

SUPPLEMENTARY INFORMATION

Planning Committee

24 May 2018

Agenda Item Number	Page	Title
17.	(Pages 1 - 7)	Written Update

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

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

24 May 2018

WRITTEN UPDATES

Agenda Item 9 Land Adj to Cotswold Country Club and South of Properties on Bunkers Hill, Shipton on Cherwell

Submission from applicant's agent Mr Philcox:

Wishes officers to draw attention to the extant consent for 8 dwellings. However, this is mentioned at paragraphs 3.1, 8.12, 8.16, 8.20, 8.22, 8.34 and 8.36 of the report in your agenda.

Makes comments on the chronology of that last planning application, i.e. that the decision was made after the adoption of the Local Plan Part 1. This is technically correct, as the legal agreement was completed post-adoption. In reality, however, Planning Committee resolved to approve the application prior to the adoption of Local Plan Part 1, and the officer report on which members made their decision directed that the draft Local Plan be ascribed lesser weight.

Mr Philcox has also this morning submitted two plans, one showing the proposed LAP in more detail, the other is a Revision G of the Proposed Site Plan, increasing the turning head area and showing a passing bay, albeit that the passing bay is outside of the site and cannot be provided.

Agenda Item 10 17/02394/OUT Land N of Berry Hill Road, Adderbury

Oxfordshire County Council

Highways

Have confirmed that their objection has been removed in relation to traffic impact issues as there was an outstanding concern resulting from the traffic survey information submitted. The query arose due to the surveyed flows at the junction of Berry Hill Road and the A4260 Oxford Road submitted by the applicant being considerably lower than OCC automatic link counts taken just north of the junction in October 2017. It has been accepted that this difference could be due to a number of factors including the different survey locations, time of year and weather conditions. The advice also confirmed that upon further analysis, it is likely that the junction of Berry Hill Road and the A4260 would remain within capacity even if the higher count were used in the capacity calculations. For this reason the difference between the two traffic counts is not considered significant.

Drainage

In respect of Drainage issues, it is again confirmed that given no further drainage information has been provided to respond to the OCC objection, that this remains an area of concern and objection.

Change to Recommendation:

It is also recommended that reason for refusal 3 be amended as follows. This is to clarify that the Council does not consider that detailed matters require consideration at this outline stage but rather than the design and access statement and indicative layout as a whole fail to set appropriate design principles to enable there to be a judgement as to whether the scheme can be accommodated on the site in a manner that would respect its context, enhance the built environment and properly respond to local distinctiveness. The reason is recommended as follows:

3. The Design and Access Statement and indicative layout submitted as part of the application fails to provide sufficient acceptable detail in respect of the design principles set as a basis for the future detailed consideration of the development proposed. The Local Planning Authority is therefore unable to determine whether the development proposed could be satisfactorily accommodated on the site in a manner that would respect its context, enhance the built environment and properly respond to local distinctiveness. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C27, C28 and C30 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.

Agenda Item 12 18/00091/F Symmetry Park, A41, Ambrosden

Email received from Councillor Dan Sames

I write with regards to the planning application coming before the planning committee today as I regret that I am unable to make the meeting due to work commitments.

As Ward member I would contest the recommendation of the planning officer to grant the application and respectfully ask the Planning Committee to refuse permission. However, in the event that the Committee decide to grant Planning permission I would ask that conditions be applied. These are detailed at the end.

My reasons for refusal are simple:

1. That the height of the building does not comply with policy ESD 15 in that the building at 18m is not successfully and acceptably mitigated against. At 2.5m taller than the outline application the visual amenity of the residents at Wretchwick cottages and the future residents of a Wretchwick Green will be significantly harmed. Officers point towards the height and reduction in the landscape buffer

representing only additional harm, however, officers do not live close by this development and have understated the visual intrusion this will cause. In fact in the report at 8.48 officers refer to a considerable reduction in overall area for substantial planting. Within our local plan we state that “Unacceptable and adverse effects on the amenity of residential properties will not be permitted.”

2. Furthermore ESD 15 also states that there should be limits on the impact of light pollution from artificial light on the local amenity. Having seen the effect of the lights on units A1 and A2 there can be no doubt that there is a substantial harm to the local amenity and in particular the amenity of Wretchwick cottages caused by the additional lights from unit B.

3. ESD5 and ESD15 also requires the incorporation of green technology to mitigate the effects of climate change. There are no details for the inclusion of such technologies despite the applicants Energy Statement on page 17 affirming that the use of such technology is a viable option.

4. In design terms the application is unimaginative. The visual impact to the landscape could easily have been offset by having a green roof yet the applicants have chosen to ignore the impact with a standard roof.

5. To summarise I consider the application not to meet the terms of the following policies:

ESD1 -mitigation and adaption to climate change

ESD2- Energy hierarchy in that no renewables are included in the scheme.

ESD3 - sustainable construction in that no renewables are included.

ESD5 - renewable energy in that there is none

ESD15 - character of the Built Environment

Bicester 12 - in relation to the requirements to meet ESD 1-5 and ESD

Therefore there are grounds to refuse the application in that it does not meet the requirements of the development plan.

If however, the committee are minded to grant permission I would ask that the following conditions are applied.

A. That Photovoltaic cells are incorporated into the development as required by our own policy which states they will be required.

B. That in order to reduce light pollution that any lighting is turned off between the hours of 2300 and 0600. The applicants state in their Design and Access statement that they anticipate a condition on this matter and it is therefore reasonable.

Many thanks for your consideration.

Regards,

Cllr. Dan Sames

Email received from Councillor Les Sibley:

Due to a clash of meetings I am unable to attend this planning meeting and request the following be read to the committee on the above application please.

The application for phase 1 and Hybrid for the whole DB Symmetry Park site came under 16/00861/HYBRID on the 19th May 2016 and was approved. The committee, the planning officer and the applicant agreed a condition of approval that was promoted by myself at that meeting for photovoltaic panels to be installed across the roof of both buildings in phase 1.

May I draw your attention to the fact that the applicant has failed to comply with this committee's resolution?

I note that this current application suggests an increase in the height of phase 2 buildings from the agreed 15.5 metres to 18 metres; I wish to register my objection to this proposal as it contravenes condition 26 of the HYBRID outline planning approval and policy ESD15, character of the built environment.

If the committee is minded to approve this application, I request that photovoltaic panels are included as a condition of approval.

This will be in agreement with Bicester Town Council's comments and comply with the Bicester Eco-Town title. Panels are required under CDC Policies ESD1, ESD2 and ESD5.

Cllr Les Sibley
Bicester West

Oxfordshire County Council (drainage):

This updated consultation response has been submitted in response to additional information supplied by the applicant (listed below) and should be read in conjunction with the county council's previous responses dated 10 March 2018 and 23 March 2018.

Additional information:

- Flood Extents Map – drawing number: SYM-HYD-XX-XX-DR-C-0120
- Technical Note – Drainage Objection / C08601C Hydrock, dated 26 April 2018

The county council previous response objected to the application for the following reason:

- *It has not been demonstrated that the surface water runoff volume will be discharged at a rate that does not adversely affect flood risk downstream*

The information submitted above has addressed the concerns raised by OCC (drainage), who have now removed their objection to the application subject to conditions(see detailed comments below).

Revised Comments:

OCC (drainage) has agreed to withdraw our objection to Cherwell District Council, and provides the following response in conclusion.

OCC (drainage) has agreed to the proposal for a reduction in the 100-year allowable discharge rate from 17.8 l/s down to 12.5 l/s, to comply with the 'Volume Control' requirement of the Defra Non – Statutory Technical Standards 'S6'. This was proposed as an alternative to the provision of a 'long-term' storage volume (2l/s/ha discharge rate), or outfall from site at the QBAR rate.

However, this proposal does not fully reflect best practice guidance contained in the joint EA /Defra document - 'Rainfall Runoff Management for Developments' (Technical Report SC030219 Revision E). OCC is currently reviewing its SuDS policies in this respect, bringing them to align with wider best practice research in Industry. Therefore, it is important to note this proposal does not set a precedent for future planning applications going forward.

The flood exceedance plan demonstrates that the predicted flood due to pump failure is contained within the loading dock area, which has resolved our concern.

S106 Obligations

The Section 106 Agreement from the approved Symmetry Park development (Ref: 16/00861/HYBRID) must be linked to the current application.

Planning Conditions:

If permission is to be given, the following planning conditions should be attached:

Construction Traffic Management Plan

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of times for construction traffic and delivery vehicles, which must be outside of peak network hours. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.

Site Travel Plan

Prior to occupation of the development a Travel Plan for the site will be submitted to and approved by the Local Planning Authority. The plan shall incorporate site specific details of the means of regulating the use of private cars related to the development in favour of other modes of transport and the means of implementation and methods of monitoring.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

Drainage

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) < April 2016 / 32765-4001 – REV C / Peter Brett>; the 'Drainage Strategy Statement' Note for the Zone 2 (Unit B) site < March 2018 / C-08601-C– REV D / Hydrock >; the Technical Note – 'Drainage Objection' < April 2018 / C08601C / Hydrock > ; and the following mitigation measures detailed within the FRA, Drainage Statement, and Technical Note referred above:

- *Limiting the surface water run-off generated by the <100-year return event> critical storm to 12.5 l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
- *Limiting the surface water run-off generated by the <1-year return event> critical storm to 5.5 l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
- *Use of SuDS – Underground Attenuation Crate Tank, Swale, Hydrocarbon Interceptor and Variable Complex Pump as described in the Drainage Strategy, Technical Note and drawings titled 'Drainage Layout' (Drawing Ref: SYM-HYD-XX-XX-DR-C-0104-REV T2 and SYM-HYD-XX-XX-DR-C-0105-REV T2)*
- *A SuDS Management and Maintenance plan for the development including the following: (but not be limited to)*
 - *Details of which organisation or body will be responsible for vesting and maintenance for individual aspects of the drainage proposals (individual properties/curtilages, roads, special areas etc) with evidence that the organisation/body has agreed to such adoption. Where the agreement is subject to other legalities, it may be acceptable to provide agreement-in-principle.*
 - *A Maintenance Schedule setting out which assets need to be maintained, at what intervals and what method is to be used.*
 - *A Site Plan including access points, maintenance access easements and outfalls. Maintenance operational areas are to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Change to Recommendation:

Delegate to the Interim Director for Planning and Regeneration to grant permission subject to:

- (i) the applicant entering into an appropriate legal agreement
- (ii) notification of decision to planning casework unit as it is EIA development and

- (iii) subject to the conditions set out at the end of the report and those above (and any amendments to the content and final wording of those conditions as deemed necessary)

Agenda Item 13. 18/00302/F Oxfordshire Inn, Heathfield, Bletchington

Since the report was drafted that applicant has submitted further information in relation to the potential number of trips associated with the authorised use of the building against the number of potential trips for the proposed use.

This indicates that the proposed use would lead to less vehicle movements than if the authorised use of the building were to operate at full capacity. However as outlined in the Committee Report officers do not consider this outweighs the harm from the proposal. A similar argument was presented at the recent appeal on the site for 8 dwellings and was not given any significant weight by the Planning Inspector.

Furthermore part the applicants argument for the proposal is based on the existing use no longer being viable for its current use. This argument has now been accepted by officers and therefore it is likely that the existing use would no longer operate and there would no trips associated with the existing use.

The recommendation remains as outlined in the Committee Report.

Agenda Item 14 Land NW of Old Farm House, adj Orchard Piece, Mollington

Error on pages 20 and 155, recommendation should be refusal as per the report and reasons for refusal