

**SUPPLEMENTARY INFORMATION****Planning Committee****14 July 2022**

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If you need any further information about the meeting, please contact Lesley Farrell / Aaron Hetherington, Democratic and Elections democracy@cherwell-dc.gov.uk, 01295 221534

Planning Committee 14 July 2022 – Public Speakers

Agenda Item	Application Number	Application Address	Ward Member	Speaker – Objector	Speaker - Support
8	22/01144/F	OS Parcel 5700 South West of Grange Farm, Street through Little Chesterton, Chesterton			Nick Wyke, - Framptons Andre Lindeboom - Siemens Magnet Technology
9	22/00017/F	Kidlington Garage, 1 Bicester Road, Kidlington. OX5 2LA	Cllr Ian Middleton – local ward member		Neil Perry of Anderson Orr Architects
10	21/02573/F	Waverley House, Queens Avenue, Bicester, OX26 2PY			Joe Bennett – Agent
11	22/00256/F	North Arms Inn, Mills Lane, Wroxton. OX15 6PY			James Collins – Applicant
12	21/01561/F	Allotment Gardens West of Roebuck Inn and Southeast of the Blinking Owl PH, Banbury Road North Newington. OX15 6AB		Susie Barnes Alex Dawson -Local Residents	

13	22/00978/M106	Land Adj to Cotswold Country Club and South of Properties on Bunkers Hill, Shipton on Cherwell			
14	22/01217/DISC	Castle Quay 2, Spiceball Park Road Banbury, Oxfordshire. OX16 2PA			
15	22/01588/DISC	Land Adjacent to the Oxford Canal, Spiceball Park Road Banbury			
Page 3	19/02538/F	22 Castle Quay Banbury. OX16 5UH			
17	19/02539/LB	22 Castle Quay Banbury. OX16 5UH			
18	22/01149/F	Castle Quay 2, Spiceball Park Road, Banbury, Oxfordshire. OX16 2PA			

**CHERWELL DISTRICT
COUNCIL PLANNING
COMMITTEE**

14 July 2022

WRITTEN UPDATES

Agenda Item 6

21/01454/F

**Former Rodney House Private Drive Off Graven Hill Road
Ambrosden**

Update to Head of Terms

The applicant has now stated that the upgrade to the open space to compensate for the loss of open space occasioned by the Health hub building and car park to be undertaken on land that is part of the retained woodland at Graven Hill will be undertaken by the applicant. Officers consider this acceptable and recommend that the S106 be amended to reflect that the agreed schedule of works be undertaken at the expense of the applicant, at the estimated cost of £7000 prior to the occupation of the building. However, the applicant will within the S106 provide a sum of £7000 (index linked) following implementation of the scheme to CDC to provide for maintenance of the enhanced landscape.

Additional representations received

Correspondence had from the agent relating to the proposed upgraded footway/cycleway and its connection to a private road. Subsequently, verbal confirmation has now been received from Graven Hill Village Development Company that they are happy for the application to proceed with the upgraded footway/cycleway connecting to the private road in their ownership. They do have longer term ambitions that would see the extension of the cycleway further to the south to connect to Graven Hill Road, but if pursued, this would be progressed under a separate planning application.

Agenda Item 8

22/01144/F

OS Parcel 5700 South West of Grange Farm, Little Chesterton, Chesterton

Additional representations received

OCC Highways

OCC Highways and the Applicant have both confirmed agreement that the Applicant will fund a £2-2.5m contribution to OCC to enable OCC Highways to provide a combined cycle/pedestrian link between the site and Vendee Drive running alongside the A41 as far as the roundabout junction beside the Park & Ride. Such works to be implemented immediately post occupation of the proposed Siemens development. The draft HOT set out later in this Written Update now reflects this agreement.

Chesterton and Wendlebury Parish Councils

Both Council's support the application subject to:

- Conditions that provide flood mitigation
- Traffic calming through villages of Wendlebury, Little Chesterton and Chesterton
- Impact on Jnc 9

Officer comments

Cycle Link: The contribution is necessary to support the provision of sustainable transport options to the site and as part of the overall cycle and walking strategy for Bicester. The proposal provides for commercial uses which should be reasonably accessible via cycleways and footpaths to ensure existing and proposed employees have options to use sustainable modes of transport. This is infrastructure to support the cycle and pedestrian networks. It is therefore directly related to development. The level of contribution sought is proportionate to the scale of development proposed and will provide a link from the site back to Bicester's urban area and the existing cycle network. The applicant agrees that the works are necessary and deliverable and will not make the proposed development unviable.

Response to PC comments: Officers in the submitted report note that the development will provide a degree of flood mitigation to Wendlebury, and that the proposed highway works will provide significant improvements to modal split by virtue of improved public transport, cycle and pedestrian facilities in the area, and a reduction of speed limits on the A41 from the site to Vendee Drive. The impact on Jnc 9 is considered on advice from National Highways to be acceptable because the operation of the facility will be via a three shift system enshrined in condition which will not increase materially demand at Jnc 9 for additional capacity deriving from the development.

Additional information received

A revised calculation has been submitted and accepted reflecting concerns regarding some of the forecast target habitat conditions. This has resulted in a minor reduction of Biodiversity Net Gain (BNG) in Area Habitat Units from 7.30% to 7.13% across the site. However, the proposals have been able to significantly increase the BNG in Hedgerow Units from 6.71% to 27.98%. The detailed discussions have also altered the type of habitats to be created reflecting comments from the Council's Ecologist. The proposed grassland, tree and scrub habitats are considered to provide additional sheltering and foraging habitats for a variety of priority species of breeding and wintering birds that may be present on Site, including skylark, linnet, dunnock and song thrush. Taken together with the inclusion of a Woodland Management Plan for the adjoining area of Ancient Woodland, the provision of bird and bat boxes within the landscaping, and subject to agreed conditions to control future management, Officers remain of the view that the BNG requirements along with the protection of protected species is achieved by the revised proposals.

The applicants have in conjunction with CDC's Ecology Officer, Environmental Protection and OCC Highways agreed to amend the recommended habitat and ecology conditions, noise and CMP as set out in the report as follows:

4. All planting, seeding or turfing comprised in the approved details of landscaping (EDP. Drawing no. edp2425_d017e) 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 operation of the service yard, 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 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 ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. All plant, machinery, and equipment to be used by reason of the granting of this permission, including any sound attenuating structures, shall be so installed, maintained and operated so as to ensure that the rating noise level from the site does not exceed the baseline background sound levels presented in Table 7.25 of the Environmental Statement (March 2022) and summarised below when measured at the boundary of any noise sensitive receptor. Measurement and rating of noise for the purposes of this condition shall be in accordance with BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Receptor	Period	Derived Background Sound Level L_{A90}
Half Mile House	Daytime	54
	Night-Time	42
Green Farm Cottages	Daytime	54
	Night-Time	46
Church Lane	Daytime	56
	Night-Time	41

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.

PRE-COMMENCEMENT CONDITIONS

10. No development of any phase shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority for that phase. The CMP shall be appropriately titled (site and planning permission number) and shall provide for as a minimum:
 - Routing of construction traffic and delivery vehicles including means of access into the site;
 - Details of any road closures needed during construction;
 - Details of any traffic management needed during construction;
 - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
 - Measures to control the emission of dust and dirt during construction;
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
 - The erection and maintenance of security hoarding / scaffolding if required;
 - A regime to inspect and maintain all signing, barriers etc;

- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours;
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

11. No development shall take place (including demolition, ground works, vegetation clearance) on any phase until a Landscape and Ecological Management Plan (LEMP) for the development site has been submitted to and approved in writing by the Local Planning Authority for that phase. The LEMP will set out in detail the measures to be implemented to ensure the successful establishment/installation of new habitats/features and the long-term maintenance and management of both existing and new habitats/features proposed as part of the soft landscape scheme.

Reason. To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment of potentially damaging construction activities;
- Identification of 'Biodiversity Protection Zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction including the control of dust (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

19. No development shall take place until, notwithstanding the details included in Woodland Management Plan edp2425_r018b (June 2022), an updated Woodland Management Plan to include a full management and replanting strategy for the ancient woodland has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the ancient woodlands longevity, and unique habitat is secured.

26. No development above ground shall take place until details of any consents for any connections into third drainage systems have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

29. A Biodiversity Net Gain will be achieved, as set out in the Biodiversity Impact Assessment edp2424_r021b (July 2022). No development above ground level shall take place until a detailed Habitat Management Plan (HMP) setting out the specific management prescriptions for each habitat type on Site, including measures for habitat creation/enhancement and ongoing management and maintenance to ensure that the target habitat quality and condition is met post-development, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the building.

Reason: To achieve a Net Gain in biodiversity, this information is required prior to commencement as it is fundamental to the acceptability of the proposals.

In addition, the applicants have submitted further information and clarification comprising an updated Biodiversity Impact Assessment Report which shows that the development will achieve a net gain of over 7% in habitat units and more than 10% in hedgerow units.

The applicants have informed CDC that the following heads of terms have been agreed between themselves and OCC, these revised heads of terms in particular specify the pedestrian and cycle improvements to connect the application site to the wider pedestrian and cycle network and the urban area of Bicester, and the level of financial contribution to ensure this occurs.

S106

The applicant's agent has communicated with officers late yesterday requesting that whilst Appendix 1 of the report was correct at time of writing, it does not reflect the agreed position with OCC, with there being differences in the details/expectations set out, and also the 'global' number listed in Appendix 1 coming to £3,964,878 versus the agreed maximum of £3,488,590 – i.e. overstated by £476,288. The agent has also queried the proposal for CDC to receive a monitoring fee. Officers note in this respect that as any failure of the developer or landowner to comply with the proposed S106 it would be the LPA (CDC) who would need to monitor any potential breach and take appropriate action and therefore we will seek a S106 monitoring fee of £5000 in accordance with the agreed table of fees and charges for CDC monitoring (unless otherwise agreed).

The following changes are recommended:

22/01144/F Siemens Healthineers – Section 106 Heads of Terms – Update 2

Contribution	Amount £	Price Base	Index	Towards (details)
Pedestrian and Cycle Connection to Bicester	£2,800,000	June 2022	Baxter	<p>Provision of a safe and suitable cycle / walking route between the site and Bicester, along either the A41, or via improvements along National Cycle Network Route 51(Wendlebury Road), or a combination thereof</p> <ul style="list-style-type: none"> • Capped contribution based on costed scheme along A41 • £100,000 Payment Prior to Commencement of Development to enable detailed Feasibility Study of Options • Applicant and OCC to be involved in the Design Process, and selecting preferred Option but final decision to rest with OCC • Following scheme selection, costs to be confirmed / review of contributions from any other developments considered, thereafter make payment of the remaining balance of the capped contribution on the basis below <ul style="list-style-type: none"> o 10% of agreed total contribution payable (figure index linked) prior to start of detailed design o 40% of agreed total contribution payable (figure index linked) on OCC letting the contract for the works o Remaining balance (figure index linked) on commencement of the works

Public Transport (A41 Service Improvements)	£180,000	June 2022	RPI-x	<p>An enhancement to the public transport service between Oxford and the development site to meet required shift times</p> <ul style="list-style-type: none"> • £36,000 per annum for a maximum period of 5 years • Notification to be provided to OCC 6 months prior to First Occupation • Services to be Advertised in Travel Plan (subject to separate Condition) • 1st Tranche – payable prior to First Occupation • 2nd Tranche – payable prior to 1st Anniversary of First Occupation • 3rd Tranche – payable prior to 2nd Anniversary of First Occupation • 4th Tranche – payable prior to 3rd Anniversary of First Occupation • 5th Tranche – payable prior to 4th Anniversary of First Occupation • Service Use to be subject to review after 2 years, and need for 3rd/4th/5th Tranche payments to be confirmed
Public Transport (West Oxfordshire Service Improvements)	£455,000	June 2022	RPI-x	<p>A public transport service between the site and West Oxfordshire to enable existing staff to travel to the site sustainably.</p> <ul style="list-style-type: none"> • £91,000 per annum for a maximum period of 5 years • Notification to be provided to OCC 6 months prior to First Occupation • Services to be Advertised in Travel Plan (subject to separate Condition) • 1st Tranche – payable prior to First Occupation • 2nd Tranche – payable prior to 1st Anniversary of First Occupation • 3rd Tranche – payable prior to 2nd Anniversary of First Occupation • 4th Tranche – payable prior to 3rd Anniversary of First Occupation • 5th Tranche – payable prior to 4th Anniversary of First Occupation • Service Use to be subject to review after 2 years, and need for 3rd/4th/5th Tranche payments to be confirmed

Traffic Regulation Order	£3,320	April 2022	RPI-x	To consult on the implementation of a new / extended speed restriction on the A41 between the M40 J9 and Vendee Drive junctions.
Travel Plan Monitoring	£1,558	Dec. 2021	RPI-x	To monitor the Travel Plan for a period of 5 years post occupation.
Public Rights of Way	£30,000	April 2022	Baxter	Surface upgrades to local public rights of way connecting with the site.
Bus stop RTPi displays	£18,712	March 2022	Baxter	The provision of real time passenger information (RTPi) displays at the pair of relocated bus stops on the A41. Note: this item has been moved from the S278 requirements to a S106 obligation as OCC will need to source and supply the displays.

*A planning obligation will ensure that the development is first occupied by Siemens Healthineers

**A41 Crossing and Bus Stops to be delivered via S278

Recommendation

As per the published agenda report.

Agenda Item 9

22/0017/F

Kidlington Garage, 1 Bicester Road, Kidlington, OX5 2LA

Additional representations received

None

Officer Comments

Following review of the application, an additional condition securing the amenity space for the purposes of amenity for future residents is considered reasonable and necessary.

Recommendation

As per the published agenda report and to include the below condition:

The amenity space as shown on the Block Plan 18112-PP 001-C shall be retained and maintained as an amenity space for the future occupiers of the development only.

Reason: In the interests of the amenity of future occupiers of the development, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

Agenda Item 10

21/02573/F

Waverley House, Queens Avenue, Bicester, OX26 2PY

Additional representations received

A letter has been received from a local resident stating that a number of residents in Queens Court wrote to the planning authority with regard to this application some months ago. Our concerns with regard to the development is that Queens Court will be used as overflow parking for this development, causing obstruction if emergency vehicles have to attend. May we suggest at least we have either double yellow lines, "Residents only" or best of all would be a gated entrance into Queens Court, set back from the main road so as not to cause congestion turning in to the cul-de-sac. With regard to "DEMOLITION" is it not our moral duty to CONTRIBUTE TO SAVING THE PLANET by re-purposing this iconic building.

A further resident who has stated that they would not be able to speak to the committee due to work commitments but have provided a copy of their statement as a power point presentation. This presentation states the following point against the application and in support of the use of the site for a Therapeutic school:

- ❖ The area is not suitable as it is surrounded by schools, with students of all ages twice daily walking past.
- ❖ Depending on height of flats they will over look a Secondary School Field, which puts into question Child Protection
- ❖ A building to the side is in operation as a nursery/play school
- ❖ With the best will in the world of reducing drivers/car owners this will not happen in reality so the residents will own cars and have nowhere to park them causing issues on the already busy main road
- ❖ Growth of Bicester in recent years has exceeded the provisions in place of health care - doctors/dentists/mental health service/emergency care/social care, SEND & Mainstream school capacities, local amenities, policing, job prospects, leisure places/activities for all ages
- ❖ The changing face of what is important to the town's history, people and communities
- ❖ Secondary Schools are not equipped or have the expertise to support this group of young people
- ❖ Secondary Schools are more about the behaviour issues that can arise in this group than supporting the root cause to a positive outcome
- ❖ There is not enough Mental Health Provision in the Oxfordshire area to cope with the ever growing number of young people suffering
- ❖ Growth in young people suicide, self harm is not acceptable when it's fact that when supported early these can be avoided
- ❖ These young people matter unfortunately due to the current lack of help, support for them they do not feel that, this SEND School would change that
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- ❖ These young people matter unfortunately due to the current lack of help, support for them they do not feel that, this SEND School would change that

Officer comments

With regards to the first comments as outlined in the officer's report the proposal is promoted as a car free development which has been considered and agreed as acceptable by the County Highway Engineers. In reaching this decision the County Engineers have did not raise a concern over potential overflow parking as a result of this development. The site is an ideal location for a car-free development being located close to the Town centre and with a bus stop located directly outside the site. Finally, a contribution towards the County Council Transport Strategy to cover a new traffic free route and continuous footway is to be provided by the applicant to further encourage sustainable forms of transport by the occupiers instead of relying upon the private car.

Turning to the second points raised and the case for the use of the site for a Therapeutic School. As outlined in the officer's report the site would be suitable for residential use and would make the most effective and efficient use of a Town Centre brown filed site as required by both National and local policies. The Council does not have a 5 year land supply and the development of this site would make a significant contribution towards the provision of housing. Furthermore there are no highway safety objections to the development of the site as confirmed by the no objection raised by the County Highway Engineers.

Members will see from the illustrative view that the top floor windows in the rear elevation looking towards the school playing field are to be maintained as obscure glazing and as such the development will, pot result in any loss of privacy to the school playing fields.

On the issue of the site being used for an alternative use as a Therapeutic School as outlined in the officers' report the purpose of the LPA is required to consider the application presented at the current time and to determine whether the proposal is appropriate. Alternative uses of the site would clearly have different implications in terms of highway movements / parking, noise levels and potential disturbance on the local residents for which there is no information provided and therefore cannot be considered in this application. The LPA is required to determine the application before it and must not compare the proposal against a hypothetical alternative use which is not before this committee.

Recommendation

As per the published agenda report.

Agenda Item 11

22/00256/F

North Arms Inn, Mills Lane, Wroxton, OX15 6PY

Additional representations received

None

Recommendation

As per the published agenda report.

Agenda Item 12

21/01561/F

Allotment Gardens West Of Roebuck Inn and South East of The Blinking Owl Ph, Banbury Road, North Newington, OX15 6AB

Additional representations received

1 further letter of representation has been received. This has queried whether the site has ever been used for industrial purposes and states residents consider it has only ever been used for infrequent and light agricultural use.

It also states that is a criminal offence to make false or untrue representations to a Government body under the UK Fraud Act 2006. They consider the applicant has provided false representations on the application form which the Council has been made aware of and the applicant clearly intended to make a gain for himself by providing false information with the intent of embellishing his planning application. They have requested details of what actions have been taken by the Council in respect of this and what actions the Council has taken since the Planning Department were made aware by the applicant that he wilfully and deliberately broke the law each time he drove his vehicles over the two public footpaths on The Pound without permission.

Officer comments

In relation to the use of the small building on the site, the applicant notified the Council that they intended to convert the building to B8 use in 2014 as outlined in the Committee Report Planning History section. This was not a planning application and was only a notification in respect of implementing permitted development rights. The Local Planning Authority have no records of whether the development was implemented or not to support the conflicting claims of the applicant or neighbours.

In relation to the concern of false statements being made by the applicant some issues raised in letters of objection relate to information in the application form (such as site area, parking, access arrangements) and in the supporting statements. Officers have considered these matters in determining the application and come to their own view on the planning merits based on all the information provided by the applicant, public comments and consultees.

In regard to the statements made relating to the rights of access along The Pound as outlined in the Committee report the Local Planning Authority is not in a position to establish the legal rights held by any party over the access and has assessed the application on the assumption that the access may not be available. On this basis it has not sought to investigate the detail of any claims of misrepresentation as these are not material factors in the determination of the planning application.

Finally, Officers have not taken any further action regarding the applicant's statement that he has driven vehicles over the Rights of Way for the past 20 years. The County Rights of Way Team are aware of this and the neighbouring occupiers could potentially report it to the police to investigate if they wish this matter to be investigated as a criminal offence.

Recommendation

As per the published agenda report

Agenda Item 13

22/00978/M106

Land adjacent to Cotswold Country Club and South of Properties on Bunkers Hill Shipton on Cherwell

Additional representations received

The applicant's agent has written to officers as follows:

- The applicant is unable to meet the obligation as intervening land is not in their control, and the owner of the water tower (Bunkers Hill Management Company (BHMC)) does not wish to see it demolished.
- Application 14/02132/OUT Committee Report - Officers saw no material benefit in the tower's removal, nor the need for it to be removed
- Application 18/01491/OUT Committee Report - Officers were consistent in confirming that in their view the demolition of the water tower was not of great benefit to the wider public, given that it was well screened and not prominent in public views, not detracting significantly from the visual amenities of the area.
- At that point the applicant considered the removal of the tower to be possible, with the support of BHMC and an agreement with the owner of intervening land.
- The s106 requirement was BHMC's request in 2014 prior to the current developer's (Keble Homes) involvement.
- BHMC decided that they did not want to be part of the same water system as the new houses. Instead, BHMC requested the equivalent water supply from the existing location, which Keble Homes provided. BHMC asked subsequent to the s106 being signed and completed that the water tower remain in situ. This has been agreed by a deed of variation between Keble Homes Limited and BHMC.
- Keble invested in a new water system and pumps to serve the existing houses of Bunkers Hill from the location directly under the water tower, making its removal impossible now without jeopardising that new supply.
- One of the existing households at Bunkers Hill purchased the land surrounding the water tower and has blocked any access to it, making it impossible for anyone to now demolish it. This is something the now owner of the land has made very public in the media, as they wish to see the water tower, 'Old Walter', retained for a number of reasons, including the propensity of the tower to house wildlife.
- The variation request has the support of the Parish Council, BHMC (one of the parties to the s106 agreement) and those in control of relevant third-party land required to see the tower demolished.
- In summary:
 1. The owners of the tower (BHMC) do not now wish to see it demolished,
 2. The (new) owners of intervening third party land do not wish to see the tower demolished and consequently will not grant access over the land, and
 3. The demolition of the tower (if legally possible with consent of two other parties) would potentially harm the new water services installed at its base

Comments have been received from two residents of Bunkers Hill, one objecting to the modification and one in support (albeit that this letter of support makes comments against the development). Their comments are summarised as follows:

Objection

- Neither parties' registered offices are recorded at Company House.
- Why would the shareholders want to relinquish their rights?
- No proposals have been put to the members of Bunkers Hill Management Company Limited
- Nobody who has offered their signature to this document has consulted the Residents.
- The Residents have constantly been kept in the dark, with everything that has occurred in the last four years simply been done to them, by stealth by the developer Attention is drawn to Section 3 Developers Covenants of the deed of release rights - queries due diligence to this.
- Schedule 3 BHMC New Obligations of the deed of release rights - To use all endeavours to support the developer in achieving a variation to the s106 agreement. Queries how this is to be interpreted.
- At the last BHMC AGM 6th March 2018 the minutes record:- It was agreed to seek professional help to both advise on the proposed development (solicitor/surveyor) and liaise with the BHMC directors (surveyor) It was agreed to set up a social media group to communicate issues related to the proposed development.
- This development was supported by most of the community because it promised considerable benefits for the area. Very few of these benefits have been delivered.
- The water was to be delivered from the other end of the strip for the benefit of both the newly developed houses and the existing houses including the outlying properties at Quarry bank and Gibraltar point. Equipment was to be located in a purpose-built plant room. Instead, this equipment has been located under the old water tower, and not in the prescribed newly constructed plant room.
- The water tower is a risk; it is a liability for the future. If somebody else wants to adopt that responsibility, then knocking it down doesn't necessarily need to be a pre-requisite. But for the water supply to be totally removed from the site it should be.
- Compares cost of proposed solution against the figures discussed at planning approval time (most of which was written in to the original S106).
- The idea was to take away the future risk and responsibilities associated with the water tower. Removing the danger to the equipment that currently did and now still does reside underneath it.
- The proposal was to bring Thames Water across the road at the access road end of the strip to a plant room and existing properties including outlying ones fed from this eliminating the need for the tower to exist.
- No issue with the tower and its responsibility placed with a third-party provided it eliminates the associated risk to the shareholders
- Takes exception to the poor provision of water that this cobbled together solution provides for both existing and new dwellings. It is a very poor reflection on what the Council presided over in the form of providing assurances that the applicant's promises at the time of the application would be delivered.
- Sewerage is a requirement of s106. It is to be provided for the benefit of the new houses and all the existing properties. To date number 24 has not been connected so the section 106 has not been fulfilled on this count either.
- This modification must not be signed off.

Support

- Support of the proposal which will save the woodland and water tower for wildlife.
- Bought land in order to prevent access for demolition several years ago. Access is now only possible at greatly increased cost for the developers via the main road and cutting down many of the established trees.
- The tower is not visible to the village or road and only from our meadow it cannot be described as 'an eyesore'.
- Strong public support for saving the tower to make a unique home for bats with minor modifications.
- Actual demolition costs be given to the community, charity or to help repair the water tower.
- Community leaders have tried to obtain this from the developers with no success and have now conceded to back this proposal to modify this application.
- The community is well aware of the sizable repair and ongoing maintenance but are prepared to share this by supporting/ not objecting this application.
- planning saga has been running for 7 years and everyone wants to draw a line under it and move on.
- All residents at various times have been thwarted in their attempts to get a fair deal for the community by developers drive to maximize profit and councillors' decisions time and time again.
- Original outline application in 2014/16 was approved against Cherwell Planning's recommendation for many reasons not least because it was against government 'building in the open countryside' /unsustainable development.
- A case was made by several councillors and the applicant's planning consultants that the benefits to the community outweighed the current guidelines /recommendations and councillors approved the application.
- Reality of the development bears little resemblance to the original vision of community enhancement.
- Bitterly disappointed and aggrieved that we had been let down once again by councillors and the planning system when 10 dwellings were approved.
- Water supply substandard. Borehole with risk of contamination to serve the new dwellings. The new houses will have a large bill in the future to remedy this.
- Whilst not relevant to the current application it highlights the ongoing concerns of the development.
- Benefits from original 2014 consent (recreation, community building, parking, 20-year sewerage maintenance, removal of lead pipes and ERBA payment) have been lost.
- Councillors are invited to inspect the site.
- Demolishment costs could still go to a good cause, but it is down to councillors' efforts and the developers' conscience

Officer comments

In relation to the agent's comments:

- While Officers were of the view that removal of the water tower was not necessary to make the development acceptable, it was part of the package of benefits on which the Local Planning Authority made its decision.
- It is irrelevant that the resolution on the original application was reached before the developer became involved in the project.

In relation to the third party comments:

- The BHMC is a signatory to the Deed of Variation, which suggests it agrees to the proposed change
- Any agreement to the modification of the s106 agreement, as requested, does not relieve the developers of their obligations to fulfil the other matters within it.
- The modification seeks to remove the obligation to demolish the water tower. It is considered, as set out in the committee report, that circumstances have changed since the s106 to 18/01491/OUT was completed.
- The s106, as modified, continues to serve a useful purpose, delivering the other benefits of the development regarded as necessary at the time of determination to make the development acceptable in planning terms.

Recommendation

As per the published agenda report.

Agenda Item 14

22/01217/DISC

Castle Quay 2, Spiceball Park Road, Banbury

Additional representations received

None

Recommendation

As per the published agenda report.

Agenda Item 15

22/01588/DISC

Castle Quay 2, Spiceball Park Road, Banbury

Additional representations received

None

Recommendation

As per the published agenda report.

Agenda Item 16

19/02538/F

22 Castle Quay, Banbury, OX16 5UH

Additional representations received

None

Recommendation

As per the published agenda report.

Agenda Item 17

19/02539/LB

22 Castle Quay, Banbury, OX16 5UH

Additional representations received

None

Recommendation

As per the published agenda report.

Agenda Item 18

22/01149/F

Castle Quay 2, Spiceball Park Road, Banbury, OX16 2PA

Additional representations received

None

Recommendation

As per the published agenda report.