

**CHERWELL DISTRICT COUNCIL  
PLANNING COMMITTEE**

**21 March 2024**

**WRITTEN UPDATES**

**Agenda Item 7  
Pre-Committee Site Visits**

None

**Agenda Item 8  
23/00977/OUT – OS Parcel 9195, North of Claydon Road, Cropredy**

Summary of Additional Representation Received:

Right Honourable Victoria Prentis KC MP: Wishes to raise the concerns of the Local Residents to Members attention, and that they will be at the forefront of considerations when Members consider this application. Acknowledges the GPs are restricted by the existing building, however has facilitated a positive conversation between the GPs and the landlord. The main concerns are the following:

- The proposal would create urban sprawl, exceeding the built-up limits.
- The construction of 60 houses is not minor, and it is not an allocated site and Cherwell can demonstrate a 5-year housing land supply figure.
- Residents are concerned that the development would increase the existing pressures on local services.
- Lack of clarity and detail of the new health centre and will simply be used to facilitate the approval of dwellings.
- Highways and Thames Water have raised concerns about the infrastructure.

OCC Local Highway Authority: Initial response: objection for the following reasons:

- Amendments needed to access arrangements drawing
- Clarification required on proposed bridge over canal.

Updated response: No objection subject to:

- a scheme of traffic calming on Claydon Road under S278 (instead of making the contribution to OCC to provide an off-carriageway cycle route along Claydon Road).

This is because the introduction of a 20mph speed limit, if reinforced by physical measures between the site access and the school, in the context of relatively low traffic volumes, means cycling on the carriageway would be safe and suitable for most people.

- A condition requiring details of the means of vehicular and pedestrian access between the land and the adopted highway, including new footway linking the site access to existing footway in the village, dropped kerb crossing of Kyetts Corner, relocation of the speed limit signage and traffic calming feature on Claydon Road to the north of the site access, including position, layout, construction, drainage and lighting.

- A condition requiring details of a scheme of traffic calming between the site and School Lane, including position, layout, construction, drainage and lighting.
- A S106 securing the above highway works

Third Parties: 14 Neighbour representations have been received raising the following objections:

- Outside the confines of the village
- Scale – 60 houses and doctors' surgery is too much for the site
- Will the doctors surgery be delivered
- Impact on character and appearance of the locality
- Insufficient water network
- Security
- Highway Issues
- No need for housing
- Flooding
- Impact on ecology
- Insufficient schools
- Impact during construction

Officer Response:

The comments received from third parties do raise any new information that has not been addressed within the Committee Report.

The Highways Comments are noted, and it is intended to change the recommendation to resolve the County's objection, which is resolvable. In addition, in Appendix 1, should read transport infrastructure and not public transport services. The timings of payment is likely to be amended during the negotiation process.

Amended Recommendation:

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

- **THE CONDITIONS SET OUT IN THE COMMITTEE REPORT (AND ANY 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 SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

**Summary below, see table at Appendix 1 of the committee report for more detail**

- **Health Centre**
- **Public Transport**
- **Public Rights of Way**
- **Highway Works**
- **Travel Plan Monitoring**
- **Traffic Regulations Order**
- **Community Hall facilities**
- **Outdoor Sport Provision**

- Indoor Sports Provision
- Public Realm / Public Art
- Primary Education
- Secondary Education
- Secondary School Land Contribution
- Special School Contribution
- Waste Management
- LAP/LEAP to be provided and maintenance towards upkeep
- Affordable Housing, 35% with tenure to be agreed.

**IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED BY 5TH APRIL 2024 AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:**

1. 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 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 contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.

#### **Agenda Item 9**

**23/03428/OUT – OS Parcel 7921, South of Huscote Farm & Northwest of County Boundary, Daventry Road, M40 J11, Banbury**

#### Summary of Additional Representation Received:

Applicant: Significant recent updates have been received from the Applicant in the last couple of days in respect to new Transport, Drainage, Ecology and Agricultural Land Quality matters, where the Applicant has requested Deferral of this application in order to consider these late documentary submissions, will all have to be reported verbally.

CDC Ecology Notwithstanding the latest submission that partially address some concerns, CDC's Ecologist still objects to the proposals.

National Highways (NH) have submitted a holding objection expiring in 3 months, recommending that no approval should be given by CDC before NH have been able to properly consider all the new information provided. A preliminary verbal response from NH suggested that the proposed highway mitigation appeared unlikely to satisfy their previous concerns.

Banbury Civic Society have also now objected strongly to the proposals on landscape, highway and heritage grounds.

Local Ward Councillor Andrew Beere has expressed a desire to attend Committee and speak on the application.

#### Officer Response:

No response has been received yet from OCC in its capacity as Highway Authority and LLFA in respect to the latest highway and drainage information.

The Agricultural Land Quality information, which seeks to address refusal reason 12, indicates that 19.8ha of the 66.9ha application site comprises Grade 3a land (i.e. best and most versatile = 29.6%). The distribution of BMV land affects three areas, including about 40% of the proposed developable area. In such circumstances, it is recommended that an objection be maintained in respect to loss of best and most versatile agricultural land.

It is also apparent from the topographical information that accompanies the submissions that approximately 30% of the proposed developable area would lie on higher land between 5-16m above the level of Daventry Road. Officers maintain that in such circumstances, its landscape objection to the proposals is endorsed.

Amended Recommendation:

Other than in respect to ecological matters, where CDC's Ecologist still maintains an objection to the proposals notwithstanding the latest submissions, no other consultee has yet responded in respect to the transport, drainage and agricultural land quality information that has been belatedly submitted and which they claim would satisfactorily address concerns addressed in refusal reason 2 - 6, 10, 12 and 13.

The application is still recommended for refusal for the fifteen reasons set out in the committee report.

**Agenda Item 10**

**23/02071/F – Land to Rear of Wheelwright Cottage, Main Street, North Newington**

No Updates

**Agenda Item 11**

**23/00130/F – Laurels Farm, Dark Lane, Wroxton, OX15 6QQ**

Summary of Additional Representation Received:

The agent has clarified that no affordable housing is being proposed as part of this development.

Officer Response:

There is not a policy requirement for affordable housing for this application as it is below 11 dwellings, this is outlined in paragraph 9.81 of the report.

As such paragraphs 9.83 and 9.84 of the committee report should be disregarded; the requirement for affordable housing (as part of a S106) at para 9.85 is removed, and the reference to affordable housing in para 10.3 (giving weight for the development in the planning balance) is also removed.

Amended Recommendation:

No change.

## **Agenda Item 12**

**23/00129/F – Grange Farm, Chapel Lane, Balscote, OX15 6JN**

### Summary of Additional Representation Received:

Agent: There was a pre-app for both Laurels Farm and Grange Farm (21/01799/PREAPP). The advice given was: The new agricultural building proposed adjacent to Stratford Road is generally supported both in Policy terms and by the Highway Authority, subject to demonstration of access to the major road meeting relevant standards.

### Officer Response:

None.

### Amended Recommendation:

No change.

## **Agenda Item 13**

**23/02682/F – Land Adjacent to The Old Manor House, 7 The Green, Shutford, OX15 6PJ**

### Summary of Additional Representation Received:

Shutford Parish Council maintains their objection with the comments received on 14.03.2024 stating “After considering the responses to the objections and residents feedback Shutford Parish Council still objects to this application.”

Representations: An email and photograph received from a neighbour objecting to the application on the basis that the proposed first floor rear and side windows of the proposed development would overlook the window within the north elevation of Scuffler Brook serving a living room would be overlooked as well as whole of the back garden.

### Officer Response:

Shutford Parish Council had previously objected and maintains that objection and the neighbour had objected to the application previously for similar reasons.

### Amended Recommendation:

No change.

## **Agenda Item 14**

**21/01854/F – DCS Group UK Ltd, Oceans House, Noral Way, Banbury, OX16 2AA**

### Summary of Additional Representation Received:

OCC Highways: The OCC request for a S106 requiring a TRO for double-yellow line painting along Noral Way to prevent on-street parking is no longer required as the Highway Authority have previously undertaken those works themselves.

CDCs Ecologist has commented that the ecological reports and survey results submitted originally as part of the application back in 2021 have now expired and are no longer relevant.

If permission is to be granted, conditions need to be added requiring a new Site Walkover Survey to understand up-to-date ecological constraints; and also requiring adherence to the mitigation measures set out in Section 6 of the Applicant's Ecological Appraisal.

Officer Response:

Given these two recent consultee responses, it is no longer appropriate to require completion of a S106 requiring a TRO for double-yellow line painting; so the recommendation is now one of granting delegated authority to the AD to grant conditional planning permission subject to the additional conditions now suggested by the Council's Ecologist.

Amended Recommendation:

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT IN THE COMMITTEE REPORT (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY**

**Agenda Item 15**

**22/03063/F – Land East of Larsen Road, Heyford Park**

Summary of Additional Representation Received:

Thames Valley Police – No further comments to make beyond those made in respect of previous Pye Homes application.

Heyford Park Parish Council – Object to the proposed removal of a Sewage Treatment Plant that had been part of the original Pye Homes approval on the site. The proposal now is to pump sewage into the main public sewer in Camp Road. The PC support the objection of Dorchester Living that to prevent odour concerns for residents in nearby properties, no houses should be permitted within a 177m cordon sanitaire of any Sewage Treatment Plant.

Dorchester Living – Pegasus, on behalf of Dorchester, objected to the proposal (as they had similarly objected to the two previous Pye Homes proposals on the site) not in respect to the principal of development but in respect to two of the proposed conditions of approval.

- In respect to proposed Condition 3 (a requirement for east-west pedestrian and cycle connectivity across the site ultimately linking to Larsen Road) - Dorchester suggest that no more than 33 of the proposed 123 dwellings should be occupied before any such link had been constructed and made available for use; and
- The proposed pumping of foul water along a 1.8km stretch of Camp Road through the centre of Heyford Park along a new rising main could potentially cause significant highway disruption and congestion over a protracted period and they therefore suggest that a Sewage Treatment Plant be included on-site to meet the needs of the development, together with an appropriate cordon sanitaire to prevent odour pollution to nearby residents.

Officer Response:

Thames Valley Police did not previously object; they just reminded for the need for natural surveillance of public areas and footpaths, which is reflected in this latest application.

The current proposal for 123 homes, rather than the 120 previously approved to Pye, does not incorporate an on-site Sewage Treatment Plant so the suggestion for a residential cordon sanitaire is not necessary.

The applicant intends connecting to the main sewer but upgrading that rising main by boring beneath Camp Road to obviate any need to disrupt traffic using Camp Road. Precise details of their plans and timescales still need to be submitted, considered, and ultimately conditioned in any planning permission. However, that need not necessarily hold up any resolution to grant delegated authority to the Assistant Director to eventually grant planning permission, subject to whatever conditions are deemed necessary, because the principle of developing this Policy Villages 5 allocated residential site that already has extant permission for 120 dwellings is not in doubt.

Amended Recommendation:

No change.

**Agenda Item 16**

**23/03073/HYBRID – Phase 2 SW Bicester, Kingsmere Parcel R, East of Ludlow Road, Bicester**

Summary of Additional Representation Received:

OCC Education have confirmed that as the Kingsmere development includes both primary and secondary education facilities, that no additional contributions are requested in respect of the 14 additional units.

OCC Adult & Housing Services generally welcomes the proposal of 82 units of affordable extra care but consider this to be a C3 use rather than C2 which is a care home and do not agree that a minimum staffing presence for a care providers cover should be specified at this stage as this places an unreasonable burden on the commissioned care provider during phases of fluctuating demand and the care funding model underpinning the provision. It conflicts with the County's current approach for care providers to make the determination on staffing levels that provide a safe and effective care operation, subject to a minimum of 1 person on site.

Agent The agent has submitted a letter advising that with the exception of affordable housing, the CDC and BOB ICB section 106 requests are disputed and considered not to be necessary or CIL Reg compliant. Amendments to the wording of a number of conditions has also been suggested.

Officer Response:

Comments noted.in respect of OCC. In respect of the section 106 and conditions, this needs further consideration and discussion with colleagues and negotiation with the applicant for which delegated authority is sought.

Amended Recommendation:

No change.

**Agenda Item 17**

**24/00251/CDC – Unit 14, Expeditionary Road, Ambrosden, Bicester, OX25 2EJ**

No Update

## **Agenda Item 18 – Development Brief for Local Plan Partial Review Site PR8 – Land East of the A44, Begbroke/Yarnton**

### Summary of Additional Representation Received:

Network Rail – Comments in regard to the second bullet point at page 43 of the Development Brief that a correction should be made in the Development Brief to remove the reference to Network Rail, i.e. that an alternative access will be provided following the closure of the Yarnton Lane level crossing, but without reference to who will provide that alternative access. This reference to Network Rail being removed as we have not agreed it could be included, furthermore it is not the responsibility of Network Rail, or in its remit to provide in order to enable the development of PR8. Network Rail further comments that any mitigation required would be an obligation on the developer.

### Officer Response:

There is a change in stance apparent on the part of Network Rail with regard to how the alternative means (singular or plural) of crossing the railway line will be provided, and Network Rail's comments appear to be made in this context. At the time of the LPPR's preparation and adoption Network Rail's position was that it would be closing the Sandy Lane and Yarnton Lane crossings and providing a basic pedestrian and cycle crossing, with any enhanced provision requiring financial contributions from third parties, principally developers.

### Amended Recommendation:

No change in this regard, although the recommendation is amended to the following to take into account further changes to the Development Brief to be made in response to the December 2023 consultation which are still being considered and marked TBC in Appendix 2 to this item:

- 1.1 To approve the Development Brief for site PR8 (Land East of the A44) of the Cherwell Local Plan 2011-2031 Partial Review, presented at Appendix 1 to this report, subject to (i) the changes recommended in paragraphs 4.40 – 4.45 of this report, (ii) further changes being considered in response to comments made to the December 2023 consultation and which are marked as TBC in Appendix 2 to this report, and (iii) an additional three week consultation period following this Planning Committee**
- 1.2 To authorise the Assistant Director - Planning and Development to publish the Development Brief, subject to (i) any minor amendments arising from that further public consultation or the December 2023 consultation and (ii) any necessary presentational or other minor corrections, in consultation with the Chairman**

## **Agenda Item 19 – Local Validation List Report**

No Update

## **Agenda Item 20 – Appeals Progress Report**

No update