



## SUPPLEMENTARY INFORMATION

### Planning Committee

12 August 2021

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*If you need any further information about the meeting please contact Lesley Farrell, Democratic and Elections [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk), 01295 221591*

# Planning Committee 12 August 2021 – Public Speakers

Agenda Item	Application Number	Application Address	Ward Member	Speaker – Objector	Speaker - Support
8	21/01578/F	Land To Rear Of 160 Bloxham Road Banbury OX16 9LE	None	Ursula Shanks – local resident	None
9	21/00369/F	Kirtlington Post Office Stores 1 Troy Lane Kirtlington OX5 3HA	None	None	None
10	21/00332/F	21 Lawrence Way Bicester OX26 2FR	Cllr Les Sibley	None	Jenny Fenton – Applicant
11	21/01407/OUT	Land Adjacent To The Oxford Canal Spiceball Park Road Banbury	None	None	None
12	21/00394/ADV	Castle Quay 2 Spiceball Park Road Banbury OX16 2PA	None	None	None

13	21/00218/DISC	Land Adjacent To The Oxford Canal Spiceball Park Road Banbury	None	None	None
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## **CHERWELL DISTRICT COUNCIL**

### **PLANNING COMMITTEE**

**12 August 2021**

#### **WRITTEN UPDATES**

##### **Agenda item 7.**

##### **Proposed Pre-Committee Site Visits**

The progressive lifting of Covid 19 restrictions means that there is now increased scope to accommodate committee site visit requests. At this time any site visit is subject to an individual risk assessment.

Standing Agenda Item 7 allows for officers to highlight any requests made by Councillors, or others, for there to be a site visit held for application anticipated to be included on a future Planning Committee Agenda.

A request has been received from Cllr Sibley for a committee site visit to be held for application 21/02573/F. This relates to a proposal for the demolition of existing building and erection of building of 48 apartments at Waverley House, Queens Avenue, Bicester, OX26 2PY.

In relation to criteria set out in the Council's Planning Committee Procedure Rules (Section 11.3), the reasoning put forward to support this request are:

- A judgement is required on visual impact; and
- The setting and surroundings are particularly relevant to the determination or conditions being considered.

##### **Officer recommendation**

Section 11.3.6 of the Council's Planning Committee Procedure Rules relates to unaccompanied site visits. It highlights that members of the Planning Committee have a long-established practice of undertaking their own visits to sites before Committee meetings.

The Procedure Rules highlights that the disadvantage of these unaccompanied, informal visits is that:

- They can be used by applicants, agents and objectors to undertake unwarranted lobbying
- Where a Member visits private property it can be interpreted as showing favour to the person visited. Therefore Members are advised against entering private land, even if invited to do so, but to view the site only from public vantage points.

Waverley House is located in prominent position close to the centre of Bicester. The site can be easily viewed from public vantage points. Members of the Committee can therefore reasonably undertake their own informal visits and gain a good understanding of the site and its surroundings without the need to access private land.

In relation to informing an assessment of the impact of the proposal in terms of its potential visual impact, or its potential impact on the setting of the surrounding area, it is the view of officers that entry to the site would provide very limited benefit. On this basis, the recommendation of officers it is that a formal committee site visit is not necessary as it would have limited value in this instance.

### **Agenda item 8**

**21/01578/F**

**Land o Rear Of 160 Bloxham Road, Banbury, OX16 9LE**

#### **Additional Representations received**

None received.

#### **Recommendation**

As per the published Agenda.

### **Agenda Item 9**

**21/00369/F**

**Kirtlington Post Office Stores, 1 Troy Lane, Kirtlington, OX5 3HA**

#### **Additional representations received**

None received.

#### **Recommendation**

As set out in the published report

### **Agenda item 10**

**21/00332/F**

**21 Lawrence Way, Bicester, OX26 2FR**

#### **Additional Representations received**

**Bicester Town Council:** Strongly object to this application due to overdevelopment and the potential impact on neighbouring properties. Concern has also been expressed with the loss of parking and the property being on a local bus route with the potential of this property becoming an HMO.

#### **Corrections to report**

The Call-in reason put forward by Cllr Sibley have been incorrectly summarised in the published report. The call-in request highlighted the following concerns that Cllr Sibley wanted to taken into consideration with regards to this planning application:

- Inappropriate and over development of site
- Concerns about the design and appearance of the building on a prominent corner site.
- Concerns about the rear, side and front extensions incorporating flat roofs.
- Adverse visual impact on neighbouring properties in Lawrence Way and Hemingway Drive
- Adverse impact by the size and overbearing development proposals of the side and front extensions on no 19 Lawrence Way
- Not in keeping with street scene
- The busy t/junction at Hemingway Drive and Lawrence Way already suffers from on street parking issues.
- The proposed side extension with window butts up against the footpath in Hemingway Drive.
- The local bus No21 uses Hemingway Drive and Lawrence Way that passes by the site.

- The garage to the rear of property fronts onto Hemingway Drive is enclosed by the boundary fence of no 21 and the rear boundary wall of No1 Dumas Close raises highway safety issues.
- Lack of visibility for vehicles when accessing and exiting the garage across a footpath on Hemingway Drive.
- No garden or green space remaining on the site.
- Concerned by any future planning applications at a later date to build above the proposed extensions.

There is an error in Paragraph 1.1. The report reads:

*“The site, which lies in the built form of **Kidlington**, is bounded by residential properties to the east, north and south”.* This should read Bicester.

### **Site Visit request**

At the time of the call-in request made by Cllr Sibley he also requested that a committee site visit be held for this application. When consultation was undertaken with the (then) Planning Committee Chairman on the call-in request, the officer recommendation was not to support this associated request for a formal committee site visit. The site can be very easily viewed from the public domain, the side elevation fronts a roadway and therefore no special access arrangements are required. This was agreed by the Committee Chairman and therefore the request for a committee site visit was not included in an earlier Planning Committee Agenda.

### **Officer comments**

Paragraph 8.17 of the published report addresses the concerns have been raised that the property is to be used as a House in Multiple Occupation (HMO).

The Use Classes Order 1987 (as amended) confirms that the use of a property as a dwellinghouse, Use Class C3, covers the following arrangements:

- C3 (a) use by a single person or a family;
- C3(b) up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems; and
- C3(c) allows for groups of people (up to six) living together as a single household other than those who meet the HMO definition. The example provided on the Planning Portal is a small religious community.

Use Class C4 covers Houses in multiple occupation (HMO). This class allows for small shared houses occupied by up-to six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows, under Class L, a change of use of a building in use Class C3 (dwellinghouse) to Class C4 (houses in multiple occupation), and vice versa, without the requirement for approval from the Council as Local Planning Authority.

### **Recommendation**

Remains as set out in the published report.

### **Agenda item 11**

**21/01407/OUT**

**Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury**

### **Additional Representations received**

None received.

### **Officer comments**

The published agenda report contained the list of conditions originally detailed on the decision notice for application 16/02366/OUT. These have now been updated to reflect the amended plans put forward for consideration under this application, and all previous approvals and amendments. The new list is conditions set out below.

### **Recommendation**

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- THE CONDITIONS SET OUT IN THIS WRITTEN UPDATE REPORT (AND ANY OTHER AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND
- THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO ENSURE THE TERMS OF THE ORIGINAL S106 ARE APPLIED TO THE CURRENT PROPOSAL

### **Conditions**

1. Except otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Site Location (407-OP-00 P3)

Site Plan (407-RM-S-P-100 Rev 7)

Site Boundary (407-OP-01 P2)

Demolition (407-OP-02 P4)

Excavation (407-OP-03 P2)

Land Use Lvl 00 (407-OP-04 P7)

Land Use Lvl 01 (407-OP-05 P7)

Land Use Lvl 02 (407-OP-06 P7)

Land Use Lvl 03-07 (407-OP-07 P6)

Area Schedule (407-OP-08 P6)

Deviations L00 (407-OP-09 P7)

Deviations L01 (407-OP-10 P8)

Deviations L02 (407-OP-11 P9)

Deviations L03-07 (407-OP-12 P7)

Canopies (407-OP-13 P7)

Deviations in Height - Sheet 1 (407-OP-14 P5)

Deviations in Height - Sheet 2 (407-OP-15 P5)

Bridges (407-OP-16 P6)

Active Frontages (407-OP-17 P7)

Pedestrian Site Circulation (407-OP-18 P7)

Pedestrian Access and Circulation (407-OP-19 P6)

Landscape (407-OP-20 P7)

Vehicle Access and Circulation (407-OP-21 P8)

Proposed Highway Works Social Club Retained (5764-HP010 Rev P)

Cinema Service Yard (5764-HSK005 Rev F)

Cinema Tracking (5764/HPAT02 Rev F)

Food Delivery Tracking (5764/HPAT13)

HGV deliveries to food retail unit and along Spiceball Park Road (5764/HPAT14)

In addition approval is given for the documents submitted with the application and listed in the August 2016 list of plans and documents for approval.

Reason - For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with the National Planning Policy Framework March 2012.

2. The development permitted by this planning permission shall be carried out in accordance with the flood mitigation principles set out in the Flood Risk Assessment BMW/388/FRA rev A, undertaken by BWB Consulting dated 11th October 2013 and the addendum to the Flood Risk Assessment BMW/388/FRA-Addendum Rev A, dated 28th March 2014. Any subsequent amendments shall be agreed in writing with the local planning authority. Individual phases of the development shall be accompanied by a specific FRA to ensure that the individual elements follow the flood mitigation principles and do not affect flood risk in the wider catchment. Specific design requirements to ensure the safety of the development are:

The operational areas of the ground floor food store to be set above the 1 in 100 year plus 20% flood level.

Flood resilient construction techniques to be included for all development up to the 1 in 1000 year undefended flood level. 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.

Reason - To reduce the risk of flooding to the proposed development and future occupants

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - This site is located over alluvial deposits (Secondary A Aquifer) that in turn sit over the Charmouth Mudstone (Unproductive Stratum). The site is within a flood plain and therefore groundwater will be present in the alluvium. Construction may mobilise contamination and if hot spots are encountered within the alluvium these should be dealt with in an appropriate manner. The Ridge and Partners LLP, Construction Environmental Management Plan (item 7.4 Water Management and Pollution) states that 'precautions will be taken prior to and during construction to ensure the protection of watercourses and groundwater against pollution'. Therefore we are reassured that there is a strategy in place for protection of controlled waters.

4. All works on each phase of development shall proceed in accordance with the approved details contained within the Ecological Avoidance, Mitigation and Enhancement Strategy dated February 2019, as approved under application 18/00453/DISC.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the installation of the first and successive phases of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) of that phase or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of that phase of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

7. In respect of retained trees;
  - a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
  - b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this permission.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. The development hereby approved shall be carried out in accordance with the previously approved Arboricultural Method Statement prepared by Sylva Consultancy, dated January 2019, as approved under application 18/00453/DISC.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to implementation of the landscaping scheme (approved pursuant to Condition 15) within the first and successive phases of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees for that phase, shall be submitted to and approved in writing by the Local Planning Authority for that phase. Thereafter, the development of that phase shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to implementation of the landscaping scheme (approved pursuant to Condition 15) within the first and successive phases of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching for that phase, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development of that phase shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. The development hereby approved shall be carried out in accordance with the on-site noise measurements, agreed environmental noise limits and any necessary scheme of mitigation as set out in the Noise Impact Assessment (project number 50100626) prepared by WSP and dated February 2017, as approved under application 17/00147/DISC.

Reason - to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

12. Prior to the first occupation of the units within Blocks A and C, full details of operational plant and mitigation shall be provided to the local planning authority for approval, and the scheme to be installed and maintained thereafter in accordance with the approved details.

The development hereby approved shall be carried out in accordance with the approved operational plant and mitigation approved in respect of Block B under application 20/02961/DISC.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. The development hereby approved shall be carried out in accordance with the approved surface water and foul sewage drainage details as approved under application 17/00147/DISC, and as set out below:

Block A GA Drainage - CQ2-MJM-ZA-B2-DR-C01500 P6  
Block B GA Drainage - CQ2-MJM-ZB-B2-DR-C01527 P3  
Block C GA Drainage - CQ2-MJM-ZC-B2-DR-C01550 P5

Standard Drainage details on the following drawings:

CAQUBA-MJM-ZA-B2-DR-C-1501 P2  
CAQUBA-MJM-ZA-B2-DR-C-1502 P2

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. The development hereby approved shall be carried out in accordance with the full specification of the turning areas and parking spaces within the site. The turning areas and car parking shall be retained for parking and manoeuvring of vehicles at all times thereafter as approved under application 18/00453/DISC and as set out below:

- Proposed Castle Quay Development Job No. 5764, Hard Paving Construction Specification
- Castle Quay 2 Mastic Asphalt Roofing, Insulation and Finishes
- Drainage Block A - CQ2-MJM-ZA-B2-DR-C-1500
- Drainage Block B- CQ2-MJM-ZB-B2-DR-C-1527
- Drainage Block C - CQ2-MJM-ZC-B2-DR-C-1550
- Block B Layout level 00 - 3706-LJA-B0-00-DR-A-15711 T1
- Block B Layout level 01 - 3706-LJA-B0-01-DR-A-15712 T1
- Block B Layout level B1 - 3706-LJA-B0-B1-DR-A-15710 T1
- Block B Layout level B1 - 3706-LJA-B0-B1-DR-A-15710 T1
- Block B Proposed floor and roof types - 3706-LJA-B0-XX0DR-A-20616 T1
- Block C Lower Ground level - 3706-LJA-C0-00-DR-A-20600 T2
- Block C Lower Ground Level - 3706-LJA-C0-00-DR-A-20602 T2
- Block C Floor Details - 3706-LJA-C0-XX-DR-A-20610

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

15. Prior to first use of the development, a highway signage strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed signage strategy must be fully implemented prior to first use of the development.

Reason - In the interest of highway safety and traffic management.

16. Prior to the first use or occupation of the first and successive phases of the development, cycle parking facilities including secure, covered cycle parking for employees, shall be provided on the site in accordance with details for that phase which shall be firstly submitted to and approved in writing by the Local Planning

Authority. Thereafter, the cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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.

17. Prior to the first occupation of the first and successive phases of development hereby approved, an updated Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and OCC's Guidance "Transport for New Developments: Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority. The updated Travel Plan shall accord with the general provisions of the approved Framework Travel Plan (July 2014), and shall clearly set out landlord and occupier provisions respectively. Within three months of occupation, and in accordance with the thresholds set out in OCC guidance, Occupier Travel Plans shall be submitted to the Local Planning Authority for approval. Thereafter, the Updated Framework Travel Plan and Occupier Travel Plans shall be implemented and operated in accordance with the approved details.

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.

18. Provision shall be made within the layout for vehicular and pedestrian access to serve the land adjoining to Mill Arts Centre, Castle Quay shopping centre and riverside path.

Reason - In order to secure the proper planning of the area and the comprehensive development of adjoining land and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19. The development hereby approved shall be carried out in accordance with the SuDS drainage scheme approved under application 17/00147/DISC and as set out below:
  - Block A GA Drainage - CQ2-MJM-ZA-B2-DR-C01500 P6
  - Block B GA Drainage - CQ2-MJM-ZB-B2-DR-C01527 P3
  - Block C GA Drainage - CQ2-MJM-ZC-B2-DR-C01550 P5

Standard Drainage details on the following drawings:

CAQUBA-MJM-ZA-B2-DR-C-1501 P2

CAQUBA-MJM-ZA-B2-DR-C-1502 P2

Reason - In the interests of highway safety and flood prevention and to comply with Government advice contained within the National Planning Policy Framework.

20. The construction works must be carried out in accordance with the details approved in the Traffic Management Method Statement for Banbury Castle Quay 2 Development Rev.L, prepared by McLaren and dated April 2019, as approved under application 18/00453/DISC.

Reason - To mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

21. Prior to commencement of the use of any building hereby approved, details of a scheme for car park routeing and guidance, including matrix signs relating to car parking at the development, shall be submitted to and approved in writing by the LPA. Prior to any occupation on Phase 2 the car park routeing and guidance system shall be installed and implemented in accordance with the approved scheme and thereafter managed and maintained in accordance with the approved scheme.

Reason - In the interests of highway safety and convenience, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

### **Agenda item 12**

**21/00394/ADV**

**Castle Quay 2 Spiceball Park Road, Banbury**

No update required

#### **Recommendation**

As set out in the published report

### **Agenda item 13**

**21/00218/DISC**

**Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury**

No update required

#### **Recommendation**

As set out in the published report