate to the Head of Development Management the ability to make any necessary minor modifications to the approved conditions and planning obligations in the interests of robust decision making but only with the prior written agreement of the Chairman of Planning Committee.”*

The recommended conditions listed in the committee report are not proposed to be amended and so continue to form part of the recommendation.

- Members will also have received an email from Dr Roberts of the Save Gavray Meadows campaign. This has not been repeated in full here but in summary it states:
  - The Conservation Target Area and Local Wildlife Site are important to local residents and Bicester is short of amenity and natural green space. The Council should seek to protect all of its urban natural green space. The Save Gavray Meadows campaign has a vision for designating land east of the brook as a Local Nature Reserve and an illustrated plan for this has been sent to Councillors in a separate e-mail. As the land north of Gavray Drive is such an important wildlife area for Bicester Garden Town, it is imperative that as much of what remains is fully protected, especially as this is the intention of those who drafted the Local Plan.
  - The protection of the CTA and wildlife site can only happen if the land east and west of the brook is planned as a whole. The piecemeal approach of developing Bicester 13 by just submitting an application for the 180 houses on the west, does not make the required provision for the correct management or funding of the Local Wildlife Site on the east side as is specified in the LP policy. So to protect the LWS, a management plan (that the developers will be required to provide and implement in due course anyway) needs to be brought forward to any application for any housing
  - The developers attempt to include discussion of Gavray East within the current application to avoid this criticism, as they have submitted an ‘East illustrative masterplan’. This does not demonstrate how the above requirements for the Conservation Target Area and Local Wildlife Site

will be fulfilled, nor does it discuss the other policy requirements. Thus it is insufficient and an application for the whole of the Bicester 13 site should be submitted when all these matters can be considered.

- The officer's report argues against the proposition of increasing the housing density on the west side of the brook to relieve the pressure on the CTA in the east. However a precedent has been set in NW Bicester for increasing housing density such that the Policy Bicester 1 requirement for 40% open space can be fulfilled. This shows that increasing the housing density in the west to save Gavray Meadows is a sound proposition.
- In recognition of the strength of public opinion Cherwell Council voted in October 2014 to seek to designate the CTA as a 'Local Green Space' as defined in the NPPF for its beauty, wildlife importance, biodiversity and tranquillity. Bicester Town Council on June 29th 2015 wrote to Cherwell Council to, "...reiterate their strong support for the protection of the retention of the Gavray Drive Nature Reserve and requests that it is designated as a Local Green Space." Councils' wishes are being ignored in this application as the officer's report fails to refer to the LGS designation (which remains an unresolved commitment), and fails to show in full the strong objections by Bicester Town Council sent in both 2015 and in April this year.

The committee report addresses many of these comments but for clarity officers' would respond to these latest concerns as follows:

- There can be no objection to considering planning applications covering only part of an allocated site provided that what is proposed does not fetter the ability to achieve the overall objectives of that allocation. Officers are clear that achieving more than 180 dwellings on the land to the west of Langford Brook is not reasonable and would lead to a cramped and poor quality development that does not accord with the provisions of the Development Plan including Policy Bicester 13. As it stands, there is already insufficient capacity within the site to provide outdoor sports facilities, advanced children's play area and allotments as required by Policies BSC11 and Bicester 13 and additional development would compromise the quality and suitability of the new residential development.
- By approving 180 dwellings on the land to the west of Langford Brook it does not automatically follow that 120 dwellings have to be approved in due course on the land to the east at all costs. Policy Bicester 13 and other adopted planning policies resist development that would cause harm to Local Wildlife Sites and Conservation Target Areas. In any event, evidence presented as part of the preparation and examination of the Local Plan Part 1 suggests that there is the capacity to accommodate approximately 120 dwellings on land to the east of Langford Brook whilst still delivering net gains for biodiversity as well as enhancement of the CTA and LWS. Evidence submitted as part of the planning application also indicates that this is the case.

- The applicant's illustrative masterplan showing development on land to the east of Langford Brook is purely indicative and replicates the documentation submitted as part of the examination of the Local Plan Part 1. It was simply to inform the theoretical biodiversity impact assessment relating to the land to the east. The Examination Inspector essentially concluded that some new development in the CTA was inevitable as part of developing 300 dwellings on the allocated site and saw no reason why this could not be compatible with achieving enhancements for the CTA and LWS.
- Policy Bicester 1 provides support for a wholly different nature of residential development than Policy Bicester 13. It is not material to the consideration of this application.
- Officers have not been silent on the matter of the Council's previously expressed interest in the potential for a Local Green Space designation covering part of the allocated site to the east of Langford Brook - this is referred to in paragraph 7.73 of the report. However, put simply, there is no proposed or actual designation within either an emerging or adopted development plan document. As such, it cannot be given any weight at all. Furthermore, it is not clear how a Local Green Space could be designated in a future development plan document on land (other than perhaps covering the LWS) which is subject to a housing allocation and through which Policy Bicester 13 accepts could see new built development in the CTA.

**Agenda Item 10 17/00133/F Rookery Barn, Lower End, Piddington**

- Correction at Paragraph 1.1 as follows:  
The site does not contain any listed buildings, although Grade II listed 78 Lower End is situated to the north-west of the site.
- One further comment received on 17 May 2017 summarised as follows:  
The building will be built over a main water pipe that covers a number of properties some distance away but within Piddington. It has broken twice when the original manure was built, so could be a problem if approved and the builders are unaware

**Agenda Item 11 17/00145/F Land off Windell Lane, Piddington**

- **CHERWELL DISTRICT COUNCIL LANDSCAPE:**  
*No objection in principle - The site is within an existing field pattern of established hedgerows, and combined with the flat topography, is visually contained and screened to the benefit of visual receptors, walkers and vehicle users on Windell Lane. The access is proposed to be widened for highway requirements which will expose the view of the site and its mobile homes to walker receptors (apparently a regular walking route for local people) to a greater degree of visual harm compared to the current, reasonably attractive view of the site with the backdrop of the hill. There are no PRow's with visual receptor impact issues within the vicinity of the site.  
The hedgerow on the frontage of Windell Lane should be retained and maintained*

*to a 4 m height above ground level to ensure the screen is maintained to the benefit of visual receptors on Windell Lane. The south boundary is to be retained and maintained to 3 m above ground level.*

*New hedgerows on the west and east boundaries are necessary to contain the site to application boundaries, for purposes of amenity for site residents and mitigation for the benefit of the landscape receptor i.e. enhancing landscape character.*

*If the development is approved the reconfigured design layout should allow for a landscape buffer between the new and existing hedgerows for the purposes of limiting overshadowing to homes and gardens, and ensuring that maintenance is not the sole responsibility of individual site residents because of risk of removal of hedgerow vegetation to alleviate these problems.*

*Because of the visual receptor view experience from the highway access – as to the benefit of site residents and visitors - the intervening central area should be attractively landscaped with individual trees and grass: an attract visual link to the landscape beyond.*

*Landscape proposals will be required and secured by condition.*

- **ADDITIONAL THIRD PARTY COMMENTS:**

- **3 further letters of objection:**

*Representations from residents of Piddington stating that the proposal lies within the Parish of Piddington. At a recent meeting over 130 residents voiced grave concerns about this deeply flawed application. Also raising the following matters:*

- **UNSUSTAINABLE & OUT-OF-SCALE**

*Piddington is a small, rural community of just 350 people. We have absolutely no services or amenities. The site is entirely unsustainable for this major proposal. It is cut off from all essential resources -- and granting permission would irreparably overwhelm the village. Nearby villages of Arncott and Ambrosden have limited services and therefore the proposal does not meet the requirements of Local Plan policies and DCLG guidance.*

*Piddington has no shops or other amenities and the only public house closed its doors several years ago. So the travellers/gypsies would have to go to other more distant villages for supplies.*

- **DEVELOPMENT RESTRICTIONS**

*Piddington is a "Category C" village. Cherwell's own Local Plan dictates that development is therefore highly restricted. The nearest Category A village of Arncott majorly lacks services too. It does not have a school, GP or regular bus service. It cannot cope.*

- **MoD SITE**

*Extremely loud and highly disruptive military training exercises frequently take place right next to this site. The flares and blank gunfire used by the MoD make the proposal entirely unacceptable.*

- **FLOODING AND DRAINAGE**

*Our area is very vulnerable to flooding. We deal with it every winter. Allowing the site, which proposes large areas of hard-standing and septic tanks, will undeniably worsen the situation and put our water safety at risk.*

- **ROAD DANGER**

*The proposed site intends to use a small, narrow unclassified country lane for*

access. It has no pavements or street lighting. This is clearly entirely inappropriate and would serve to put the lives of village residents and the gypsy community at risk.

Widnell Lane is the main road into and out of the village and is very narrow and winding and it carries a lot of traffic as it is the most direct route to shops, surgeries, schools, etc. It is quite normal to have to take avoiding action when meeting on-coming vehicles. The injection of a further 16 to 32 sizeable vehicles would make an already difficult traffic situation an impossible one.

#### **NEED FOR SITES**

There are already a number of sites for travellers within a few miles of Piddington. It is not demonstrated that this proposal will directly address the identified need.

#### **OVERDEVELOPMENT AND INAPPROPRIATE LOCATION**

The proposal is considered to be overdevelopment of the site. The sites proximity to an existing MOD training facility could lead to an adverse impact caused by the use of pyrotechnics noise simulation and activities at the training site.

The proximity of the site to Bullingdon Prison is a concern given that resources therein are already overstretched.

#### **MANAGEMENT OF THE SITE**

There is no information as to how the site would be managed. There are no areas indicated for waste storage, manoeuvring of vehicles.

It has been explained in the report that further details relating to waste and turning can be sought be condition if the application was to be approved. This additional detail has not been forthcoming from the applicant.

- **OTHER MATTERS:**

- **Over-head power lines**

- Third party comments have made reference to the distance of the site from the electricity over-head lines and pylons. The site is located approximately 50m from an existing electricity line and pylon. This distance between the site and the existing over-head powerline exceeds the separation distances indicated in the National Grid's Development Near Overhead Lines document, and therefore it is considered by Officer's that no adverse harm will be caused to residents of the proposed development. Furthermore, the Council's Environmental Health Officer has not raised any concerns about the power lines in their comments.

- **OCC DRAINAGE**

- Comments dated the 16<sup>th</sup> May 2017 – **no objection** and have advised that details regarding surface water drainage and foul water drainage details can be secured by a suitably worded condition.

- **Surface Water Drainage** - OCC drainage recently met with the applicant and Gordon Hunt (County Drainage Engineer) and agreed some outline drainage details for the surface water drainage for the site. OCC (drainage) no longer objects to the application and believes the surface water drainage requirements for the scheme can be secured by way of a planning condition. OCC (drainage) have discussed with the applicant that the road and plot surfaces within the site will be constricted of permeable materials. This includes the road and the residential areas where mobile homes are located. However, the mobile homes will be stood on 4 no. (approx. 500mm x 500 mm) pads of impermeable concrete.

The road construction will consist of approx. 130 mm thick layer of clean stone (size 20 mm grading) topped off with 80mm thick layer of clean stone (smaller size) to form the permeable surface course of the road. The road will be separated from the underlying ground by using a geotextile membrane. (Terram 2000 or similar.). The residential areas will be surfaced using similar materials.

**Foul Water drainage** – OCC (drainage) have advised that details of a proposed foul treatment plant which should incorporate a sample chamber system, allowing the collection and sampling of treated foul water prior to discharge for the site, can be secured by a suitably worded condition.

- **CDC OFFICER RESPONSE**

Following further comments from OCC drainage, as set out above, which have now stated that OCC have no objection to the proposal in relation to surface water drainage and foul water drainage. The Officer's Recommendation has therefore been amended as follows:

**Refusal Reason 2 (surface and foul water drainage) has been removed** from the recommendation, therefore the amended recommendation reads as follows:

**RECOMMENDATION:**

That permission is refused, for the following reason(s):

1. The proposed development, by reason of its size (comprising 16 pitches), siting in relation to existing services, relationship to existing noise generating uses and potential harm to the natural environment, is not considered to be a suitable or sustainable development when assessed against Policy BSC6 of the Cherwell Local Plan. The harm resulting from the proposed development is significant and is not considered to be outweighed by the identified unmet need for gypsy and traveller pitches within Cherwell. The proposed development is therefore considered to be contrary to Government guidance contained within the NPPF, Policy H of Government guidance in Planning Policy for Travellers Sites (PPTS) and Policies PSD1, BSC6, ESD1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.
2. The planning application has been supported by inadequate information to demonstrate the impact of the proposed development on protected species has been properly understood and the requirement for mitigation to secure a net gain in biodiversity can be met. The proposed development is therefore considered to be contrary to Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the NPPF.
3. The planning application has been supported by inadequate information to demonstrate the impact of existing noise generating uses operating in the immediate area on the future residents of the site has been properly understood and is, or can be made, acceptable. The proposed development is therefore considered to be contrary to paragraph 17, 120 and 123 of the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.

**Agenda Item 12 17/00284/REM CQ2, Spiceball Park Road, Banbury**

- Revised OCC transport response  
*No objection subject to conditions and satisfactory legal agreement on 16/02366/OUT*  
**Our previous objection is removed because OCC has approved the revised**

**structures in principle.**

*It is expected that the other points can be addressed through the conditions on the outline permission as well as some additional conditions as recommended below.*

*Key issues:*

- Reversing HGVs in the foodstore car park*
- Vehicular access to the hotel*
- Car park management plan – particularly barrier access to Block B car park.*
- Construction Environment Management Plan – some details need addressing*

*The above issues can be addressed through the conditions.*

*Legal agreement required to secure:*

*A deed of variation to the original S106 agreement has yet to be finalised on the outline permission, which was a S73 application to vary the originally approved plans.*

*Conditions:*

*In addition to the conditions already recommended for the Outline permission, we would recommend*

- A condition requiring an evacuation plan for the lower level car park in Block B, which is intended to be allowed to flood in extreme flood conditions.*
- A condition requiring the alleyway between the existing Castle Quay shopping centre and the multi-storey car park to be kept closed with a bollard*

*Informatives:*

*The canal towpath is an adopted path, therefore any landscaping or other works within the adopted path will require a S278 agreement with OCC.*

- Correspondence from applicants agent seeking **amendment to conditions**, namely
  1. Condition 3 to be amended with regards to the timing of submission of details to prior to installation
  2. Condition 11 to be revised to prevent servicing from **10.30pm** until 6.00am

These amendments are considered acceptable

**Agenda Item 15 17/00573/CDC Eco-business centre, NW Bicester**

Following the preparation of the report, additional information has been received in the form of:

- Updated elevation plans, which indicate the plinth to be constructed from concrete rather than render as referred to in paragraph 8.36 of the report and minor changes to the window frames to the eastern stair area.
- A Travel Plan
- Responses in relation to sustainability matters including daylighting and overheating which overall conclude that there is little opportunity to increase daylighting within the layout proposed and that with regard to overheating, the main adaptation is the ability to cool the building over night by leaving vents open, which is not commonly found.
- In response to the reservations Officers have expressed over the materials choices and whether there is an alternative at ground floor level, Officers are advised *that render would not be appropriate for the ground floor as this is a public building on a high footfall traffic area the risk of damage / vandalism would be a lot greater than the materiality we are proposing. Render on the ground floor of public spaces is notorious for graffiti damage. We believe the approach of the*



*one material (sinusoidal aluminium cladding) for the thermal envelope has a clear and simple building aesthetic - in our opinion adding more materiality to this seems unnecessary. The material choice follows a detailed response to the client brief and location as justified through the Design and Access Statement. Rather than seeing the aluminium cladding as an industrial material, the close sinus profile of the cladding we think gives the building a high-tech appearance reflecting the use of the building. The crisp detailing of the metal cladding combines with the softer more natural finish of the timber fins which create a continuous shading system around the building affording large glazing areas to allow natural daylight to the office spaces without causing an overheating problem.*

- A visualisation of the building will be available for committee and an external material schedule has also been provided, that can be displayed.
- The louvres, window cills, solid doors and frames will be finished in a light grey colour to complement the metal cladding.
- Details of the fixings of the timber fins to the building has been provided. This uses a clamp style system of clamping the timber fins around a steel plate, which is integral to the dedicated external steel frame.
- Drawings have been submitted to provide additional buffers around the disabled parking spaces and the requested tracking.
- With regard to opening times, the following has been provided: *the building is being designed to serve individuals and small companies and therefore it was envisaged that they may at times want to work beyond a normal working day. Soft market testing has shown that the majority of people are likely to be seeking to work during the normal working day but due to the nature of the companies we would like to retain some flexibility over the hours in which people could access the building. This is rather different from a situation where an individual company might work a shift pattern with a number of staff on the premises and would be a low key use outside normal working hours.*
- Information has also been submitted to try and alleviate some of the recommended planning conditions as follows: an external materials schedule, levels, external door/ window details, parking area details and landscape details in terms of plant sizes.
- Officers have requested details of the PPC louvres and PPC metal balustrade fins. This may be a recommended condition if not received in advance of a decision being issued.

Officers have started to review the information as well as to seek the views of other consultees where necessary. Given the 13 week target date expires following the Committee, there is sufficient time, following Committee considering this application, for these detailed matters to be fully reviewed. Should the information be considered acceptable, it may be possible for conditions to be either amended or deleted. On this basis, the recommendation is updated as follows:

Approval; subject to:

- a) Confirmation from OCC Highway Authority that they are satisfied with the tracking information provided;
- b) Conditions as set out in the report; with delegation to the Head of Development Management to make minor changes/ delete conditions as necessary in response to updated plans and information received as referred to above (including an updated list of plans for approval).

### **Agenda Item 16 17/00588/F Land W of Horn Hill Road, Adderbury**

There are two amendments to the wording of the officer report to provide clarity to the proposals and considerations of such:

- The first sentence of paragraph 1.2 of the Officer Report should read:  
*“In terms of site constraints, the site is situated partially within the designated Adderbury Conservation Area; although the majority of the site and area for the proposed dwelling and the Friends Meeting House site extension sit outside of the Conservation Area boundary”.*
- The final sentence of paragraph 8.8 of the Officer Report should read:  
*“...as such the same environmental concerns as expressed during previous applications are no longer significant in the consideration of the current proposals”.*

### **Agenda Item 17 17/00591/F Stratton Fields Livery Stables, Stratton Audley**

- Since the report was drafted a further 13 letters of support have been received from the applicant. These can be summarised as follows:
  - The proposal would be an enhancement to the visual appearance of the site by replacing an ugly building with a well-designed dwelling.
  - The new dwelling will be smaller than the existing building.
  - Improved security and safety for the livery business
  - The proposal will provide a new efficient home for the applicants.
  - The new house will support the livery business
  - The applicants have owned the site for many years and are not property developers.

These issues are addressed in the report and the recommendation remains for refusal as set out in the report

### **Agenda Item 18 17/00632/F Playing field, Geminus Road, Chesterton**

- A consultation response has been received from the Environmental Protection Officer. They have stated they have no objection to the application with regard to noise, contaminated land, air quality, odour, light.