

**SUPPLEMENTARY INFORMATION****Planning Committee****17 June 2021**

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Planning Committee 17 June 2021 – Public Speakers

Agenda Item	Application Number	Application Address	Ward Member	Speaker – Objector	Speaker - Support
8	21/00500/OUT	Land North Of Railway House, Station Road, Hook Norton	None	Janeen Wilson and Caroline Gregory – Hook Norton Parish Council	Mr Killian Garvey -Barrister (Planning & Environment Law)
9	21/00517/F	Land Used for Motorcross, Stratford Road A422, Wroxton, OX15 6HX	Councillor Phil Chapman – Local Ward Member	John Offord Chairman of Hornton Parish Council and Martin Leay on behalf of Hornton Parish Council	Fred Quartermain – Solicitor on behalf of applicant.
10	21/01330/F	Symmetry Park Morrell Way Ambrosden – 1330	None	None	Debbie Jones - Agent
11	21/01331/F	Symmetry Park, Morrell Way, Ambrosden – 1331	None	None	Debbie Jones - Agent

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE**

17 June 2021

WRITTEN UPDATES

Agenda item 8

21/00500/OUT - Land North Of Railway House, Station Road, Hook Norton

Additional Representations received

Hook Norton Parish Council - There is only one access plan in the submission. This plan has NO TOPOGRAPHICAL INFORMATION ON IT. It labels the field only by the word "crop" and in the area of the proposed access, it says "UNABLE TO SURVEY". The application cannot adequately demonstrate that an access can be made down the 2-metre drop without having relevant levels on it to show that it can be done and done safely.

The Highway Officer's has stated the application must demonstrate

1. that the gradients are acceptable for highway safety;
2. Stage 1 road safety audit should be undertaken to ensure that the initial proposals do not have any safety concerns
3. require a swept path analysis for a large refuse vehicle passing another vehicle;
4. The Highway Boundary needs to be checked with OCC Highway Records to determine whether or not it coincides with the site boundary at the proposed access junction;

There is further highway information to address these concerns to ensure the safety of the proposal.

Both the Landscape Officer and OCC Highways are concerned about uncertainty of the access arrangements and consequent effect on Station Road frontage. The site boundary needs to be compared with highway boundary to see just exactly how the access and visibility splays might work. Whatever the necessary width of access is (noting the difference between what is shown on plan and what highway officer requires) will have a knock-on effect to visibility splay and that has a knock-on effect to removal of vegetation along Station Road.

A previous application for residential refused at a time when the Council could not demonstrate a 5-year housing land supply. A main contributory factor for that decision was because of the location and "the significant change in levels from Station Road into the site". That has not changed. The location – the landscape and the access remain just as they were then – and therefore indicate refusal of this application. The Officer's Report notes that the housing land supply now is ONLY 0.3 years away from being a 5-year supply. This would be yet another development in a village which has already had so much in recent years. The Council is well progressed in delivering on its housing numbers in villages and the Officer's Report notes that an Inspector recently acknowledged it would be harmful to exceed that number.

the Housing Officer confirms that there has been a large amount of housing growth already in the village and as a result, questions whether there "is sufficient need for more affordable homes in the area". This is based on the approach that "new affordable housing provided in the village should primarily meet a local need". This makes clear that this proposal cannot be justified by provision of affordable housing.

The local MP states the opposition to this development and the unreasonable pressures it will put on the area including schools (which are already oversubscribed), roads and infrastructure such as the sewerage works which cannot cope with current levels of usage.

There are too many unknowns and too much uncertainty in this application for members to be able to follow officer's advice for approval without risk. Therefore, urge the committee to refuse or at the very least defer to enable further information to be submitted.

Berks, Bucks & Oxon Wildlife Trust – Confirms that following the additional information no objections are raised subject to a condition relating to submission of details of the SuDS arrangement, including maintenance, should be submitted and approved by the LPA prior to the development commencing. This condition should specifically mention the LWS and should demonstrate that the hydrology will not be altered as a result of the scheme drainage design. Also request a condition requiring landscaping proposals to be submitted at the reserved matter stage and these should demonstrate how Biodiversity Net Gain will be delivered using an updated metric.

OCC Drainage – Confirm following additional information no objections subject to condition covering details of surface water drainage scheme and confirmation of the approved system installed on the site.

Officer response

With regards to the points raised by the Parish Council, it is correct that the only access plan submitted with the application is that showing the point of access into the site off Station Road. The indicative layout plan together with the planning statement demonstrates that the rest of the access into the site would be in the form of gradual ramp into the site. Officers have discussed this arrangement with County Engineers and highlighted the point that the drop into the site is around 2m at its greatest point and the engineers have not raised an objection to the application but suggested conditions. In terms of the swept path analysis for a large refuse vehicle, this would form part of the reserved matters application for the remainder of the site in terms of layout. The issue of highway boundary is shown on the access plan submitted with the application.

Turning to the point raised by the Housing Officer the applicant has confirmed that they would be looking for a Policy compliant scheme which would provide 35% affordable housing across the site. There is a recognised shortage of affordable housing across the District and this would assist in addressing this issue.

A letter from the local MP was received which highlighted the concern over the impact of the development on the local school. The advice from the County Education Officer is that there is no requirement for any contribution towards education needs as part of this development. As such it would not be reasonable to request any contribution where there is not a need.

It is considered that there is adequate information provided to make a decision on this application.

With regards to the further consultation responses from the Wildlife Trust and OCC Drainage there are conditions suggested on the officer's report which cover the need to provide details of surface water drainage and the provision of SuD's. However, the request made by the County drainage engineer clearly specifies that the condition needs to cover certain aspects and as such conditions 11 and 12 are amended as below.

11. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Section 14 of the National Planning Policy Framework, to include the assessment of the impact on the Local Wildlife Site and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
1. A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
 2. Full microdrainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 3. A Flood Exceedance Conveyance Plan;
 4. Comprehensive infiltration testing to BRE DG365; If numerous infiltration locations are proposed, testing must be carried out at these locations to prove grounds capabilities of infiltration.
 5. Detailed design drainage layout drawings of the SuDS proposals including cross section details;
 6. Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
 7. Details of how water quality will be managed during and post construction; and
 8. Details on the impacts of the proposed SuDs on the Local Wildlife Site to ensure the hydrology will not be altered as part of the development.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

12. Prior to occupation, a record of the SuDS as approved under condition 11 and the site wide drainage details shall be submitted to and approved in writing by the Local Planning Authority. The details submitted as part of this condition should include:
1. As built plans in both .pdf and .shp file format;
 2. Photographs to document each key stage of the drainage system when installed on site;
 3. Photographs to document the completed installation of the drainage structures on site; and
 4. Management company information which clearly identifies the name of the company and contact details.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

Members may also note that in paragraph 10.9 there is a typing error in that the last line states that the recommendation is that outline planning permission be refused. The correct

wording should be that *the recommendation is that outline planning permission be approved in this instance.*

Recommendation

Remains as per the officer report with the changes to conditions 11 and 12.

Agenda Item 9

21/00517/F – Land Used for Motocross, Stratford Road A422, Wroxton, OX15 6HX

Additional representations received

- 1) Hornton Parish Council ('HPC') has made further comments, urging refusal of the application, drawing attention to the outstanding matters, and making requests for the imposition of additional conditions in the event the planning application is approved. These suggested conditions relate to restrictions on the number of active days to 20 per year with no more than 5 per quarter (officers recommend 24 and 6 respectively), no more than 2 per month between May and September, no use of the track on the first Bank Holiday Monday of each year, restrictions on the running of motorbike engines to between 9am and 4pm, exploring decibel limits, and obtaining noise measurements closer to the track. HPC has also requested conditions to restrict changes to the circuit, prohibit further permanent structures, restrict the boundary of the circuit, restrict the number of vehicles on the site at any one time and to require three months' notice of any fixtures and bookings. HPC also requests a temporary stop of all activity until conditions are discharged and requests that compliance with conditions is enforced.
 - i) The local highway authority ('LHA') has commented on HPC's representation, and advises that a May Day event restriction could be reasonably required by condition. Alternatively, they suggest that a condition could be in place to ensure that motocross events to only take place on Sunday and for the site to be vacated by Sunday evening.
 - ii) The Council's Environmental Protection team has commented on HPC's representation, reiterating that EP officers have no objections to the development on noise grounds, but that an hours of event condition could reduce local concern. They state that 24 event days is reasonable to require by condition. The EP team states that if the guideline level (96dB(A) at trackside) is adhered to, then no further monitoring is required.
- 2) Hornton Parish Council has responded to the LHA's comments made on 4th June, stating that there are errors and omissions in the LHA's response, including failure to mention narrow roads from Wroxton and underplaying of blind bends near gateway of track. HPC states that the assumption made that there are one or two national events per year is untrue. HPC add that one of the passing places mentioned in the comments is a weak bridge and is not suitable for heavy vehicles to use. HPC also note that vehicle speeds can reach 60mph.
- 3) Hornton Parish Council has commented that the application counters the principles of the CDC Climate Action Framework.
- 4) Hornton Parish Council has commented on the applicant's "*Mitigation Measures for Great Crested Newts*" document, raising concerns that the measures suggested will

not avoid, mitigate or compensate against any danger or harm against Great Crested Newts.

- 5) Hornton Parish Council has submitted a rebuttal of the Environmental Health Officer's comments. Their comments focus on the days on which the EHO took sound readings of events in the Hornton village. HPC states on 15.09.2019 it was a Girls National event, on which they state that different bikes are used to male/adult bikes which are larger. HPC states that the readings on 22.09.2019 were taken from a schoolboy scrambling event, with children on small bikes. HPC states that the third reading, taken on 20.10.2020 [assumed 20.10.2019], was not southerly and therefore the noise impact was reduced.
- 6) Further third-party objections have been received, contesting elements of the committee report, making objections to additional ecological information received, responding to the further LHA representation and suggesting conditions should the planning committee be minded to grant permission.

Officer comment

- 1) Compliance with conditions and the question of whether activity would need to stop are matters for the Council's Planning Enforcement team. Conditions relating to further growth and expansion do not meet the tests for conditions – they do not relate to the development subject of the current application and are not reasonable or necessary, as further permission would be required for any further development, including any material changes in levels across the site. Officers' view is that conditions can reasonably be imposed to restrict use of the site on bank holidays and to restrict the number of vehicles attending the site.
- 2) There is no evidence that the LHA has not considered all matters in hand. The development is considered acceptable in highway safety terms, subject to conditions.
- 3) Your Officers have considered sustainability and climate change in paragraphs 9.78 – 9.85 of the committee report (beginning on page 117).
- 4) A further consultation response from the Council's Ecologist is yet to be received. At this time officers are unable to confirm whether the "*Mitigation Measures for Great Crested Newts*" document alleviates previous concerns raised.
- 5) HPC's comments that the noise levels of those events were lower than other events are not evidenced. Officers acknowledge that the applicant's Noise Impact Assessment submitted with the application provides a modelled noise level in different scenarios, including in the case of a large event (40 bikes on track) and in the case that there are strong southerly winds. Officers therefore consider that the development is acceptable in terms of noise and therefore in residential amenity terms.
- 6) The neighbour objections received do not raise any new issues that have not been previously considered, or which are not otherwise explained in points 1 – 5 above.

Change to recommendation

As per published report, but with additional conditions as set out below:

12. Except where otherwise stipulated by conditions attached to this permission, the development shall be retained strictly in accordance with the application forms and the following plans and documents:

- PI 01
- PI 02
- SU2192 2D-1
- SU2192 2D-2
- SU2192 2D-3
- SU2192 2D-4

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

13. There shall be no use of the track or set-up or take down of events on the first Bank Holiday Monday in May of each year.

Reason - in the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. There shall be no further practising or competitive racing unless and until a plan showing parking provision for vehicles to be accommodated within the site have been submitted to and approved in writing by the Local Planning Authority. The site shall not be used other than in accordance with the approved details, and the number of vehicles parking within the site shall not exceed this capacity.

Reason - In the interests of highway safety, to ensure the provision of off-street vehicular parking and to comply with Government guidance contained within the National Planning Policy Framework.

15. The noise levels at or from the site shall not exceed 96dB(A) and the track shall only be used for motocross purposes between the hours of 9:00am and 6:00pm.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. There shall be no further practising or competitive racing unless and until a spectator and access strategy has been submitted to and approved in writing by the Local Planning Authority. The spectator and access strategy shall include: -

- How the calendar of events would be regulated
- An event ticketing strategy
- A vehicle permitting strategy

The site shall not be used other than in accordance with the approved details thereafter.

Reason - in the interests of general amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

And Condition 2 to be amended as follows:

There shall be no further practising or competitive racing unless and until full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The details required by this condition shall include the formation of a kerbed bellmouth junction where the site access road meets the unnamed public highway between Wroxton and Hornton , and the surfacing of the area alongside the carriageway, opposite to the site entrance, which has been worn away by vehicles making the turn into and out of the site. The means of access shall be constructed in strict accordance with the

approved details prior to any further practising or competitive racing and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and 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

21/01330/F – Symmetry Park, Morrell Way, Ambrosden

Additional Representations received

Environment Agency – object to the application because it involves the use on non-mains foul drainage.

CDC Tree Officer – the tree officer has noted that an arboricultural report has not been submitted.

CDC Ecology – no issues raised with the ecological documents submitted or protective/avoidance measures to be taken for protected species but recommends that additional information be provided in respect of the submitted CEMP.

Officer comments

With regards to the objection from the EA. The discharge of foul drainage will be subject to a separate consenting regime with the statutory authority (EA). The applicant has confirmed that they are in discussion with the EA to secure environmental permits to discharge to the watercourse and are confident of resolving the matter.

Within the wider Symmetry Park site, other units have been permitted to discharge to on site package treatment works and then to surface water as is also proposed within this site.

The approach to the use of Private Sewage Treatment Plant has been consistent throughout the construction of the Park, and was approved at the 2016 Hybrid stage (15/02316/OUT), for Unit B (18/0091/F), the DPD Parcel Depot (20/00530/F) and the extant planning permission (19/00388/F).

On this basis, officers would not wish to recommend the refusal of planning permission.

In respect of the comment made by the Council's tree officer, the baseline arboricultural report for the site accompanied the outline planning application for the site. The current application is supported by a robust landscape scheme which demonstrates that no trees are to be removed and there is considerable structural planting of new trees within the site.

As such, it is considered that this matter has been satisfactorily addressed and that the submission of further reports would not be necessary.

The comments of the Council's ecology officer are noted. The applicant has submitted a CEMP to support the application in order to reduce the imposition of pre-commencement conditions. The applicant has been made aware of the ecology officer's comments and the need to revise the submitted CEMP. If a satisfactory CEMP has not been submitted prior to the issue of the planning consent, then a condition will be imposed to secure the required information as follows;

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 (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, unless otherwise agreed in writing by the Local Planning Authority.

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

In addition to the above, officers are able to report that the first draft of the S106 agreement for the site has already been circulated. The officer report to Committee refers to the need for S106 monitoring fees to be secured by CDC and OCC. Officers can now confirm that monitoring fees to be secured through the agreement will be: CDC Monitoring Fee - £500 and OCC Monitoring fee - TBC (approx. £500 to £1,500)

Recommendation

Remains as set out in the published report.

Agenda item 11

21/01331/F – Symmetry Park, Morrell Way, Ambrosden

Additional Representations received

Environment Agency – object to the application because it involves the use on non-mains foul drainage.

CDC Tree Officer – the tree officer has noted that an arboricultural report has not been submitted.

CDC Ecology – no issues raised with the ecological documents submitted or protective/avoidance measures to be taken for protected species but recommends that additional information be provided in respect of the submitted CEMP.

Officer comments

With regards to the objection from the EA. The discharge of foul drainage will be subject to a separate consenting regime with the statutory authority (EA). The applicant has confirmed that they are in discussion with the EA to secure environmental permits to discharge to the watercourse and are confident of resolving the matter.

Within the wider Symmetry Park site, other units have been permitted to discharge to on site package treatment works and then to surface water as is also proposed within this site.

The approach to the use of Private Sewage Treatment Plant has been consistent throughout the construction of the Park, and was approved at the 2016 Hybrid stage (15/02316/OUT), for Unit B (18/0091/F), the DPD Parcel Depot (20/00530/F) and the extant planning permission (19/00388/F).

On this basis, officers would not wish to recommend the refusal of planning permission.

In respect of the comment made by the Council's tree officer, the baseline arboricultural report for the site accompanied the outline planning application for the site. The current application is supported by a robust landscape scheme which demonstrates that no trees are to be removed and there is considerable structural planting of new trees within the site.

As such, it is considered that this matter has been satisfactorily addressed and that the submission of further reports would not be necessary.

The comments of the Council's ecology officer are noted. The applicant has submitted a CEMP to support the application in order to reduce the imposition of pre-commencement conditions. The applicant has been made aware of the ecology officer's comments and the need to revise the submitted CEMP. If a satisfactory CEMP has not been submitted prior to the issue of the planning consent, then a condition will be imposed to secure the required information as follows;

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 (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, unless otherwise agreed in writing by the Local Planning Authority.

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

In addition to the above, officers are able to report that the first draft of the S106 agreement for the site has already been circulated. The officer report to Committee refers to the need for S106 monitoring fees to be secured by CDC and OCC. Officers can now confirm that monitoring fees to be secured through the agreement will be: CDC Monitoring Fee - £500 and OCC Monitoring fee - TBC (approx. £500 to £1,500)

Recommendation

Remains as set out in the published report