



SUPPLEMENTARY INFORMATION

Planning Committee

10 February 2022

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

Planning Committee 10 February 2022 – Public Speakers

Agenda Item	Application Number	Application Address	Ward Member	Speaker – Objector	Speaker - Support
8	21/03644/OUT	OS Parcel 6372 South East of Milestone Farm Broughton Road, Banbury			Reuben Bellamy – Applicant Attending in person. Andy Wilkins – Applicant Attending In person
9	21/02286/F	Land North West of Launton Road Roundabout adjoining Skimmingdish Lane, Caversfield		Paul Troop Bicester Bike User Group VIRTUAL	Richard Frudd Agent VIRTUAL
10	21/01580/F	Kemsley Farm Northampton Road Weston on the Green OX25 3AA			David Ashby – Applicant Attending in person
11	21/01454/F	Former Rodney House Private Drive off Graven Hill Road Ambrosden	No Public Speakers		
12	21/03976/DISC	Dovecote Approximately 50 Metres South of Old Place Yard House Old Place Yard Bicester			

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE**

10 February 2022

WRITTEN UPDATES

Agenda Item 8

21/03644/OUT

OS Parcel 6372 South East of Milestone Farm Broughton Road, Banbury

Additional information received

None.

Additional Representations received

The OCC Solicitor noticed a typo in paragraph 8.14 of the report regarding the word “with” at the end of Line 1.

Officer response

Replace the word “with,” in Paragraph 8.14, Line 1 with “**which**”, so that it reads: “...the submitted indicative layout is generally acceptable, **which** importantly, (1) does not form part of any approval of the current application...”

Recommendation

No change to published agenda report.

Agenda Item 9

21/02286/F

Land North West of Launton Road Roundabout adjoining Skimmingdish Lane, Caversfield

Additional information received

The applicant has provided a detailed note explaining why the scheme cannot achieve BREEAM accreditation, but it then goes on to explain that they have gone above and beyond a more balanced range of sustainability and climate change objectives to deliver a better environmental solution for the site.

The applicant has explored the scope to achieve a BREEAM rating, but it is simply not possible to secure the required number of BREEAM credits. There are many reasons for this, but most fundamentally the limited scale of the building and developable area, its location, and the fact that the site has not been previously developed.

The applicant has submitted a Matrix and Energy Statement that sets out proposed ‘sustainability measures’ against relevant policy and guidance, which highlights the extent to which the applicants have taken this point seriously and balanced out competing considerations; e.g. more BREEAM credits could be achieved if the entire site was covered with PV panels, but this would be hugely detrimental to the biodiversity and amenity value of the site. The applicant points out that BREEAM is only one measure against which the sustainability of development can be assessed, and is not sophisticated enough to account for a balanced approach being adopted to reflect the particular circumstances of a site or scheme, as is the case here. The applicant’s development provides:

- The location of development has been carefully selected by the proposed operator due to its proximity to a range of local businesses, which will reduce the need for

these customers to travel further afield, and as a means by which to reduce car borne journeys to drive-thru facilities beyond this local area;

- The proposals incorporate 8 electric car vehicle charging points, customer and staff cycle parking, direct linkages to the local pedestrian and cycle network, and a commitment to funding enhancements to the adjacent pedestrian/cycle network in a manner commensurate to the nature and scale of the proposed development;
- Air source heat pumps are to be installed at fit out stage as a renewable energy sources and these will be complemented by 100sqm of roof mounted PV panels to maximise the renewable and low carbon energy generating credentials of the development;
- The use of LED lighting, mechanical ventilation with heat recovery and electric powered heating and cooling systems (using electric rather than a gas powered system, is beneficial as the grid is being de-carbonised) represent further efficiencies;
- The risk of flooding has been comprehensively mitigated through the layout, design and drainage solution proposed for the site, which also take the opportunities available to generate material benefits associated with flood risk reduction and biodiversity enhancement;
- The sustainable drainage solution includes both a pond and swale, significantly reducing rates of discharge into the nearby watercourse, whilst also improving water quality;
- A biodiversity net gain of over 18% will be achieved on the site, almost doubling the Council's and the Environment Act's target of 10%;
- The proposals will safeguard a greater proportion of undeveloped land than was previously envisaged through the allocation. The proposals only occupy a developable area of 0.28ha meaning almost 1ha will be retained for ecological and amenity benefit; and
- The proposals will add to the wider attractiveness of the area as a significant employment location on the edge of Bicester and deliver flexible local employment opportunities and investment in its own right.

Officer comments:

Details of the assorted enhancements are provided in the original application documents and plans and have been supplemented by new plans showing the EV charging and solar PV roof panels. On this basis it is recommended that the BREEAM condition (condition 11 in the published agenda report) can be removed subject to the plans condition (condition 2) being update to reflect the additional information and the amended plan received.

Additional Representations received

Bicester Bike Users' Group:

OCC have conceded that the highways officer made a mistake in indicating that a 2m wide footway only with no horizontal separation was compliant with LTN1/20.

OCC have not offered their highways assessment and the 'reasons for the consultee's views' as required by the guidance on Consultation and Pre-decision Matters (2014, latest amendment 2021) as explained by Mrs Justice Lang DBE in Swainsthorpe Parish Council v Norfolk County Council [2021] EWHC 1014 (Admin). What they have instead done is to purport make the decision by saying that a shared path is acceptable, when this is a decision that is for the CDC planning committee.

Our view is that, from a highways perspective, either a shared or a segregated path would be acceptable, but the final decision should rest with the planning committee. What OCC should have done is to offer their views of the considerations that are relevant to the issue of a shared or segregated path. For example:

- That the majority of the existing provision approaching this roundabout on the A4421 and Skimmingdish lane is segregated provision.*
- That there is no width restriction that would preclude segregated provision.*
- That shared provision is generally significantly less supportive of active travel than shared provision.*
- That OCC is moving away from legacy shared provision and encouraging segregated provision.*
- That this path will be used by very vulnerable users who are residents of the Wyndham Hall care home, and who will be very unwilling to share space with cyclists.*

OCC have not explained their views of these considerations, which makes it very difficult for the committee to be confident that a shared path is acceptable. For this reason, OCC need to provide their reasons before the committee can decide on access. It may be appropriate to leave the issue of compliance with LTN1/20 to an officer to make after the committee hearing.

Officer response:

The OCC Highways Officer has provided a consultation response on this application which is summarised in the published report and avail in full on the Council's website. It is this response that has informed the officer recommendation for the approval of the application.

Recommendation

Remains as per the published agenda report subject to:

- Amendments to Condition 2 (Plans)
 - Drawing number 15987-106 Rev B to be substituted for Drawing number 15987-106 Rev C
 - Addition of: Climate Change and Sustainability Policy Matrix, and Bicester Greggs Drive Thru – Commentary on Energy Policy Prepared By Martin Thornley - Thornley & Lumb Partnership Ltd Issue 01 – 04.11.21
- Delete condition 11 (BREEAM)

Agenda Item 10

21/01580/F

Kemsley Farm, Northampton Road, Weston on the Green, OX25 3AA

Additional information received

None.

Additional Representations received

None.

Recommendation

No change to published agenda report.

Agenda Item 11

21/01454/F

Former Rodney House Private Drive off Graven Hill Road, Ambrosden

Additional information received

Recommendation 5 iii) B, as previously agreed by Members at the January Committee and as repeated on page 137 of your agenda papers, references need for an unspecified payment to be made by the applicant to OCC as Highway Authority to facilitate provision of a shared-use footway upgrade to access the new Health Hub facility. It has recently been agreed between both parties that the requisite footway upgrade will now be delivered by the applicant, rather than the Highway Authority, and that has been confirmed in writing by both parties. Accordingly, the provision of the footway upgrade can now best be dealt with by a 'Pre-Occupation' condition and the previous requirement for a s106 contribution payment being made by the applicant to OCC in that regard is no longer appropriate and can be removed.

Updated figures have also been provided by OCC Highways in respect to the other s106 contribution amounts referenced in the New S106 Heads of Terms at items A and C. Rather than sums of £320,000 and £2,300 it has now been proposed by OCC Highways and accepted by the applicant that the sums should be: A - £310,262 index linked; and C (now B) - £2,336 index linked.

Since the s106 requirements only now relate to OCC transport matters, it is no longer appropriate to require a £1,000 CDC monitoring fee payment; so D - £1,000 can be removed.

Additional Representations received

None.

Recommendation

The recommendation set out in the published agenda report is revised as follows:

Amend at 5 iii – New S106 Heads of Terms:

- A. £310,262 index linked – Payment of a contribution to improve public transport (bus) provision to the site
- B. Delete £TBC – Footway upgrade
- C. (now B) £2,336 index linked – OCC Travel Plan Monitoring Fee
- D. Delete £1,000 – CDC S106 monitoring fee

Add new Condition 22:

“22. The development shall not be brought into use until a cycle route linking the site with the existing and proposed cycle network has been constructed in accordance with details including lighting, surfacing and signage submitted to and approved in writing by the Local Planning Authority.

Reason: - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.”

Agenda Item 12

21/03976/DISC

Dovecote, Approximately 50 Metres South Of Old Place Yard House, Old Place Yard, Bicester

Additional information received

None.

Additional Representations received

None.

Officer comments

Since the publication of the committee agenda report the Conservation Officer has now been able to carry out a closer inspection of the existing roof tiles, following the completion of the removal of asbestos within the roof of the building. It is considered that the proposed roof tiles are not a close enough match for the existing tiles in terms of colour and finish. The applicant and their agent are currently investigating alternative products and are in discussion with the Conservation Officer regarding this.

To enable the repair works to the building to continue, and the discharge of the other conditions the subject of this application, it is recommended that powers to discharge Condition 6 (roof tiles) be delegated to the Assistant Director for Planning and Development when a suitable tile has been sourced.

Recommendation

The recommendation is revised as follows:

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO DISCHARGE CONDITIONS 6 (ROOF TILE), 10 (RAINWATER GOODS SAMPLE), 11 (WIRE BRUSH METALWORK), 12 (MATCHING PAINT COLOUR), 13 (PROPOSED FITTINGS) & 14 (MORTAR SAMPLE) OF 21/02394/LB - ONLY ONCE A SUITABLE TILE HAS BEEN AGREED IN RELATION TO CONDITION 6.