

**CHERWELL DISTRICT COUNCIL  
PLANNING COMMITTEE**

**13 July 2023**

**WRITTEN UPDATES**

**Agenda Item 8**

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

**Amendment to paragraph 6.1 of the Officer report as follows:**

83 responses have been received in total during 2023; 63 objecting to the application and 20 commenting.

**Additional representations**

- Track has rewilded – loss of habitat
- Impact on view from house
- Impact of Caffeine & Machine – increased traffic on A422
- Disruption to local business – bad behaviour of users of track
- Loud overnight working

A further letter of representation has been received from a planning agent on behalf of Hornton Parish Council, accompanied by (i) a document entitled 'Transport Review' by Motion, (ii) a document entitled "Land used for motorcross at Stratford Road A422, Wroxton, Oxfordshire – a review of the great crested newt evidence" by CGO Ecology Ltd, dated 11.07.23, and (iii) a WeTransfer link to a video in relation to highway conflicts, which the letter requests is viewed in conjunction with the report by Motion.

The HPC letter requests that the agenda item is deferred to a later date. The letter makes representations with regard to the lawfulness of the use of the site for motocross purposes and what may be carried out under permitted development rights. The letter also sets out a timeline of events from the parish council's perspective. The letter alleges omissions from the officer's June 2021 report to Planning Committee and the March 2021 OCC consultation response, asserts the application is invalid, and makes numerous comments as to what officers and members should have said and done at the time of the June 2021 consideration of the application. The letter also makes various observations in relation to the recommended conditions and seeks to make comparison between the current application and an application at Hornton Grounds Quarry for a fuel depot refused by CDC on various grounds.

**OCC Highways**

OCC Highways have written in response to the transport statement attached to the objection letter by Hornton Parish Council. Summary of response:

OCC confirmed that they had visited the site in 2021 and judged the visibility of this existing access to be acceptable. OCC also recommended that the access would need to be upgraded, with details required by condition. This would allow for the geometry to be improved to make it more suitable for large vehicles. OCC therefore confirm that the Transport Review submitted by Hornton Parish Council changes their previous responses of June and March 2021.

## **Officer response**

The comments are noted. The impact of the undesirable behaviour of individuals visiting local businesses is not a material planning consideration and is beyond the control of the Local Planning Authority.

Concerns have been raised by Hornton Parish Council with regard to ecology, and the requirement for additional surveys or a protected species licence. Conditions have already been recommended with regard to mitigation and biodiversity enhancement, although an additional condition and informative is also recommended as set out below.

Officers would disagree with Mr Philcox's letter with regard to the permitted development fallback options and in relation to whether there are omissions in the CDC June 2021 report, and in relation to whether the application is valid, and in relation to whether the recommended conditions meet the tests for conditions. Officers also disagree that the fuel depot decision is relevant to a conclusion on the principle of development in this instance – one key factor being that the application site has been used for motocross purposes for c.40 years. Officers do not consider that the application needs to be deferred from the meeting.

A condition is already recommended regarding access details including vision splays.

## **Additional condition, re Protected Species Licence**

17. Where an offence under Regulation 43 of the Habitats and Species Regulations 2017 (or any regulation revoking or re-enacting or amending that regulation) is likely to occur in respect of the development hereby approved, no works of site clearance, land preparation, maintenance, demolition or construction shall take place which are likely to impact on Great Crested Newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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

## **Informative Note**

2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England.

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## **Agenda Item 9**

### **23/00173/OUT - Land South of Green Lane, Chesterton**

#### Public Comments

2 further letters of objection have been received from local residents raising the following comments:

- the local roads will not be able to manage with the additional traffic especially with the anticipated Great Wolf Traffic
- the local school does not have capacity for an increase in intake
- there has been significant development in the area already that includes both housing and the Great Wolf development
- it will reduce the green space between Chesterton and Little Chesterton
- construction activity from Great Wolf and other developments in the area are causing issues to the village. The development should wait until the others have been completed.

**Officer Response:**

The comments are noted and do not raise new issues. The concerns raised have been addressed in the main report.

Additional Statement by the Applicant

The applicant has submitted an additional document for consideration and has sent this to the committee. A copy of this document has been placed on the application file and made public.

The supporting statement sets out the scheme and its benefits from the applicant's perspective including how the application site relates to local services, provides new market and affordable homes, biodiversity net gain and zero carbon development. The applicant also sets out the s106 contributions including those being provided on site and that financial contributions total £3,759,490 (circa £40k per unit) and includes green space over the policy requirement.

**Officer Response:**

The comments are noted and do not raise new issues and are highlighted in the planning balance and in the consideration of the scheme in the main report.

**No change to the Recommendation**

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**Agenda Item 10**

**22/02866/OUT – Land East of Ploughley Road, Ambrosden**

Landscape & Street Scene Officer Comments

Consultation comments have been received from the Landscape & Street Scene Officer who raises an objection to the proposal stating that the proposed development of 120 dwellings (generally due to the size and scale) would have a significant detrimental impact on the landscape character and visuals. The Landscape & Street Scene Officer also added that even with the mitigation measures put forward, the proposal would not sit comfortably into the surrounding landscape. The observations are concluded with the Landscape & Street Scene Officer supporting the case officer's comments.

**Officer Response:**

The comments are noted and do not raise new issues. The concerns raised have been addressed in the main report.

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**Agenda Item 11**

**22/02455/OUT - Land West Of Church Ley Field Adjacent To Blackthorn Road, Ambrosden**

No Update

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## **Agenda Item 12**

### **22/03869/OUT – Land to the North of Wimborn Close and Mackley Close, Deddington**

**Deddington Parish Council:** Have submitted an email to Members outlining the following points:

1. Lack of mention of the Neighbourhood Plan
2. Not allocated within the Neighbourhood Plan
3. CDC now has a 5.4 year supply of housing
4. Access to the site is not safe
5. Play area will become not accessible
6. Loss of trees for new pavement
7. Parish Council owns some land
8. Impact on residential amenity
9. 2018 HELAA says site is not suitable
10. Lack of water supply

**CDC Arboriculturist:** If there are trees on site we need to see an arboricultural survey, and arboricultural Impact assessment/tree protection plan/arb method statement in accordance with BS5837:2012. We also need to see a Landscaping scheme which provides details of trees to be planted, the location of root barriers where trees are to be planted within 2m of hard surface and details of the tree planting pits.

### **Additional third party representations**

77 letters of objection have been received from local residents raising the following comments:

- The roads can not cope with the additional number of dwellings
- Pressure on the school and doctors surgery
- Impact on the wildlife habitats
- Undermines the Neighbourhood Plan
- Not in accordance with the development plan
- Health and safety
- Loss of Agricultural Land
- Impact on the proposed allocation contained within the Neighbourhood Plan

### **Officer Response:**

The Draft Neighbourhood Plan is still in its early stage, therefore very limited weight should be attributed to the plan at this stage. It is still undergoing public consultation which finishes on the 21 July 2023. It is unknown at this stage what comments have been received in response to the draft Plan. It is acknowledged that the site has not been identified within the Draft Neighbourhood Plan. The current proposal does not impact any future allocations within the Draft Neighbourhood Plan; it has no bearing on the acceptability or otherwise of the site selected within the draft Plan.

Concern has been raised about the footpath connections to Hempton Road, OCC is content that this can be carried out within their ownership. It may have to remove some trees; however, this will not result in a negative impact on the character and appearance of the locality, nor the amenities of the adjoining neighbours.

Land Ownership has been raised. It has been confirmed by the applicant that there are no land ownership issues.

Additional conditions are recommended. The following additional conditions are proposed:

1. Notwithstanding the submitted details, no development shall take place until an arboricultural survey undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions is carried out, submitted to and approved in writing by the Local Planning Authority.

Reason : In the interests of identifying and retaining important trees on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within 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.

2. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

The other comments are noted, and these comments have been addressed in the main report.

In addition, the trigger points within Appendix 1 need to be amended to – to be confirmed

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### **Agenda Item 13**

**23/00976/F – OS Parcel 6982 South Of School Farm And East Of Railway Line, Station Road, Cropredy**

Application has been withdrawn from the planning process

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### **Agenda Item 14**

**22/01564/OUT – Caravan Park, Station Approach, Banbury**

### Officer updates

- The recommendation refers to 35% affordable housing provision when the policy for Banbury is 30% (Policy BSC3 of the CLP Part 1). This should be amended to 30%.
- Whilst no contribution towards nursery provision is outlined in the recommendation, it is the authority's intention to use the formula outlined in the Contributions SPD and also within the previous s106 once the reserved matters application is determined.
- The applicant has asked that the committee be made aware of the contents of the Planning Statement regarding the loss of the Caravan Site which is outlined below.
  - The site currently contains a caravan site. This site is no longer included in the Council's Gypsy and Traveller Site provision. See the Cherwell Annual Monitoring Report, 2021, which shows it as being removed from the list of provision in 2017/18. In the Officer's Report (see Appendix 2), on this matter, it was concluded as follows:
  - 'Discussions with the County Council Gypsy and Travellers' Officer have confirmed that none of the previous caravan pitch occupiers are Gypsies and Travellers, and that it may be some time since such occupiers have used the facility. Furthermore, that permission granted in the 1970s was not specifically for or limited to such occupiers. In these circumstances your officers consider that a refusal based on the loss of this facility could not be sustained at appeal.'
  - There has been no material change in planning circumstances since this conclusion in October 2018 and there is no conflict with Policy BSC 6 of the adopted Local Plan Part 1 or the Government's Planning policy for traveller sites, August 2015.

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### **Agenda Item 15**

#### **23/00401/F - Borough House, Marlborough Road, Banbury**

No Update

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### **Agenda Item 16**

#### **23/00402/LB - Borough House, Marlborough Road, Banbury**

No Update