

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE**

22 November 2018

WRITTEN UPDATES

Agenda Item 7

18/01332/F – Land West of M40 adj to A4095, Kirtlington Road, Chesterton

Additional representations received

APPLICANT: Further information has been provided regarding the proposed foul drainage arrangements. The applicants have stated that the nearest foul sewer is 2.3 KM away and any pump line would have to cross a road bridge, road trenching and gain an easement across a golf course. In addition, the sewerage would turn anaerobic in the pump line and cause blockages and nuisance. Therefore they consider that a separate sewage treatment plant, reed bed and drainage field for each pitch is appropriate.

Officer comment

In light of the distance to the main sewer and the constraints to creating a new connection it is considered that a connection to the main sewer is not feasible. Full details of the package treatment plant and reed bed drainage could be secured by condition if the development were considered to be acceptable in all other respects. Further an Environmental Permit is likely to be required by the Environment Agency for the system.

Change to recommendation

None

Agenda Item 8

18/01501/F - The Pheasant Pluckers Inn Burdrop Banbury

Additional Representations received

THIRD PARTIES: A further letter of objection has been received on behalf of Cherwell District C.P.R.E. The objection refers back to previous comments made by CPRE in 2012 to application 12/00678/F and there does not appear to have been any significant change in circumstances since that time, other than in respect of the property being designated as an Asset of Community Value (a copy can be viewed in full on the Council's website, via the online Planning Register).

Officer comment

The additional objection is not considered to raise any further relevant planning issues above those originally covered in the officer's report.

APPLICANT: Additional emails received from the applicant relating to the following matters (copies can be viewed in full on the Council's website, via the online Planning Register):

- Copies of correspondence undertaken at the time of submission of the application with regard to the initial question as to whether the application should be accepted by the Council.
- Concerns raised by the applicant with regards to the Council's actions both prior and during the application; with regards to meetings that had occurred with Mr Hugh Pidgeon of the Parish Council in relation to potential enforcement issues and not entertaining new applications and further with regards to information not being published on the Council's website.
- Confirmation of details of the agent who advised the applicant with regards to the potential disposal of the property and the advice given. This included a pricing recommendation by the agent which was considered should be £375,000 taking into account a 'B&M' value of £350,000 and a goodwill value of £25,000 in relation to the holiday let cottage and shepherds hut. Further concerns expressed by the agent with regards to the ability to sell a pub which had an Asset of Community Value nomination to any private buyer.

The applicant further indicated that he was aware that he had the option to appeal non-determination prior to planning committee issuing a decision, and that this might be a route that he would take.

Officer comment

The additional comments made on behalf of the applicant are not considered to raise any further relevant planning issues above those originally covered in the officer's report.

It is noted that the valuation figure of the property reached by Christies representative is similar to the valuation suggested by Bruton Knowles (£376,740) in their assessment of viability during the previous application 17/01981/F. However, it is noticeable that no 'Goodwill' value is attached with regards to the public house as a business, and it is unlikely that any such sum could be attached given the current lack of business operation.

Agenda Item 9

18/01259/F – Summer Place, Blackthorn Road, Launton

Officer Comment

As noted in the committee report, Launton Parish Council have raised concerns in relation to suspected breaches of planning control on the existing traveller site to the south west of the application site. These consist of:

- The siting of structures not being in accordance with the approved plans and there being too many structures on the site (condition 4 of 17/00031/F – this stated that: *"No more than 8 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 4 shall be static caravans or mobiles homes) and 4 utility day rooms shall be stationed on the site at any one time and these shall be sited*

within the pitches as displayed on Drawing Number 1311-PL-01f received from the applicant's agent by E-mail on 23rd May 2017").

- The amenity rooms not being in accordance approved plans.
- The access does not ensure adequate vision splays (condition 9 of 13/00279/F – this stated that: “That the proposed vision splays shall be formed, laid out and constructed in accordance with submitted plan, Visibility Diagram Drawing Number: Figure 1 Drawn By: JPH prior to the first occupation of the site and that the land and vegetation within the splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level”).
- Details of the treatment of foul sewage have not yet been supplied (condition 5 of 17/00031/F – this requested a scheme for the foul sewage drainage of the development within 6 months of the permission being granted 23rd June 2017).

Regarding the siting of the structures, after the most recent site visit conducted by Officers (21st November 2018), it would appear that there are 5 mobile homes, 4 touring caravans and utility room, therefore there is 1 mobile home too many. Furthermore, it appears that these buildings are not positioned as approved and the utility building is not in accordance with approved plans in terms of its appearance. However, it is considered that this matter could be rectified with a retrospective planning application. It is worth highlighting that the applicant noted to officers on site that if permission is to be granted for this current application before members, the additional mobile home would be sited on the current application site.

Regarding the access, it is acknowledged that adequate vision splays as set out with Condition 9 of 13/00279/F are not being achieved given the location and height of hedging. However, a Grampian condition requesting that the vision splays are in accordance with the details approved under 13/00279/F prior to development commencing will be recommended.

On the matter of foul sewage, no details have come forward of how this is treated to date or of a system being in place. Thus a Grampian condition requesting that this information is provided before any development takes place is recommended.

Change to recommendation

Approval, subject to the conditions set out 90-93 of the agenda and the following conditions:

No development shall take place until a detailed scheme for the surface water and foul sewage drainage, incorporating sustainable drainage systems where practicable, for the existing traveller site to the south west of the application site, has been submitted to, and approved in writing by, the Local Planning Authority. The approved drainage scheme shall be installed prior to development commencing.

Reason: To ensure that the development does not increase flood risk on site or elsewhere and in order to avoid adverse environmental impact upon the community in accordance with Policies ESD6 and ESD7 of the Cherwell Local

Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

No development shall take place until vision splays for the access onto the highway are provided in accordance with the plan 'Visibility Diagram Drawing Number: Figure 1' Drawn By: JPH which was approved under planning application 13/00279/F. The land and vegetation within the splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.

Reason: In the interests of highway safety to ensure a satisfactory standard of construction for the development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 Government guidance contained within the National Planning Policy Framework.

Agenda Item 10

Kings Two Wheel Centre, 139 Oxford Road, Kidlington

Additional representations received.

APPLICANT: Since the publication of the committee report, three e-mails from the agent acting on behalf of the agent have been received, one of which was also addressed to Members (copies can be viewed in full on the Council's website, via the online Planning Register). Of note:

- It is noted that the applicant is willing to meet the stated financial contributions, but that there was no opportunity to accept the contributions.
- Similar contributions were not sought for another proposal in Kidlington for 10 dwellings.
- It is stated that there is a precedent for 3 storey buildings within view of the site.
- As a result of amended plans forwarded to the Council on 31st October 2018 the scheme now provides 6x2 bed and 4x1 bed.

Officer comment

The financial contribution requests were not discussed further because of officers' significant concerns with scale, form, massing and appearance and consequent recommendation for refusal. Regarding the contributions sought in this instance, these are consistent with what is outlined in the Developer Contributions SPD and this is the proper approach to take.

In relation to the comments about 3 storey buildings within the locality, paragraph 8.22-8.25 of the officer report addresses this matter.

The agent acting on behalf of the applicant is correct that the scheme is for 6x2 bed and 4x1 bed apartments after revised plans were submitted. This description of development will therefore be amended to reflect this.

Change to recommendation

None, but alter application description to: *'Demolition of existing vacant workshop and show room buildings. Erection of two and three storey building to provide 10no dwellings (6 x 2-bed and 4 x 1-bed). Provision of off-street car parking, secure cycle storage and covered refuse/recycling store – revised scheme of 18/00130/F.'*

Agenda item 11

17/01556/F – British Waterways Site, Langford Lane, Kidlington

Additional representations received

THIRD PARTY: A letter has been received from the lawyers acting on behalf of Essentra Components, who neighbour the site, after the publication of the committee report (copies can be viewed in full on the Council's website, via the online Planning Register):

- The letter raises similar concerns in relation to what has been previously noted in relation to the interpretation of Policy SLE1 of the Cherwell Local Plan (2011-2031) Part 1.
- The letter states that the applicant's agent has also not demonstrated any of the criteria set out within Policy SLE1 in relation to assessing planning applications for non-employment uses on employment sites, therefore the proposal is contrary to the Cherwell Local Plan (2011-2031) Part 1.
- The letter states that the Kidlington Masterplan Part 2 seeks to protect land south of Langford Lane for employment purposes and that this is specified in paragraph 7.6.1 of the Masterplan. The letter then goes on to note that in seeking to provide residential development and thereby remove the opportunity for employment generating development, the proposal is contrary to the objectives in the Masterplan.
- Finally, the letter notes that the proposal would cause harm to the significance of the Langford Wharf Conservation Area and that the proposal would conflict with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1.

Officer comment

On the matter of the interpretation of Policy SLE1 of the Cherwell Local Plan (2011-2031) Part 1, the officer report addresses this matter, notably paragraph 8.12. It is also worth noting that the letter overlooks the following paragraphs within Policy SLE1 which state:

"Regard will be had to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses.

Regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use."

As discussed in the report, it is considered by officers that there are other planning objectives that would outweigh the value of retaining the site in an employment use.

The referred to paragraph of the Kidlington Masterplan (7.6.1) notes that the Cherwell District Employment Land Review (2006) suggests that the area to the south of Langford Lane be protected for high quality employment generating development. Thus, contrary to what is stated in the letter, the Masterplan just refers to what has been noted in the Cherwell District Employment Land Review (2006) and this only 'suggests' protecting this land for high quality employment generating development. Thus, it is considered that the proposal is not contrary to the objectives in the Masterplan.

The officer report clearly states that there would be less than substantial harm to the significance of this designated heritage asset and that there would be conflict with Policy ESD15. However, the report goes on to state that Policy ESD15 refers the decision maker to the NPPF. Paragraph 196 of the NPPF informs the decision maker that where there is less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance, and outlined in paragraph 9.8 of the officer report, the public benefits of the proposal are considered to outweigh the degree of conflict with Policy ESD15 and the harm that would be caused to the significance of Langford Wharf Conservation Area.

Change to recommendation

None.

Agenda item 12
Willow Hill, Main Street, Wroxton, Banbury

No update

Agenda item 13
Premier Inn, Kelso Road, Bicester, OX26 1AN

Additional Representations received
OCC LOCAL HIGHWAYS AUTHORITY: No objections to the revised parking layout subject to the earlier request for conditions and contributions.

Officer comment

None

Change to recommendation

None

Agenda item 14

Former The Admiral Holland, Woodgreen Avenue, Banbury, OX16 0AU

No update.

Agenda item 15

Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury

No update.

Agenda item 16

Eco Business Centre, Charlotte Avenue, Bicester

No update.
