



SUPPLEMENTARY INFORMATION

Planning Committee

24 October 2019

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If you need any further information about the meeting please contact Lesley Farrell, Democratic and Elections democracy@cherwellandsouthnorthants.gov.uk, 01295 221591

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

24 October 2019

WRITTEN UPDATES

Agenda Item 7

Proposed Pre-Committee Site Visits

No additional site visits proposed

Agenda Item 8

14/02121/OUT **Proposed Himley Village, North West Bicester, Middleton Stoney Rd**

Update

- One additional comment was provided querying where the ring road that is supposed to replace Howes Lane is going to go when this development is built. Officers responded directly to the neighbour and referred to the position of the realigned Howes Lane as demonstrated on the Masterplan for NW Bicester embedded within the SPD.
- Two amended parameter plans are awaited relating to the land use parameter and density parameter plan. Condition 5 would be amended to reflect those plans as well as the references within other conditions to these particular plans to ensure consistency.
- An additional condition is recommended relating to design to require a detailed masterplan for the area fronting the Middleton Stoney Road annotated as 'Other Uses' on the Land Use Parameter Plan 4. This area is covered by the Design Code condition, but should there be a proposal to bring that particular area forward in advance of the rest of the site (or part of it), it would be sensible for there to be a condition requiring a Masterplan separately for that area unless a Masterplan has already been approved by the Design Code. The new condition is set out below:
- Because of the above change, there is a minor change recommended to planning condition 11.

Change to recommendation:

Amend Condition 11 to read:

Prior to the submission of the first reserved matters application (other than on the area annotated as 'Other Uses' on Land Use Parameter Plan 4 drawing number 592-PL-103 Rev J where a Masterplan has been approved for that area pursuant to condition X), a site wide Masterplan and Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan and Design Code shall set out the urban design approach for the site to include a regulating plan and supporting information to include;

- {list of items as set out in agenda}

Add new condition:

Prior to the submission of the first reserved matters application and in the event that the Design Code has not been approved, a detailed masterplan for the area fronting the Middleton Stoney Road annotated as 'Other Uses' on Land Use Parameter Plan 4 drawing number 592-PL-103 Rev J, shall be submitted to and approved in writing by the Local Planning Authority. The masterplan shall show the location of each of the land uses, access and parking locations, key frontage and public space conditions and landscape principles. All reserved matter applications for the area covered by the Masterplan approved by this condition X shall be made and the development shall thereafter be carried out in accordance with the principles of the approved Masterplan.

Reason: To ensure the creation of a high quality design for the mixed use area in accordance with Government guidance in the NPPF and Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031. This information is required prior to commencement of any development as it is fundamental to the acceptability of the scheme.

Agenda Item 9

19/01351/CDC Land North of Park and Ride, Adj to Vendee Drive, Bicester

Update

Kingsmere Residents Association wholeheartedly support the application.

Following the Preliminary Ecological Appraisal of September 2019 an amended illustrative layout plan ES/LS/001 rev A has been submitted together with the attached Addendum to the Footpath statement which explains the revised proposals.

Change to recommendation:

Amend Condition 2 – replace ES/LS/001 with ES/LS/001 rev A.

Agenda Item 10

19/01046/F Photovoltaic installation and premises, Woodstock Rd, Yarnton

Additional information received:

CDC ECOLOGIST: With regard to the above application I do have some concerns about the proposals as they stand:

The site is in the red/amber zone for GCN risk (as calculated by Naturespace as part of our district licence agreement) and an adult Great Crested Newt was found in the 2015 surveys in a pond just off site. There is an additional record of GCN on the boundary of the site to the

East. Their surveys are now quite old in terms of protected species and populations may have increased in the last four years particularly given many of the local ponds were rated as having good suitability for them. Their presence in reasonably close proximity should be assumed therefore.

Whilst I appreciate there is not a substantial area of suitable terrestrial habitat on site the Preliminary Ecological Assessment does state there is some habitat suitable for both amphibians and reptiles and I think they are on the cusp of needing a licence for the work.

I am not clear how much of this suitable habitat is to be cleared or impacted but I think there should, as a minimum, be ecological supervision during initial site clearance so that any GCN found can be dealt with appropriately and, dependent on that habitat to be lost, some appropriate habitat mitigation might need to be put in or they may need to apply through our district licensing scheme. I could not tell if the hedgerows, margins and ditches are to be protected or removed. I think we need additional information on how GCN will be dealt with therefore, in the absence of updated surveys, from their ecologists.

The other precautions listed in sections 5 and 6 of the preliminary ecological appraisal are fine.

It is unclear how the proposal will achieve a net gain for biodiversity which ESD10 and NPPF require. This month the Council has approved biodiversity net gain guidance which includes seeking a minimum of 10% biodiversity net gain. This is generally best measured through the use of a Biodiversity Impact Assessment metric on larger sites such as this.

There is limited information regarding the proposed landscaping and ongoing management of the land around the panels.

OCC RIGHTS OF WAY: In response to amended plans showing the re-positioning of the access track and access the Rights of Way Officer has retained the objection as set out in the committee report subject to conditions and has advised that a Temporary Traffic Regulation Order (TTRO) may be required to temporarily close the footpath during construction as the works directly affect the footpath.

Officer Comment:

In respect of the matters raised by the ecologist it is considered that the concerns can be overcome by the imposition of conditions to secure necessary protection of GCN, and the biodiversity net gain. If GCN are found on the site it may result in the need to apply for a licence before proceeding.

In response to the Rights of Way Officer's comments the position of the access has been revised so that the line of the footpath does not appear to be affected. The access onto Woodstock Road is to the south of the footpath entrance into the field. However it is recommended that conditions below are imposed to ensure that the users of the footpath are not affected by the development. A condition recommended by the Rights of Way officer seeks the integration of the footpath with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. As the footpath is outside the redline area and the line is unaffected by the

development it is considered that this condition is not necessary to make the development acceptable in planning terms and should not therefore be imposed. If it transpires that the line of the footpath is affected by the construction works, not the development itself, then a TTRO may be required and this is dealt with under separate legislation.

A condition and a planning informative relating to the possible impact of the development on aircraft using London Oxford Airport (LOA) were also omitted from the committee report. Whilst LOA has not commented on this application the inclusion of a condition requiring non-reflective materials in respect of this proposal is considered necessary to ensure the safety of aircraft in the area.

Change to recommendation:

Add the following 7 conditions:

1. The initial clearance of the site shall be supervised by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority before any development commences. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

2. Prior to the first use of the solar equipment hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than 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 the National Planning Policy Framework.

3. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

4. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council.

Reason: To ensure the legal public right of way remains available and convenient for public use.

5. No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council.

Reason: To ensure the public right of way remains available and convenient for public use.

6. No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council.

Reason: To ensure the public right of way remains available and convenient for public use

7. The solar panels hereby approved shall be constructed with a non-reflective material and shall be retained as such thereafter.

Reason - In the interests of aircraft safety due to the close proximity to the protected safeguarded approach and take off surfaces and visual circuit and to comply with Government guidance contained within the National Planning Policy Framework.

Add 1 informative:

If the developer uses a crane during construction they are advised to liaise with London Oxford Airport in accordance with the British Standard Institute Code of Practice for the Safe Use of Cranes (BS7121).

Agenda Item 11 and 12

19/01399/F and 19/01400/LB Lower Lodge, Williamscot

Additional information received:

HISTORIC ENGLAND Comments were received in respect of a proposal in 2008 Refs: 09/01125/F & 09/01100/LB which are summarised in paragraphs 4.4 and 4.5 of the Officer's Report. In respect of the current application HE has stated:

My concerns about the 2009 application were principally due to the fact that this was a very large extension that would transform what is supposed to be a small gate lodge into a large house, detracting from the appearance of the building and compromising its relationship with the main house – lodges are supposed to be small and pretty, not large and sprawling.

The current application is not as damaging as it is not quite as large and more recessive but it would still be visible from the road and introduce a large additional roof so my original comments would still be applicable.

Recommendations

No change

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Agenda Item 13

19/01210/F Trysports, 26 deans Court, Bicester

No update

Agenda Item 14

Appeals Progress Report

Update

In respect of Appeal Decision Ref: APP/C3105/W/19/3228169, dated 9 September 2019 relating to Land at Merton Road, Ambrosden, OX25 2NP the Council has now served papers on both the Treasury Solicitor and Gladman seeking leave to challenge the appeal decision.

Whilst it is difficult to predict the timescale it could be up to 6 weeks before the Council will know if it has permission to go to a full hearing.

Agenda item 15

Enforcement Report

No update