



**SUPPLEMENTARY INFORMATION**

**Planning Committee**

**2 November 2023**

Agenda Item Number	Page	Title
14	Pages 2 – 3	Public Speakers
14	Pages 4 – 9	Written Updates

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

# Planning Committee 2 November 2023 – Public Speakers

Agenda Item	Application Number	Application Address	Ward Member	Speaker – Objector	Speaker – Support
8	21/03522/OUT	OS Parcel 3673 Adjoining And West Of 161 Rutten Lane, Yarnton, OX5 1LT		Dave Thornhill and Steve Smith, on behalf of Yarnton Flood Defence Group and Yarnton Parish Council	Robert Davies, Gerald Eve (Agent)
Page 2 9	23/00334/F	Land To The North West Of Old Farm House Adjoining Orchard Piece, Mollington	Cllr Douglas Webb (called in application)		Louise Steele, Framptons Town Planning Ltd (Agent) and on behalf of local resident Michael Boik
10	23/01303/F	Scrapyard, Bunkers Hill, Shipton on Cherwell			Henry Venners, JPPC (Agent)
11	21/01966/F	Land to Rear of Gracewell Care	Cllr Rob Pattenden	Diane Bratt, Chairman of Adderbury Parish Council	David Rahul, Malvern Homes (Applicant)

		Home, Gardner Way, Adderbury			
12	23/00018/F	Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ			

**CHERWELL DISTRICT COUNCIL  
PLANNING COMMITTEE**

**2 November 2023**

**WRITTEN UPDATES**

**Agenda Item 8**

**21/02522/OUT - Land Adjoining and West of 161 Rutten Lane, Yarnton**

Additional Consultee Responses:

BERKS, BUCKS AND OXON WILDLIFE TRUST (BBOWT) have responded to the Technical Note 06 advising that the commitment to provide a dense double-staggered row of thorny bushes at the edge of Begbroke Wood and to provide interpretation boards within the new open space to highlight the sensitivities of newly created habitats and Begbroke Wood LWS and Frogwelldown Lane DWS is welcomed and ask that conditions or other measures are used to ensure that these measures are put in place and maintained. They also welcome the applicant's assurance that management of new green open spaces for the benefit of birds will be secured for the lifetime of the development and recommend conditions or otherwise to ensure that these measures are put in place. In terms of net gain in perpetuity, again they welcome this assurance from the applicant that this will be done and that an organisation with considerable experience will be selected for delivering and managing the habitat and request that this is secured through a suitable condition.

In terms of biodiversity net gain BBOWT advise that there needs to be far more detail to illustrate how the grassland will be managed in order to achieve 'good condition'. In addition, remain concerned about the use of the word 'could' rather than 'will' with reference to grazing in the BIMP. Further detail and certainty in the long term is required. Also concerned that the BIMP does not clearly set out the extent of public access to the meadowland and how this will allow undisturbed areas for ground nesting birds which will be necessary to adequately mitigate for the loss of habitat for farmland birds.

Additional Third Party Responses

A further representation has been received from a resident who oppose the application on the grounds of flooding in Begbroke and Yarnton which is getting slowly worse as more land is concreted over. Two historical parishes will lose their identity. As a regular dog walker all the footpaths, bridleways and fields become a quagmire over the winter months. .

**Agenda Item 9**

**23/00334/F - Land to the North West of Old Farm House Adjoining Orchard Piece, Mollington**

Additional Consultee Responses:

CDC ARBORICULTURAL OFFICER - no objection to the scheme subject to conditions relating to the retained trees and an arboricultural method statement (listed as conditions 9 and 10 in the report).

**Agenda Item 10**

## **23/01303/F – Scrapyard, Bunkers Hill, Shipton on Cherwell**

No Update

### **Agenda Item 11**

#### **21/01966/F - Land to rear of Gracewell Care Home, Gardner Way, Adderbury**

##### Additional Consultee Responses

CDC STRATEGIC HOUSING OFFICER - “Am I correct in thinking that the viability report previously showed that affordable housing provision is unviable and that this is still the position?”

“I also understand that there may be the possibility of a commuted sum and presumably the S106 will contain a review mechanism to re-assess whether affordable housing is viable at a later date?”

“Please let me know if you need any input from Strategic Housing before Committee, however if my understanding is correct, there will be no affordable mix to comment on at this stage.”

CDC ARBORICULTURAL OFFICER - is there opportunity to apply performance conditions at this stage? As the submitted AIA/AMS requires site monitoring, to ensure the protection and retention of the mature significant tree on the northern boundary, where the access path/road is proposed.

ADDERBURY PARISH COUNCIL - (in response to a letter from the Head of DM) – “Thank you for your letter dated 5 October from which the Parish Councillors were really astonished to learn that the viability assessment had been based upon a C2 use development. Is it not the case that in arguing for a reduction in the affordable housing (AH) provision in any development, the developer should show that the cash flows from the proposed development do not support developing the ratios of AH as indicated by local planning policy.

“Surely in this case, the developer should have modelled the cash flows on their proposed residential scheme as this is what you are proposing to approve, not a C2 based scheme.

“Did the applicant provide a viability assessment of the cash flows from the proposed development to demonstrate why there should be no AH? If so, can we see it please? If not, can CDC explain why this was not requested.

“With regard to the remainder of your letter, seeking to explain why the Parish Council's views were not taken into account, it seems that everything circles back to the acceptance by CDC that the viability of the proposed scheme was weak and that justified ignoring those views.

“The Parish Council believes an error has been made here and CDC should look to correct this.”

Additional correspondence from the applicant:

(26/10/23) "We struggled to find a find a solution to the BDNG [biodiversity net gain] and we searched extensively to find a solution. We eventually found a provider who could provide a solution on third party land but this has become protracted.

"In the meantime I am pleased to report that the Leonard Cheshire Trust who own the land to the west of our site have agreed to grant us a long lease of 30 years for BDNG on the land they own shown outlined in red on the attached plan close to our proposed development land. We are in the process of agreeing terms for a 30 year lease for the provision of Biodiversity.

"I will forward a copy of this report to Charlotte Watkins for her kind consideration. I am also forwarding a copy of this email to Charlotte so that she may be informed.

"As you can appreciate we are most anxious to bring the matter to a conclusion and your assistance and support is very much appreciated."

(31/10/23)

"I thought it might assist to let you have sight of my exchange of emails with Katharine Swan of the Leonard Cheshire Trust who own the land at the rear of our site and in which Katharine confirms in her email [sent in the email chain with this email from the applicant] that the trust are willing to lease to us the land we require for BDNG. This was a response to my email to her of the 29<sup>th</sup> of October.

"You will therefore see that there is now at long last a realistic prospect of our resolving the matter and this might assist the request at committee for the time extension.

"Our ecology consultants have been instructed to prepare the necessary reports which will be submitted to Charlotte Wakins for her consideration."

#### Officer Response:

(re Adderbury Parish Council's comments) The applicant's submission did set out how it considered the proposed development would render affordable housing provision unviable. The viability assessment was based on the C2 use development because planning permission had been granted for that use on the site.

The consultant (Bidwells) that CDC appointed to review the applicant's viability assessment concluded that (a) the C2 use was a legitimate alternative use within the viability assessment and (b) the applicant's Benchmark Land Value was a fair reflection of land value for the Class C2 development and that the applicant had not paid over the odds for a site with planning permission for a care facility. In essence, there is greater value in developing the site for a nursing facility than for residential development. The Council's consultant also observed that strong build cost inflation in the last 2-3 years has in many areas outstripped house price growth.

Officers firmly interrogated its consultant's advice and we can confirm that the consultant's conclusions are sound and that an error has not been made.

It may be helpful to provide relevant text here from the government's planning practice guidance:

*"Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers,*

*developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield (excluding any hope value for development)."*

(re the Strategic Housing Officer's comments) The Section 106 agreement may include a review mechanism if this is something the Planning Committee wish to add as part of its resolution.

(re the Arboricultural Officer's comments) A condition may reasonably be added to require site monitoring for the reasons set out in the Arboricultural Officer's comments; officers will present potential wording at Planning Committee.

(re the applicant's correspondence) The Leonard Cheshire Trust land referred to by the applicant is west and south of Summers Close.

## **Agenda item 12**

### **23/00018/F - Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ**

#### Additional Consultee Responses:

OCC HIGHWAYS: No objection

ENVIRONMENTAL HEALTH: Suggest a condition relating to the final details of the lights and cowls as appropriate.

#### Officer Response:

An additional condition is recommended based on the advice of Environmental Health Officers:

3. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the building itself), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights and other parts of the application site and the hours at which such lighting is to be operated. This scheme shall ensure that light trespass into the windows of any light sensitive premises shall be appropriately mitigated in accordance with the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01/20).

Reason – To ensure the proposed lighting columns do not impact on the amenity of residents in nearby properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved policy ENV1 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

#### Revised Recommendation:

Addition of suggested condition above, no further changes to the Recommendation

## **Agenda Item 13**

## Appeals Progress Report

By way of correction to the section beginning at 3.26, the appeal listed at 3.5 (Ells Lane, Bloxham) is subject of a forthcoming hearing taking place on 6<sup>th</sup> December.

The appeals listed at 3.16 (School Lane, Great Bourton), 3.17 (Chesterton), 3.18 (Fringford), 3.19 (Main St, Great Bourton) and 3.22 (Manor Road, Fringford) have all been determined. A summary of the decision for School Lane, Great Bourton, is given below. Summaries of the other decisions will follow in the agenda for the December Planning Committee.

### **22/03215/PIP – The Planning Inspector dismissed the appeal by Mr Will Lombard for Application for permission in principle for the proposed development of 4-5 bungalows at Land West of School Lane & Foxden Way, Great Bourton.**

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representation.

Start Date: 16.06.2023.

Appeal Reference: 23/00082/REF

#### *Background on Permission in Principle applications*

The Inspector noted that, “permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or ‘permission in principle’) establishes whether a site is suitable in principle, and the second stage (‘technical details consent’) is when the detailed development proposals are assessed. The appeal relates to the first of these two stages.”

The Inspector confirmed: “The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted.”

#### *The decision*

The Inspector noted that the Council was unable to demonstrate a 5 year housing land supply at the time the application was determined but that it now could and based on the available evidence the Inspector was satisfied that this was the case and that paragraph 11d of the NPPF was not engaged.

The Inspector considered the main issue to be whether the site was suitable for residential development with particular regard to the character and appearance of the area and access to services and facilities.

The Inspector noted the site was bound to the north by residential properties with allotments on the south side, and enclosed by mature field boundaries. The Inspector noted the nearest part of the village to have a nucleated character, with existing development being physically integrated and visually contained within the built up limits of the village.

The Inspector found that the site has a strong relationship with the surrounding open fields and positively contributes to the character of the countryside and rural setting of the village, and concluded that the proposal would result in the encroachment of development into the countryside, leading to a visually intrusive form of development and eroding the intrinsic rural character and appearance of the area.



On the second issue, the Inspector noted that Great Bourton is a Category B, satellite village, with a community hall, church and children's play area, plus the public house which is currently closed and was being advertised for sale at the time of the inspector's visit. The Inspector concluded that given the village's limited range of services and the limited frequency of the local bus service, future occupiers of the proposal would have a greater reliance on the private car to access employment, shopping, leisure, education and health facilities, and the proposal would undermine the Local Plan's sustainability objectives to reduce travel and mitigate and adapt to climate change through the reduction of carbon emissions.

The Inspector noted that whereas the recent development to the north was within the built up limits of the village, the appeal site was not. The Inspector also noted that there had been officer support for the First Homes proposal on the appeal site but also that the Council had refused the application. The Inspector also found key differences between the appeal site and those appeal decisions cited by the appellant.

Finally, the Inspector noted that they would arrive at the same conclusion if the Council was unable to demonstrate a 5 year housing land supply. The Inspector concluded that the benefits of the proposal were outweighed by the conflict with the development plan and accordingly dismissed the appeal.