



SUPPLEMENTARY INFORMATION

Planning Committee

9 February 2023

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

Planning Committee 9 February 2023 – Public Speakers

Agenda Item	Application Number	Application Address	Ward Member	Speaker – Objector	Speaker – Support
8	22/02922/F	Land South West Of Avonbury Business Park, Howes Lane, Bicester		Geoff Clark – local resident	Jamie Gleeson – Atkins (Agent) Simon Dackombe – Thames Valley Police (Applicant)
9	22/02101/OUT	Land Adjoining Withycombe Farmhouse, Stratford Road, A422, Drayton		Linda Hinds – local resident	Jon Bryan – Bloor Homes (Applicant)
10	22/01976/OUT	OS Parcel 3489 Adjoining And South West Of B4011, Allectus Avenue, Ambrosden			Dawn Seaward – (on behalf of Ambrosden Parish Council) Lawrence Dungworth – Hallam Land Management (Applicant)
11	22/02104/F	Land To The Rear Of No.12 And South Of Dismantled Railway, Heath Close, Milcombe, OX15 4RZ			Tim Northey – Abbeymill Homes (Applicant)

12	22/01488/OUT	OS Parcel 5616 South West of Huscote Farm and East of Daventry Road Banbury		Lisa Phipps - local resident - also on behalf of CPRE and Banbury Civic Society	
13	22/02491/CDC	Recreation Ground, Keble Road, Bicester, OX26 4UX		Linda Burn – local resident	
14	22/02517/F	277 Warwick Road, Banbury, OX16 1AU			

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE**

9 February 2023

WRITTEN UPDATES

Agenda Item 8

22/02922/F

Land South West Of Avonbury Business Park, Howes Lane, Bicester

Additional consultation responses received

OCC LOCAL HIGHWAY AUTHORITY - No objection subject to conditions and obligations:

Further details have been submitted and a condition proposed, which allow me to remove the highways objection, subject to conditions including the additional one below, and S106 requirements as previously set out.

Please note that the amounts of the proportionate contributions have not been specified. As set out previously, we will calculate these based on the number of dwellings that could have been accommodated on this parcel, which was originally planned to contain housing. The Planning Authority will need to specify this number to enable us to do this.

Position of security fence on southwestern boundary

A further plan has been submitted, 401102-P04, External General Arrangement Plan. However, this still shows the final position of the security fence immediately abutting the back of the footway. Having discussed this with the case officer, this objection could be overcome by a suitable condition, requiring **notwithstanding the approved plans**, details of the position of the fencing to be submitted and approved before it is moved into its final position.

In Jamie Gleeson's memo to CDC of 11 January, a condition was suggested to cover the temporary and final positioning of the security fence:

- 1. Development shall be carried out in accordance with the drawings hereby approved and as detailed below. [a. Full drawings list to exclude two drawings mentioned in clauses 2 and 3, to be completed by CDC*
- 2. At the southwest boundary, a temporary arrangement is to be carried out in accordance with the Phase 1 Landscape Plan (Drawing 1170-ATK-XX-XX-DR-L-401152) to allow for construction of the realigned A4095 (planning permission 14/01968/F).*
- 3. Development at the southwest boundary in accordance with the External General Arrangement Plan (1170-ATK-XX-XX-DR-L-401102) must only commence upon approval in writing by the Local Planning Authority, in consultation with the Local Highway Authority, on completion of construction of permission 14/01968/F in this location or in the event 14/01968/F is not to be delivered.*

As we do not have a satisfactory plan showing the final position of the security fence,

OCC recommends this or a similarly worded condition(s) is applied, with the exception that part 3 should now read:

'The temporary arrangement shall remain in place until an amended plan and details of the final position of the security fence have been submitted and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.'

Pedestrian crossing

A plan has been provided indicating a proposed change in speed limit as part of the S278 works to provide the signalised crossing, ref J32-6554-PS-021 Rev A. This is acceptable subject to safety audit as part of the S278 submission process.

FIRE AND RESCUE – Will need a Building Regs application.

BICESTER BUG – Concerned about the pedestrian crossing fits into the requirements for cycle access to the site. Howes Lane is currently without cycle lanes. I would have expected that the pedestrian crossing should be a minimum shared cycle/pedestrian crossing with segregated foot/cycleways linking to Shakespeare drive and Bucknell Road. Has this been considered or proposed by officers to the applicant?

Officer Comment

The requirements for additional works to the highway to create a segregated foot/cycleway would be significant and considering the future changes to the highway and the area as a result of the A4095 realignment. It is considered that the works proposed are sufficient and reasonable in terms of this planning application, and the puffin crossing and the reduction of the speed limit is deemed acceptable.

UPDATED RECOMMENDATION:

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

- 1. THE CONDITIONS SET OUT IN THE REPORT (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND:**
- 2. 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 SECURE OBLIGATIONS AND THE INFRASTRUCTURE IDENTIFIED IN APPENDIX 1 (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY)**

Agenda Item 9

22/02101/OUT

Land Adjoining Withycombe Farmhouse, Stratford Road, A422, Drayton

UPDATED RECOMMENDATION:

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

1. THE CONDITIONS SET OUT IN THE REPORT (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND:
2. 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 SECURE OBLIGATIONS AND THE INFRASTRUCTURE IDENTIFIED IN APPENDIX 1 (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY)

Agenda Item 10

22/01976/OUT

OS Parcel 3489 Adjoining And South West Of B4011, Allectus Avenue, Ambrosden

No update

Agenda Item 11

22/02104/F

Land To The Rear Of No.12 And South Of Dismantled Railway, Heath Close, Milcombe, OX15 4RZ

Additional consultation responses received

HOUSING STRATEGY & DEVELOPMENT TEAM – **No objections** subject to provision of affordable housing.

The site is within the rural settlement of Milcombe, therefore at least 35% affordable housing is required in order to comply with Local Plan Policy BSC3: Affordable Housing with a tenure split of 70% rented and 30% Low-cost Home Ownership. This equates to 13 affordable dwellings with 9 rented and 4 LCHO.

The development will be expected to primarily meet the needs of households with a local connection to Milcombe, and thereafter the wider Cherwell area.

The most pressing need at present is for 1 and 4-bed properties - other recent schemes in Milcombe have delivered these sizes, however due to an under-supply of 4-beds we require the additional dwelling (as mentioned above) to be a 4-bed.

We expect the rented dwellings to maximise person occupancy and to meet NDSS requirements for each size. So, as a minimum, 2-beds need to be 4-person, 3-beds need to be 5-person and 4-beds need to be ideally 7 or 8-person and compliant with NDSS dimensions for these sizes.

Cherwell DC is following Government guidance regarding First Homes, therefore 25% of the affordable provision is required as First Homes, which equates to 3 dwellings on this development. However, as the NPPF also requires at least 10% of a scheme to be delivered as LCHO, which equates to 3.5 dwellings, the number for LCHO can be rounded up to 4. We welcome discussions with the applicant regarding whether all 4 should be First Homes or whether one could be shared ownership.

We expect the rented dwellings to be delivered as social rented as this is the most affordable tenure for the majority of the applicants on the register. If this is not considered viable, we ask that the applicant submits evidence to demonstrate the rationale for the proposed tenure. If affordable rent is considered more viable, we expect that this will be capped at LHA rates and that this is secured in the S106 agreement.

The Developer Contributions SPD requires that 50% of the rented dwellings meet M4(2) requirements and 1% meet M4(3) requirements. Whilst 1% is less than one dwelling, it would contribute significantly to meeting pressing needs if one of the larger rented dwellings could be delivered to full wheelchair standard.

Taking all of the above details into account, the revised mix would therefore be:

Rented (9)

- 4 x 2-bed houses (2b4p)
- 2 x 3-bed houses (3b5p) (possibly 1 x Cat 3)
- 3 x 4-bed houses (4b7/8p) (possibly 1 x Cat 3)

First Homes/LCHO (4)

- 2 x 2-bed houses
- 2 x 3-bed houses

Additional comments received from the applicant.

The applicant has submitted a legal opinion on the committee report. This legal opinion was received late Tuesday evening. There is insufficient time available before the Planning Committee meeting to properly consider the points or seek our own legal advice.

UPDATED RECOMMENDATION:

THAT THIS APPLICATION BE DEFERRED FROM THIS AGENDA TO ALLOW LEGAL ADVICE TO BE SOUGHT.

Agenda Item 12

22/01488/OUT

OS Parcel 5616 South West Of Huscote Farm And East Of Daventry Road, Banbury)

- **S.106 Heads of Terms Update.**
- Henneff Way works and A422 link road requirements to be removed and replaced with;
 - Traffic modelling using a suitable analysis tool has not been performed so the resultant impact of development cannot be determined at this stage.
 - OCC has requested that modelling using a suitable analysis tool be undertaken and should the appellants provide the required information, and the identified impact can be mitigated, then OCC will seek appropriate planning obligations. However, OCC believe it will not be possible to conclude that any feasible mitigation scheme will be sufficient to adequately mitigate against the impact of development on the local highway network.

- **S.278 Works**

- An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works. Some of the works will be dependent on the results of the traffic modelling work to be undertaken, but the following S278 works are anticipated:
 - A priority junction site access from the A361, including widening to incorporate a right-turn filter lane.
 - A roundabout site access, including realignment and widening of the A361
 - A signalised crossing of the A361.
 - Repositioning of the speed limit to suit the northern site access.
 - Modifications to the M40 Junction 11 as required by an agreed mitigation scheme.
 - Other mitigation works as may be necessary, including sections of cycle track alongside the A361.
 - On Site Highway Works.
 - Provisions will be required in the S106 to ensure that a suitable spine road linking both accesses is provided and kept open and maintained as a potential bus route, including the provision of bus stop facilities.

UPDATED RECOMMENDATION

- **Amended wording to Refusal number 15. Should read as follows;**

- In the absence of a satisfactory ~~unilateral undertaking or any other form of~~ Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

Agenda Item 13

22/02491/CDC

Recreation Ground, Keble Road, Bicester, OX26 4UX

No updates

Agenda Item 14

22/02517/F

277 Warwick Road, Banbury, OX16 1AU

No updates

Agenda Item 15

Appeals Progress Report

No updates