



SUPPLEMENTARY INFORMATION

Planning Committee

10 August 2023

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

Planning Committee 10 August 2023 – Public Speakers

Agenda Item	Application Number	Application Address	Ward Member	Speaker – Objector	Speaker – Support
8	23/01086/F	Otmoor Farm, Ragnalls Lane, Horton Cum Studley, OX33 1AR	Cllr Gemma Coton (called in application)	David Slingo, Chair of Horton-cum-Studley Parish Council	David Wilding RSPB (Applicant) Charlotte Kinnear, RSPB (Applicant) Michael Simpson, Simpson Architecture (Agent)
Page 2 9	23/00853/OUT	Land East of Warwick Road Drayton, Warwick Road, Banbury		Chris Brant, on behalf of Keep Hanwell Village Rural Action Group and Hanwell Parish Council	David Murray-Cox, Turley (Agent)
10	23/01265/OUT	OS Parcel 0078 North West Of Quarry Close, Quarry Close, Bloxham		David Bunn, Bloxham Parish Councillor	
11	22/02668/F	The Firs Garage, Tadmarton Heath Road, Hook Norton, OX15 5DD			

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE**

10 August 2023

WRITTEN UPDATES

Agenda Item 8

23/01086/F – Otmoor Farm, Ragnalls Lane, Horton cum Studley, OX33 1AR

No Update

Agenda Item 9

23/00853/OUT – Land East of Warwick Road Drayton, Warwick Road, Banbury

Additional Information received

The Applicant has submitted a revised Site Location Plan drawing that includes an area of land highlighted blue (in the Applicant's ownership) to the east of the defined application site (edged red) that is suggested would form an area of potential ecological mitigation. For the avoidance of any doubt, there is no change proposed to the defined application description.

The Applicant has also submitted a supplemental Transport Statement (Technical Note 3), which responds to objections made by OCC Transport, as referenced at Para.6.8 of the Committee report. The Note follows a meeting held between the Applicant's transport engineers and OCC. OCC Highways Officers have been re-consulted on this supplemental information, which contains:

- Details on the proposed access junction in terms of dimensions and measurements;
- Details of swept path analysis for a refuse vehicle;
- Updated collision data for the period 2018-2022;
- An extension of the study area to provide additional collision data for Dukes Meadow Drive and the junction with the A423 Southam Road; and
- Additional junction capacity analysis for the A423 Southam Road/Dukes Meadow Drive/Noral Way roundabout junction.

Additional Representations

THE RT HON VICTORIA PRENTIS KC MP wrote to object to the proposals in a letter dated 1st August 2023. She commented that several constituents had contacted her to express concerns about the proposals and she had visited Hanwell village twice to meet residents and view the application site herself.

The MP shares her constituents concerns that the proposed development of 170 dwellings would harm the heritage setting of Hanwell conservation area, the listed buildings of St Peter's Church and Hanwell Castle and Hanwell Observatory. It would extend built development on Banbury's northern edge to the Hanwell village boundary at Gullicott Lane, close to the conservation area.

The proposal would extend Banbury beyond a well-established hedgerow and tree line that forms a natural break between the town and the open land surrounding Hanwell.

The MP states that continued growth of the town must not be detrimental to surrounding communities, but that this proposal would extend far beyond the built-up limits of Banbury and development would permanently alter the character and identity of Hanwell village (a Category C settlement) with all separation lost.

The land is also best and most versatile agricultural land, which should be protected.

The MP also questioned the ability of local infrastructure and services to accommodate this scale of development, recognising the significant concerns raised by statutory consultees such as Oxfordshire County Highways, Thames Water and the Integrated Care Board.

The MP stressed that almost 500 public objections have been registered along with similar concerns raised by Banbury Town Council and the Parish Councils of Hanwell, Drayton, Horley, Shotteswell and The Bourtons.

The MP urges Committee Members to heed those local concerns when considering this application.

OCC HIGHWAY OFFICERS have indicated that Technical Note 3 is sufficient to overcome their objection and subject to some refinements required around the vehicle access and a TRO to extend the 40mph zone north of the site access (to be controlled via a S278), the imposition of appropriate conditions and payment of S106 contributions for Hennef Way improvements and improvements to bus services, cycle, pedestrian and PRow connectivity cumulatively amounting to £515,070 index linked, OCC can withdraw its objection. [There is no S106 in place currently as part of this application].

LANDSCAPE RESPONSE An independent review of the Applicant's Landscape & Visual Impact Assessment (LVIA), as contained within Chapter 7 of the Environmental Statement, has recently been completed on behalf of CDC by Mark Cooper at MCA Landscape. In summary, the review found that the applicant's appraisal offered "*a very thorough and methodical assessment of the likely significant environmental effects arising from the proposed scheme*", was based correctly on Landscape Institute guidelines, and was "*objective...honest and without prejudice.*" However, in landscape terms, the review concluded that "*there are issues relating to the sites relationship with Hanwell and its relationship with the edge of Banbury to the immediate south.*" The review did not agree with the conclusions of the Applicant's LVIA in respect to the following matters:

The proposed development makes significant provision for maintaining the integrity of Gullicote Lane and focussing views along its length. However, this does not alter the fact that the lane currently passes through open fields on either side and this perception will be permanently altered;

Whereas users of PRow 239/7/10 will be protected from the perception that the gap between Banbury and Hanwell has been compromised, in reality there will have been a northward shift of Banbury's edge;

Clause 7.195 describes the maturation of mitigation planting 'preventing the perceived and physical coalescence' of Banbury and Hanwell by the creation of a tree-lined settlement edge. Clause 7.196 then describes the future tree-lined settlement edge being similar to the existing boundary vegetation along the southern boundary of Parcel A but extended northwards along the road route's course. I would argue that the existing screen on the southern boundary of Parcel A should not be a model for the proposed parkland/woodland/meadow character of the site;

Everything about the northern edge of Hanwell Fields suggests that this is the intended limit of Banbury's extension; the built-form and orientation, the wide green margin and

the boundary tree belt which is an historic feature some 50 years old (some parts older). I would argue that the magnitude of change to these residents is far from low and is actually fundamentally altering their position, setting and amenity;

The proposed development will permanently alter the perception and setting of Park Farm even if the new houses aren't visible after 15 years – if the magnitude of change for properties at the western extent of Hanwell is 'High' then how can it be 'Low' for Park Farm which is closer to the proposed development; and

Clause 7.222 in respect to impacts on properties at the western extent of Hanwell, describes the maturation of the new woodland planting to create; '*a tree-lined settlement edge similar to that experienced at present, albeit closer in proximity*'. This is comparing the visual impression, to properties in the western end of Hanwell, of the existing mature tree screen on the southern edge of Parcel A to the future impression of the proposed boundary vegetation on the northern edge of Parcel A which is more than 200m closer and will not mature to a similar height and scale for 40 years.

Officer Response

The concerns raised by the MP echo those of the numerous objectors and the issues raised have all been addressed in the published Committee report. The concerns raised are shared by Officers, hence the refusal recommendation made.

The inclusion of an area of land within the applicant's control is noted. However, this does not alter the defined application site to which the proposed development relates. As such, it was not considered necessary to delay this application to facilitate further publicity and/or consultations.

It is now apparent that OCC Transport no longer wish to object to the proposals on highway grounds and their original concerns could be overcome by conditions, a new TRO and payment of assorted S106 contributions.

In respect to landscape matters, the independent review of the LVIA undertaken for the Council by MCA Landscape reinforces the conclusions reached by Officers that the proposed development would be significantly harmful in landscape terms and Refusal Reason 1 should therefore be maintained.

Whilst the Applicant has indicated a willingness to enter into a S106 planning obligation agreement with the LPA in the event of planning permission being granted, no such S106 currently exists. To ensure that all necessary mitigating infrastructure and financial contributions are secured in the event of a planning permission being granted ultimately at any appeal, a new fourth reason for refusal should be added.

Amendment to Recommendation

In light of the submission of supplemental highways information contained in the applicant's Technical Note 3 and the conditional withdrawal of objection from OCC Transport, it is accordingly recommended that suggested **Refusal Reason 4 should be deleted**.

However, in the absence of a signed S106 planning obligation agreement and to preserve the LPA's position in respect to ensuring that necessary mitigating infrastructure and financial contributions are secured in the event of planning permission being granted ultimately at any appeal, a **new fourth reason for refusal is recommended**:

4. 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 contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

Agenda Item 10**23/01265/OUT – OS Parcel 0078, Northwest of Quarry Close, Bloxham****Additional Representations**

Two more Third Party representation letters have been received since the report was compiled, which largely reiterate objections previously made by other objectors.

Additional Information received

The applicant has submitted a 'Technical Note on Highway Matters' in response to the comments made by OCC as local highway authority, covering access, active travel connectivity, public transport, traffic impact and travel plans.

The Technical Note is accompanied by a revised access plan, showing the speed limit moved 50 metres north of the proposed access with 2.4 x 43 metres visibility splays and including traffic calming comprising a build out with hump just inside the change of speed limit.

The Technical Note agrees to the "further measures" requested in OCC's consultation response – the "informal dropped kerb crossing of Tadmarton Road adjacent to the school" and a "new uncontrolled pedestrian crossing outside the petrol filling station" and improvements to bus stops. The Technical Note also agrees that a Travel Plan Statement to OCC's criteria and a Residential Travel Information Pack needs to be produced and agreed prior to first occupation.

The applicant requests the Technical Note be uploaded to the application file and circulated to OCC Highways.

Officer Response

The objections raised by the two latest representations have already been addressed in the Committee report. No further action is necessary.

In respect of the Technical Note, officers note that the local highway authority raised no objections on highway safety grounds. The additional measures proposed or agreed to within the Technical Note therefore have no bearing on the acceptability of the proposal in highway safety terms.

It is considered that none of the measures proposed or agreed to have a material bearing on the officer conclusions in respect of the sustainability credentials, concerns which, whilst not a highway safety matter, we note that the LHA share.

Officers therefore consider it not critical for the Technical Note to be formally consulted upon but, in the event that Members were minded not to agree with the officer recommendation and to approve the application such a consultation could be carried out before a Section 106 agreement was completed.

Officer comments

The applicant's preliminary ecological appraisal notes that, "The site falls within the SSSI Impact Risk Zone for Bestmoor SSSI". "SSSI" stands for 'site of special scientific interest'. The Bestmoor SSSI is located at Somerton / between Somerton and RAF Heyford. Para 9.69 of the officer report notes that the Bestmoor SSSI lies approx. 8.8km south-east of the site. "IRZ" in para 9.69 stands for 'Impact Risk Zone'.

The officer report does not mention specific policies of the Bloxham Neighbourhood Plan 2015-2031. Those considered relevant to an assessment of this planning application are:

BL2 – types of development permitted [this broadly correlates with Policy Villages 1 in the CLP 2015]

BL3 – access to village services

BL4 – parking

BL6 – water usage

BL7 – flood risk

BL8 – housing adaptable to demographic change

BL9 – residential amenity, infrastructure and highway safety

BL11 – character, design and materials [this broadly correlates with Policy ESD15 of the CLP 2015]

Officers have considered the content and implications of these policies insofar as they relate to this planning application and conclude that several of them should be referred to in the recommended reasons for refusal. In addition the wording of the reasons for refusal have been refined and clarified to better relate to the reason why the development is unacceptable and the relevant policies that the development is contrary to.

Amendment to Recommendation (Refusal Reasons 4 and 5 are unchanged)

RECOMMENDATION - DELEGATE AUTHORITY TO THE ASSISTANT DIRECTOR TO REFUSE PERMISSION SUBJECT TO THE REASONS SPECIFIED BELOW AND ANY MODIFICATION(S) THAT MEMBERS AND THE ASSISTANT DIRECTOR MAY DEEM APPROPRIATE:

1. The site is located outside the built form of Bloxham and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape on the approach to Bloxham to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached and result in unsustainable growth. The proposed development would therefore be contrary to Policies PSD1, BSC1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policies C28, C30 and C33 of the Cherwell Local Plan 1996, Policies BL2, BL3 and BL11 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance in the National Planning Policy Framework.

2. By reason of its location more than 800m walking distance from the village centre and any key amenities in the village (e.g., food shop, post office, primary school, GP surgery, public house), the proposal would be poorly connected to existing development, such that future occupiers would not have a realistic choice of means of travel. Therefore, the proposal conflicts with Policies ESD1, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031, saved Policies C28 and 30 of the Cherwell Local Plan 1996, Policy BL3 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance in the National Planning Policy Framework.
 3. By reason of the siting and size of the development and the resulting loss of grade 1 agricultural land, and taking into account the Council's ability to demonstrate an up-to-date 5.4 year housing land supply across the District and having delivered in excess of 750 dwellings at Category A villages under Policy Villages 2, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of using areas of poorer quality agricultural land to meet the District's housing needs, the proposal is considered to result in the unnecessary and unjustified loss of best and most versatile agricultural land. Therefore, the proposal conflicts with Policy Villages 2 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.
 4. Based on the advice from the Council's Ecologist and the holding objection issued by Natural England, further ecological investigation needs to be carried out before it is known whether the proposed development would be harmful to biodiversity on site. The evidence currently available demonstrates likely detrimental impact to protected species and their habitat and without more detailed investigation the Local Planning Authority cannot be assured that the harmful impacts could be mitigated and/or compensated. Accordingly, and based on precautionary principles, the proposals would be contrary to Policies ESD10, ESD15 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1, Regulation 43 of Conservation of Habitats & Species Regulations 2017 and Government guidance at paragraphs 170, 175 and 180 within the National Planning Policy Framework.
 5. 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 contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018, Policy BL9 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance within the National Planning Policy Framework.
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Agenda Item 11

22/02668/F – The Firs Garage, Tadmarton Heath Road, Hook Norton, OX15 5DD

No Update

Agenda Item 12

Appeals Progress Report

No Update

Agenda Item 13
Planning Performance Report

A correction is required to the second table under para 3.9, which should be titled 'Non Major Applications' not 'Major Applications'
