

**SUPPLEMENTARY INFORMATION****Planning Committee****9 March 2023**

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# Planning Committee 9 March 2023 – Public Speakers

Agenda Item	Application Number	Application Address	Ward Member	Speaker – Objector	Speaker – Support
8	21/01630/OUT	Land North West Bicester Home Farm, Lower Farm and SRG2 Caversfield		<p>Rob Fellows - local resident and on behalf of Elmsbrook Residents, Gagle Brook Primary School, the Perch Eco Business Centre, Bucknell Residents and Elmsbrook Traffic &amp; Parking Group</p> <p>Peter Turner -on behalf of Bicester Bike Users' Group</p>	<p>Rob Bolton - Firethorn Trust (Applicant)</p> <p>Mark Kirby - Velocity (Highways Consultant)</p> <p>Hannah Leary, Barton Willmore now Stantec, (Agent)</p>
9	21/00517/F	Land Used For Motocross, Stratford Road, A422, Wroxton, OX15 6HX	Application withdrawn from the agenda		
10	21/04289/OUT	OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park		<p>Karen Mutton, Eversheds Solicitors on behalf of Dorchester Living</p> <p>Gavin Angell, Dorchester Living</p> <p>Martin Lipson, Mid-Cherwell Neighbourhood Plan (MCNP) Forum</p>	Alan Divall – Walsingham Planning (Agent)

11	23/00065/OUT	Os Parcel 0006 Adjoining North Side Of Ells Lane, Bloxham		David Bunn, Chairman of Bloxham PC	Dean Weldon – Deeley Homes (Applicant)  Angela Brooks – Fisher German (Agent)
12	22/00017/F	Kidlington Garage, 1 Bicester Road, Kidlington, OX5 2LA		None	None
13	22/03821/F	Windrush Surgery, 5A Bradley Arcade, Bretch Hill, Banbury, OX16 0LS		None	None
14	22/03180/F	4 Grimsbury Square, Banbury, OX16 3HX		None	None

**CHERWELL DISTRICT COUNCIL  
PLANNING COMMITTEE**

**9 March 2023**

**WRITTEN UPDATES**

**Agenda Item 8**

**21/01630/OUT**

**Land North West Bicester Home Farm, Lower Farm and SRG2 Caversfield**

**Additional representations received**

An email was sent from Bicester Bike Users Group to Oxfordshire County Council raising queries relating to the matters below and asking OCC to raise an objection to the scheme:

- The removal of trees to facilitate localised road widening would conflict with Policies in OCC's 'Tree Policy for Oxfordshire'. This issue should have been identified and addressed at an early stage so that a constructive solution could have been explored. All consultees should have been made aware of this issue.
- Even if all trees are removed, the pavement would not meet the standards to be classified as an acceptable shared walking and cycling path. Due to features such as garden fences, a bus stop and bridge parapets, the width of the route is reduced to 2.5m, significantly below the minimum standards for shared paths.
- The Oxfordshire Cycling Design Standards must be considered now. As the Elmsbrook Spine Road was originally designed to serve less than 500 homes, the current arrangement would not be suitable when considered against this guidance taking into account the Design Standards.

Members may also have been contacted directly by a Local Resident (on behalf of Gagle Brook School, Perch Eco Business Centre, Bicester Bike Users Group and the residents of Elmsbrook) raising the following points:

- The Policy Bicester 1 requirements are supported. The development of the Eco Town in compliance with the Policy is important for the local community and the UK.
- The proposal does not comply with Policy Bicester 1 being in breach of more than 25 items.
- Technical statements produced by the applicant and their assessment by local authority officers have been reviewed by local residents with expertise and have been found to include inaccurate data, flawed rationales and incorrect conclusions. The concerns have been ignored and Officers have refused to act on these or change anything.
- How can so many policies and regulations be ignored or missed. Solutions have been proposed but have not been pursued by the applicant. An improved version resubmitted as soon as the Autumn could be supported if issues are addressed.
- The Committee report's Planning Balance and conclusion does not represent all the aspects and therefore is inaccurate as there are errors with the Financial Viability Assessment and Highways.

- The proposed changes to Charlotte Avenue would be material alterations that would affect the integrity of this area of NW Bicester which would conflict with the Masterplan for the site.
- There would be conflict with local and national policy regarding the transport impacts of the development on the local road network within Elmsbrook.
- There are significant errors in the Applicant's Financial Viability appraisal – it undervalues their sales and overvalues their land purchase costs.
- Local residents have also, in preparation for the appeal, hired an Independent Highways Consultant to review all the Transport related documentation who has identified many flaws with the submitted information. The future length of roadside parking for the school is found to reach the B4100 junction which would cause disastrous traffic congestion.
- In initial findings, it is reported that 'I am astounded by the approach taken to trip generation. It is probably all they could do to make the proposals match the as-built access roads. As it is there is a need for wholesale amendment'.
- Local residents have sent a fuller request to OCC Highways for review.

The appellant's Transport Consultant has contacted OCC Highways this morning providing a high-level review of the potential for a permanent access from the B4100:

- The temporary construction access will require a temporary restriction of the speed limit along the B4100. It has also been designed to accommodate large construction vehicles and therefore it is much wider than a site access would need to be.
- A simple priority junction would unlikely be suitable to accommodate all of the eastern parcel development traffic due to the number of 2 way movements and therefore a ghost island arrangement would be required. This could not be accommodated on the B4100 without requiring third party land.
- A simple priority junction could accommodate approximately half of the expected traffic from the Eastern parcel and a permanent reduction in speed to 30mph on the B4100 would be required. The new traffic signal crossing would likely benefit from the reduced speed limit, a permanent TRO would be required and having considered the potential impact on the existing access to Home Farm, to ensure appropriate junction spacing, and the fact that no more than half of the units could be accessed from the B4100, this option was not pursued.

#### **Officer comments**

- OCC consider that it may not be necessary to remove trees on Charlotte Avenue. The section of Charlotte Avenue north of the school to the bus gate is likely only to have motor vehicle use by existing residents north of the school and south of the bus gate (and associated visitors/ deliveries etc) and the Firethorn parcels proposed to access onto this link. This totals 259 dwellings which is predicted to amount to 1050 daily movements. Even allowing for buses and a margin of error, this level of traffic, combined with the 20mph speed limit, according to LTN1/20 guidance means the link is suitable for on-carriageway cycling and does not require off carriageway facilities.
- Guidance from the Oxfordshire Cycle Design Standards applies to new roads. The Elmsbrook spine road is an existing road. It would not be justifiable to refuse any new development on the basis that the existing road network leading to it cannot be

retrofitted with cycling infrastructure 100% compliant with current standards/ guidance along its entire length because of localised constraints.

- Bicester Bike User Group have confirmed that their concerns with the widening proposal apply for the length of Charlotte Avenue. The bridge close to the local centre would not allow for a shared path to be provided due to the bridge parapets. There are trees and SUDs features along its length.
- If trees are retained where sections are narrowed, then the spread of the tree canopy would need to be considered as this would effectively narrow the width.
- A development that would degrade the existing cycling/ walking facilities to below the current standards and guidance should be refused where there is a clear alternative. Such as retaining a direct link to the B4100.
- Officers note third party views on the financial viability aspects of the scheme. The applicant's submission is not accepted without interrogation and ongoing work is required as is set out within the Officer report.

### **Recommendation**

As per the published agenda report.

### **Agenda Item 9**

**21/00517/F**

**Land Used for Motocross, Stratford Road, A422, Wroxton**

### **APPLICATION WITHDRAWN FROM AGENDA**

Interested parties were advised late in the process that public speaking rights would be allowed. Those registered to speak have raised concerns that they have not been provided with sufficient time to engage with the process.

### **Agenda Item 10**

**21/04289/OUT**

**OS Parcel 1570 Adjoining and West of Chilgrove Drive and Adjoining Land North of Camp Road, Heyford Park**

### **Additional representations received**

Middleton Stoney Parish Council – Have Strong Objections. Have raised concerns regarding the developments which are proposed and ongoing. Will have an impact to the capacity at the crossroads of Middleton Stoney. Have raised concerns regarding the Tritax proposal as well as the Oxfordshire Strategic Rail Freight Interchange.

Lowe Heyford Parish Council – Objects to the proposal, as the model used to assess the impact on the highway network is flawed.

National Highways – Have no objection to the proposal.

Dorchester Group – Has distributed a letter from Eversheds to all members of the planning committee, stating that the Officer's report is flawed and misleading. They put the Council on notice of possible challenge.

OCC Highways - Investigations lead us to conclude (a) that the Bicester Transport Model was fit for purpose in assessing application 18/00825/HYBRID, and b) that the transport assessment and proposed mitigation for this development, which relies on that model, is adequate and appropriate for the scale of development.

### **Officer comments**

Appendix 1 has been amended with further details on the requirements and contributions required for the development of the site to be secured via planning obligations.

Officers consider that the trigger points for the contributions as set out in Appendix 1 can be dealt with via the ongoing negotiations for the S106. In addition, the works proposed to be carried out are proportionate to the mitigation of the highway impacts of the proposed development. The impact on both the local and strategic road network is considered to be acceptable, provided appropriate mitigation is in place. This can be secured as part of the S106 process.

Officers do not dispute the site is not an allocated site, and Cherwell District Council can demonstrate a 5.4 year housing land supply. This is not a cap on housing development. Heyford Park is a sustainable village within the district, and would accord with the Local Plan in so far that it seeks to direct development to the most sustainable settlements in the District.  
Officer

The scale of the development and the site specific circumstances and benefits of providing much needed homes within the district weigh in favour of the proposal. The site is well contained, with development to the north, and proposed development to the west. Chilgrove Drive and Camp Road are the boundaries to the east and south of the site. These create a well contained site which development, which have limited impact on the wider locality. The vegetation of the site will further screen the proposed development from further afield.

There are positive benefits of the scheme, such as it will contribute to the Council's housing supply in the short and medium term, and it will create jobs, and support existing and new facilities in Heyford Park. The proposal will seek to provide green infrastructure resulting in a Biodiversity net gain of habitats of 12.32% and 38.26% of hedgerow units. This will lead to a positive impact on the local environment and the social strand of sustainability. This is greater than the current policy requirements. Planning conditions have been recommended to ensure the proposed development meets this requirement. The proposal will also provide much needed affordable housing. Overall, the proposal is considered to accord with the three strands of sustainability. On balance Officers consider the application acceptable and therefore recommended for approval.

Discussions have been had with OCC Highways, and they are satisfied the application documents are acceptable. OCC are satisfied the transport impacts of the proposed development can be mitigated by way of planning conditions and S106 obligations. The triggers of the payment of these can be secured by way of negotiation during the process.

### **Recommendation**

Subject to the updated Appendix 1, the recommendation of the report remains the same.

**APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking**

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	Policy Compliant	Construct all of the Affordable Housing dwellings in a phase prior to the use or Occupation of 85% of the Market dwellings in that phase.	<p><b>Necessary</b> Policy BSC3 of the Cherwell Local Plan Part 1 2011-2031 requires the provision of affordable housing on sites that propose 11 or more dwellings at a level of at least 30% of the new housing. This is due to Cherwell’s high level of need for affordable housing. The Policy enables promoters of development to provide an ‘open book’ financial analysis of proposed developments where they consider proposals to be unviable. The detailed viability negotiations and proposed solution are set out in the appraisal of the Officer report. It is necessary to secure a level of affordable housing which can be viably accommodated to make the development acceptable in planning terms.</p> <p><b>Directly related</b> The affordable housing would be provided on site in conjunction with open market housing and is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> The proposal is policy compliant and the level to be secured would therefore be fairly and reasonably related in scale and kind to the development</p>



<p>OCCG To go towards funding of Bicester Health Centre</p>	<p>£82 800</p>	<p>50% of contributions at construction 50% of dwellings, 75% 50% of contributions at construction 75% of dwellings, 100% of contributions at construction 100% of dwellings,</p>	<p><b>Necessary</b> The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC8, INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related</b> The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> The calculations are based on number of heads in accordance with OCCGs calculations</p>
<p>Thames Valley Police Contribution</p>	<ul style="list-style-type: none"> <li>• Policing new growth in the area equates to £41,407</li> <li>• Set up costs equate to £2190</li> <li>• Automatic Number Plate Recognition (ANPR) Cameras-£5,500</li> <li>• Premises- £25,826</li> </ul>	<p>To be agreed, but likely at 50% of completions</p>	<p><b>Necessary –</b> The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC8, INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related –</b> as the development would result in increased population, it would directly increase pressure on the local police force. The per dwelling contribution to support increased police capacity would therefore be directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind –</b> Thames Valley Police have identified the additional capital infrastructure required and have costed this. The cost identified is based upon the scale of the development so it is fairly and reasonably related and it</p>

			is proportionate to the cost of providing additional infrastructure for the local neighbourhood teams.
Contribution towards Public Art	£51 520	Before the first occupation	<p><b>Necessary</b> – The proposed development will form a distinct corner of the development of Camp Road, to enhance the sense of place the development aims for. In accordance with the Developer Contributions SPD</p> <p><b>Directly related</b> – The creation of public art on site would lead to a sense of place, improving the character of the area and the quality of space.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The calculations are based on the Developer contributions SPD, so it is fairly and reasonably proportionate to the cost of providing public art for the development.</p>
Contribution towards Community Hall Facilities	£262 967.90	TBC	<p><b>Necessary</b> – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy 12, INF1 and advice in the Developer Contribution SPD. The contribution is based</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>

Outdoor Sports Provision	£493 916.90	TBC	<p><b>Necessary</b> – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC10 and BSC11, INF1 and advice in the Developer Contribution SPD.</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities and will need a new community centre to create sustainable communities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – Calculations will be based on the Developer Contributions SPD calculation based on the number of residents</p>
Indoor Sports Provision	£192 037.76	The requirement to agree a scheme prior to implementation and then ongoing timescales to monitor the development	<p><b>Necessary</b> – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p><b>Directly related</b> – The future occupiers will place additional demand on existing facilities.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The cost identified is based upon the scale of the development so it is fairly and reasonably related and it is proportionate. The calculations are based on the Developer Contribution SPD.</p>

Community Development Worker	£16 938.68 for one year		<p><b>Necessary-</b> The proposed development will lead to a pressure on the existing community, and the proposal seeks to ensure the development fully integrates with the existing community.</p> <p><b>Directly Related –</b> To ensure the proposed development integrates with the existing community.</p> <p><b>Fairly and Reasonably related in scale and kind-</b> The cost identified is a proportion of a cost for a community development worker for 1 year and is in line with the Developer contributions SPD.</p>
Community Development Fund	£10 350		<p><b>Necessary-</b> Community development is a key objective of the local plan, and to create sustainable development.</p> <p><b>Directly Related –</b> To ensure the proposed development integrates with the existing community at Heyford Park, rather than a separate community.</p> <p><b>Fairly and Reasonably related in scale and kind-</b> The cost has been calculated in line with the Developer contributions SPD</p>
Training and Employment Plan to secure 9 apprenticeship starts	NIL	TEP to be submitted for approval prior to the implementation of the development. Arrangements to reflect those within the previous S106 for the site	<p><b>Necessary –</b> The CDC Developer Contributions SPD sets out the type of development and the thresholds on development that will trigger the requirement for the provision of a stated number of apprenticeships as part of an Employment and Skills Training Plan. In order for the development to contribute to this, it is necessary for a Training and Employment Plan to be submitted to secure apprenticeship starts.</p>

			<p><b>Directly related</b> – The request is directly related to the development as the development itself is a vehicle to support an on-going programme of skills, training and apprenticeships. The apprenticeship starts would be directly related to the construction of the development itself.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The number is considered proportionate and therefore fairly and reasonably related in scale and kind to the development. The requirement for a TEP would also increase the skills opportunities on site in accordance with the Developer contributions SPD.</p>
Landscape and Play Area Provision	<ul style="list-style-type: none"> <li>• Mature Tree (Arb. assessment) – £280.04 per tree</li> <li>• Hedgerow (Arb. assessment) - £12.65 per linear metre</li> <li>• Woodland (Arb. assessment) - £46.97 per square metre</li> <li>• Ponds - £41.40 per square metre</li> <li>• Attenuation Basin (Illustrative Masterplan) - £66.05 per square metre</li> <li>• New Woodland (Illustrative Masterplan) - £35.02 per square metre</li> <li>• Informal Open Space (Illustrative Masterplan) - £12.65</li> </ul>	TBC	<p><b>Necessary</b> – to meet the needs generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the Cherwell Local Plan Part 1 2011-2031 and advice in the Developer contributions SPD.</p> <p><b>Directly related</b> – the development generates a need for open space and play provision and in turn this requires ongoing management and maintenance. As such, this requirement is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The level of provision would be based upon the policy and guidance provisions adopted by the Council. On this basis, the requirement is fairly and reasonably related in scale and kind to the development.</p>

	<ul style="list-style-type: none"> <li>• LAP - £36,135.03</li> <li>• LEAP/NEAP Combined - £540,048.31</li> <li>• Site/LEMP monitoring x 2 visits per year x 15 years - £15,000</li> <li>• Landscape Services' management of site/LEMP monitoring consultants at 10% -£1,500</li> </ul>		
A public transport contribution towards bus services Heyford Park	£464 830	TBC or delegated authority is sought to enable officers to negotiate this	<p><b>Necessary –</b> The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport strategy for Heyford Park.</p> <p><b>Directly related –</b> The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind –</b> The level is at an established rate and based on number of dwellings.</p>
Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans	£1 426 indexed linked from December 2021 (RPI-x)		<p><b>Necessary –</b> The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p> <p><b>Directly related -</b> The contribution is directly related to the required travel plans that relate to this development. Monitoring of the</p>

			<p>travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options.</p> <p><b>Fairly and reasonably related in scale and kind –</b> The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
<p>Highway works towards the Policy 5 Highway Mitigation measures including: Highway works, Cycle route, Middleton Stoney, village traffic calming, safety improvements, M40 J10 works, local weight restriction</p>	£2,450,702	TBC	<p><b>Necessary</b> To ensure the development does not result in a severe impact to the highway network.</p> <p><b>Directly related -</b> The future occupiers will put additional demand on the highway network.</p> <p><b>Fairly and reasonably related in scale and kind -</b> The cost will be worked out on the measure of proportionality, and therefore reasonably related in scale and kind.</p>
<p>Primary School Transportation</p>	£385 700		<p><b>Necessary</b> To be paid if the development is implemented prior to the RM approval being granted for the new school.</p> <p><b>Directly related</b> The school does not currently have the capacity to accommodate the additional primary school children, and if the development is brought forward before the RM application being granted, it is likely the primary school children will need to be located at a different school.</p>

			<p><b>Fairly and reasonably related in scale and kind</b> The cost has been worked out on the measure of proportionality, and therefore reasonably related in scale and kind.</p>
Primary and Nursery Education	£1, 604, 630		<p><b>Necessary</b> The proposed new primary school is for a 1.5 FE which provides capacity for the existing development of Heyford Park. As the proposed development would result in additional primary school children, it is necessary for the additional development to contribute towards additional capacity. A 2FE is required.</p> <p><b>Directly related</b> The pupil generation of the site would require a 2FE school to be built rather than a 1.5FE school. The contribution sought would be directly related to the resulting population from the development</p> <p><b>Fairly and reasonably related in scale and kind</b> The County Council's costs are based upon the number of primary and nursery pupils expected to be generated which is then used against the cost of the cost of building the School to give a per pupil cost. The contribution is therefore fairly and reasonably related in scale and kind to the development</p>
Primary School Land Contribution	£151,640		<p><b>Necessary</b> The proposed new primary school is for a 1.5 FE which provides capacity for the existing development of Heyford Park. As the proposed development would result in additional primary school children, it is necessary for the additional development to contribute towards land for a primary school.</p>



			<p><b>Directly related</b> The proposed new primary school is for a 1.5 FE which provides capacity for the existing development of Heyford Park. As the proposed development would result in additional primary school children, it is necessary for the additional development to contribute towards additional capacity. A 2FE is required.</p> <p><b>Fairly and reasonably related in scale and kind</b> The County Council's costs are based upon the standard education land value, which is equivalent to £1 784 per pupil. The contribution is therefore fairly and reasonably related in scale and kind to the development</p>
Secondary Education	£1,195,632		<p><b>Necessary</b> The current school does not have the capacity for the additional pupils, as a result of the development. The existing secondary school will need to be expanded to accommodate the uplift in pupils.</p> <p><b>Directly related</b> The development would result in additional secondary school children and pupil places would be required for them. The contribution sought would therefore be directly related to the resulting population from the development.</p> <p><b>Fairly and reasonably related in scale and kind –</b> The County Council's costs are based upon the number of secondary pupils expected to be generated multiplied by the estimated per pupil cost of a new secondary school. The contribution is therefore fairly and reasonably related in scale and kind to the development.</p>

SEN	£125 637		<p><b>Necessary</b> Government guidance is that Local Authorities should secure developer contributions to special education provision commensurate with the need arising from the development. Approximately half of pupils with Education Needs and Disabilities are educated in special schools. Evidence relating to Oxfordshire demonstrates that the County needs more special school places which is intended to be achieved through a mixture of new schools and expansion of existing schools. As the development would result in an increased population, it is necessary for the development to contribute to increased SEN provision.</p> <p><b>Directly related</b> The development would result in additional secondary school children and pupil places would be required for them. The contribution sought would therefore be directly related to the resulting population from the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> The County Council's costs are based upon the number of pupils expected to require education at a special school generated by the development multiplied by the estimated per pupil cost of a new secondary school. The contribution is therefore fairly and reasonably related in scale and kind to the development.</p>
Libraries	£24 668		<p><b>Necessary</b> a new library has been provided in Bicester and part of the cost of the project was forward funded in advance of contributions being received from the development.</p>

			<p>It is therefore necessary for the development to make a contribution towards the cost of forward funding the delivery of Bicester library</p> <p><b>Directly related</b> the development would increase demand upon the Bicester library, the new provision for which was forward funded. As such, a contribution towards the cost of the project is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b></p> <p>OCC have sought a contribution based upon the remaining contribution to be secured divided by the housing growth remaining for Bicester to give a per dwelling cost plus a contribution towards increasing the core book stock held by the local library by 1.2 items per additional resident. The contribution is therefore proportionate and fairly and reasonably related in scale and kind to the development proposed.</p>
<p>CDC and OCC Monitoring Fee</p>	<p>CDC: £5000</p> <p>OCC: TBC</p>		<p>The CDC charge is based upon its recently agreed Fees and Charges Schedule which sets out that for developments of between 100-250 floorspace that a bespoke charge will be based upon the number of obligations and triggers with a minimum charge of £5,000. As the development has relatively few obligations and triggers for CDC, the minimum charge is required. The need for a monitoring fee is to ensure that it can appropriately monitor that the development is complying with its S106 including the high standards sought at the site and taking into account the complex nature of the site.</p>

Household Waste Recycling Centres	£21 611 (BCIA All-In TPI)		<p><b>Necessary</b> The comprehensive kerbside collections in place in each district are only able to accept smaller, more common types of waste. Larger, ad hoc items like furniture or large electricals need to be taken to an HWRC for management. Households make around 4 visits to an HWRC each year and are regarded by residents as an important service. Without a contribution to HWRCs, the development would have an unacceptable impact on existing facilities. It is anticipated that the proposed development will provide housing for approximately 1,263 new residents. If each household makes four trips per annum the development would result in an additional 920 HWRC visits per year. A contribution is therefore considered to be necessary to make the development acceptable in planning terms.</p> <p><b>Directly related</b> A contribution towards additional HWRC capacity is needed because of the demand that the development will create. The current network of sites is at capacity and without changes, the pressure from increased development will result in a failure of them to adequately serve Oxfordshire residents. Contributions are requested to mitigate the increased burden that proposed development will have on the HWRC network in Oxfordshire and thus the contribution requested is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The calculation is proportionate to the increased demand placed on HWRCs by this development. The calculation breaks down the capital costs associated with providing HWRC infrastructure. As the whole</p>
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			network is currently at capacity and additional development will impact on the service , contributions are required from all developments. The cost/ household has been calculated on a square metre basis.
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## **Agenda Item 11**

**23/00065/OUT**

**Os Parcel 0006 Adjoining North Side of Ells Lane, Bloxham**

### **Additional representations received**

#### OCC Highways

Objection for the following reasons:

- The proposals must provide a 3m shared pedestrian and cycleway connection from the site access to the A361 along the north side of Ell's Lane. If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions and informative notes.
- Makes detailed comments in relation to access arrangements, site layout, parking, refuse collection and the need for a footpath on Ells Lane.
- Requests conditions relating to full details of the access, the provision of permanent public footpaths on Ells Lane, a Travel Plan and a Construction Traffic Management Plan.
- Requests Section 106 contributions in respect of highways works, and public transport services (£33,990).

#### OCC Lead Local Flood Authority

Objection. Key issues: (1) Location plan of soakage testing not provided. (2) Clarification required on the impermeable areas. (3) Phasing

Detailed comments:

Infiltration testing location plan needs to be provided, infiltration tests should cover the extent of the areas where SuDS features are proposed.

Clarification required on the impermeable areas, provide the breakdown of areas and also include the total area after including 10% urban creep.

Clarify the phasing of the development, should the development consist of more than one phase then a phasing plan needs to be provided. Each phase should be able to stand alone and have flood mitigation measures in place.

#### OCC Education

Has updated its comments with Section 106 contribution requests as follows:

Primary Education £207,658, Special Education £17,948. The response received provides evidence/rational to justify these contributions.

#### OCC Waste Management

No objection subject to Section 106 contribution of £2,819 towards household waste recycling centres impacted by the development

### CDC Landscape Officer

Further to his comments at para 7.6 and reported at para 9.44 of the officer's report, the Council's landscape officer has been alerted to the LVA methodology, etc. submitted with the application and advises it is satisfactory.

### CDC Ecology

Officers sought clarification from the Council's ecology officer in response to her concerns as reported at para 7.8. She expresses caution as to a refusal reason on ecology grounds, though reiterates her desire for the biodiversity net gain information to be made more robust.

### Additional third party comments received

The majority of issues raised having already been covered in the officer's report, with additional issues raised as follows:

- Paragraph 4.2 of the applicant's Planning Statement is incorrect in its references to the extent to which the revised/emerging Cherwell Local Plan, e.g. landscape impact, coalescence and potential reference to maintaining the character of the countryside and valley between Ells Lane and Wykham Lane
- Some households did not receive the applicant's Nov 2022 consultation leaflet and questions raised as to the effectiveness of distribution.

### Applicant

Additional information was received from the applicant in response to the comments of Thames Water and the Council's Environmental Protection team, including a revised drainage strategy, a phase 2 ground investigation report and an air quality assessment document. Thames Water and the CDC Environmental Protection team have been reconsulted on this additional information. Thames Water has responded to advise they have no comments to make at this time.

The applicant has requested that the application be deferred from the March Planning Committee so that it can review and respond to consultee comments received in the days leading up to the publication of the agenda. The applicant also contends, through its submitted Agricultural Land Classification Assessment (Fisher German, November 2022), that the land is formally classified as Grade 2 land rather than Grade 1 land, and that its own assessment concludes the land should be re-classified as Grade 3b land.

The applicant has also submitted a letter from its consultant archaeologist advising that Written Scheme of Investigations have been agreed by OCC Archaeology and that the appropriate reports will be issued in the next few weeks.

Lawyers acting for the applicant have submitted a letter expressing their concerns at the application being presented to the March Planning Committee – this letter has been circulated to the members of the planning committee. The letter repeats the applicant's suggestion that the report to committee contains "several inconsistencies and factual errors". Other than that relating to the agricultural land value of the site, the examples are given are the discrepancy between para 7.3 and paras 9.65-9.67 (re OCC Highways comments), and the references to the agricultural land value classification. It is suggested that there has been a lack of engagement by officers with the applicant. The letter refers to the extension of time discussed at a meeting between the officer and the applicant and their agent; there is a query as to why highways issues become a reason for refusal, and queries regarding Section 106

contributions; the letter also mentions the progress being made re archaeology, the lack of information re Section 106 contributions relating to education, concerns regarding the Council's new housing land supply position, and the fairness of the planning balance applied.

Cllr Hingley (Adderbury, Bloxham & Bodicote)

As I am unable to attend the meeting on 9 March to speak about the above application, I am sending a brief note instead in my capacity as ward councillor for Bloxham.

I note the extensive report provided by the planning officer and in particular the recommendation for refusal and the reasons given in support of this recommendation.

Having read the contents of the report I consider that the officer recommendation is justified and as such I support it. In particular I would cite:

- Impact on the rural setting and countryside of both the specific site and the environs of Bloxham, which would extend the built-up village beyond the established built-up boundary line at Ells Lane
- Impact on biodiversity in the locality
- Loss of valuable agricultural land
- Distance from amenities implying an increased traffic burden on an already busy route, namely the Banbury Road and High Street through Bloxham (A361); and increased congestion at the traffic junction at Ells Lane/Banbury Road near to the Warriner school
- The number of developments that have been approved for Bloxham in recent years, which have already increased the size of the village in terms of number of dwellings by over 25% by my reckoning in the past decade, with the subsequent impact on village infrastructure and amenities
- Conflict with policies in the Cherwell Local Plan and the National Planning Policy Framework as referenced in the officer report, as well as with policies in the Bloxham Neighbourhood Plan
- The significant levels of public objection to the application including from the local Parish Council and residents of Bloxham

Taking these considerations and the whole of the officer report into account, I am satisfied that the recommendation for refusal is merited and that the application as presented should be refused. I consequently encourage the Committee to agree with me and to vote for refusal based on the reasons outlined in the officer report, as well as conflicts with the Bloxham Neighbourhood Plan.

**Officer comments**

The comments of the LLFA are noted, and at this time would require a further reason for refusal. It may be that this reason can be overcome through the submission of further information. Similarly, officers note the letter from the applicant's consultant archaeologist. Officers therefore suggest an amended wording to the recommendation for the planning committee to grant delegated authority for the addition or removal of refusal reasons, in the event of any appeal, as a result of new evidence/information becoming available e.g. that satisfactorily addresses a reason for refusal.

With regard to the additional information received further to the comments of Thames Water and the Council's Environmental Protection team, in neither case do the matters raised affect



the matters subject of the recommended refusal reasons, but the recommendation will need to be amended to reflect the revised consultation date of 15<sup>th</sup> March 2023.

With regard to the agricultural land quality, Officers have had regard to the applicant's submitted Agricultural Land Classification Assessment in the consideration of the application. Council's records show it to be classified as Grade 1 land but whether it is Grade 1 or Grade 2 officers would advise the recommended Refusal Reason 3 is unaffected (other than the reference to "grade 1" needing to be amended to "grade 2"). Officers would disagree with the contentions of the applicant's lawyer regarding suggested errors in the report to Committee, e.g. it is the case that the Council's records show that most of the agricultural land surrounding Bloxham is Grade 2 or 3a whereas parts to the northern and north-western edges are Grade 1.

Officers have not been able to interrogate or corroborate the applicant's contention that the land should be re-categorised as Grade 3b agricultural land. Such a regrading would render it not 'best and most versatile' agricultural land. If the land was Grade 3b agricultural land then officers advise that recommended Refusal Reason 3 would fall. It is suggested that the recommendation be amended to give officers delegated authority to add or remove refusal reasons in the event of an appeal against a refusal.

The inclusion of a refusal reason relating to a Section 106 agreement does not imply any lack of willingness on the applicant's part to enter into discussions re the same. It is added in order to safeguard the Council's interests in the event of an appeal being lodged against any refusal of the planning application.

With regard to the applicant's request for deferral to a later planning committee, repeated in their lawyer's letter, officers advised the applicant that the principle of development is not something that can be overcome by negotiation, that the technical matters raised in correspondence would be corrected as far as necessary in the written updates to planning committee, and that the applicant retained the right to speak at planning committee and to seek the committee's deferral of your application.

With regard to the lawyer's suggestion of discrepancies around the OCC Highways comments, these had been received but the OCC Major Projects team had asked CDC not to publish the comments until other elements of their response (not related to highways) were sent. Highway safety is not a reason for refusal and officers would suggest there is a misunderstanding on the part of the letter's author as to what the recommended Refusal Reason 1 relates.

Officers note the progress apparently being made with regard to archaeology (this work having been volunteered by the applicant and not sought by officers) and, as above, it is suggested that the recommendation be amended to give officers delegated authority to add or remove refusal reasons in the event of an appeal against a refusal.

Officers would disagree with the suggestion that the planning balance has not been applied fairly, and with the concerns regarding the Council's new housing land supply position.

### **Recommendation**

Amend the beginning of the current recommendation to the following:

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO REFUSE PERMISSION, SUBJECT TO:**

- i. **NO FURTHER OBJECTIONS FROM THE COUNCIL’S ENVIRONMENTAL PROTECTION TEAM RAISED BY THE EXPIRY OF THE CONSULTATION PERIOD; AND**
- ii. **REASON FOR REFUSAL 2 SUBJECT TO AMEND THE SECOND REFUSAL REASON RELATING TO LOCATION TO REPLACE THE WORDS, “AND WOULD HAVE AN ADVERSE IMPACT ON THE CHARACTER OF THE AREA” WITH “AND WOULD NOT BE SUSTAINABLE DEVELOPMENT” AND REMOVE THE WORDS “SAVED POLICIES C28 AND 30 OF THE CHERWELL LOCAL Plan 1996”.**
- iii. **THE REASONS 1, 3, 4 AND 5 SET OUT BELOW (AND ANY AMENDMENTS TO THOSE REASONS FOR REFUSAL AS DEEMED NECESSARY)**
- iv. **THE ADDITION OF A SIXTH REASON FOR REFSUAL RELATING TO DRAINAGE TO READ:  
*6. THE APPLICANT HAS FAILED TO DEMONSTRATE THAT AN APPROPRIATE SURFACE WATER DRAINAGE STRATEGY FOR THE SITE UTILISING SUSTAINABLE DRAINAGE SYSTEMS (SUDS) CAN BE DELIVERED NOR THAT THE PROPOSED DEVELOPMENT WOULD INCREASE THE RISK OF FLOODING. AS SUCH THE PROPOSAL IS CONTRARY TO POLICIES ESD6 AND ESD7 OF THE CHERWELL LOCAL PLAN 2011 - 2031 PART 1 AND GOVERNMENT GUIDANCE CONTAINED WITHIN THE NATIONAL PLANNING POLICY FRAMEWORK.***

**IT IS FURTHER RECOMMENDED THAT DELEGATE TO OFFICERS TO ADD OR REMOVE REFUSAL REASONS, IN THE EVENT OF AN APPEAL BEING LODGED AGAINST THE REFUSAL, IN LIGHT OF NEW EVIDENCE BECOMING AVAILABLE.**

**Agenda Item 12**

**22/00017/F**

**Kidlington Garage, 1 Bicester Road, Kidlington**

**Additional representations received**

Cllr Middleton has expressed concerns that the material change to the affordable housing offer, is so significant it should be seen as a variation to the planning application and, therefore, should go back out to consultation.

Cllr Middleton’s view is that the complete removal of the requirement for any contribution to affordable housing will have a serious potential impact on the area and, as such, the parish council, at the very least, should be given a proper opportunity to formally respond.

**Officer comments**

The Viability information submitted by the Applicant and the review assessment undertaken on the Council’s behalf were published on the website on the 6 March 2023.

Whilst there has been a significant material change to the level of affordable housing provision, the submission of a viability report (and its assessment by an independent party) is in line with Policy BS3 (Affordable Housing) of the Local Plan 2011 - 2031

**Recommendation**

As per the published agenda report.

**Agenda Item 13****22/03821/F****Windrush Surgery, 5A Bradley Arcade, Bretch Hill, Banbury****Additional representations received**

No additional representations.

**Officer comments**

No comments

**Recommendation**

As per the published agenda report.

**Agenda Item 14****22/03180/F****4 Grimsbury Square, Banbury****Additional representations received**

No additional representations.

**Officer comments**

No comments

**Recommendation**

As per the published agenda report.

**Agenda Item 15****Appeals Progress Report**

No update.