

URGENT BUSINESS AND SUPPLEMENTARY INFORMATION

Planning Committee

24 May 2012

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Agenda Item 16

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

24th May 2012

WRITTEN UPDATES

Agenda Item 6 - Land North east of Oxford Road West of oxford canal and East of Bankside, Banbury

A further round of consultation was carried out as well as local residents being provided with a further opportunity to comment on the amended Design Code. The following responses have been received;

Council's Landscape Planning Officer:

- Choice of tree species poor and should have better regard to their location and different species should be used in different areas
- No distinct character areas for the landscape treatment
- Types of species should reflect their function
- Key locations should also specify landscape treatment
- Verges need to be minimum width to provide sufficient space for roots
- Lack of detail re retention of retained trees and hedgerows

Council's Arboriculture Officer:

- Canal side – wider strip with more planting to create corridor
- Park area – Opportunity for larger trees, more random groups, water tolerant trees around attenuation area. Management plan to include management of thicket hedgerow
- Built areas – Wider strips needed for planting to prevent instability of surface, services should be in conduits, root barriers should be expanded, species selection should be increased, planting could be expanded rather than concentrated in certain areas.

Bodicote Parish Council: happy for the officers to reach a decision following the submission of a satisfactory document addressing the remaining concerns, with the proviso that there is no dilution of the quality of the original design scheme

Agenda Item 8 - OS Parcel 0092 South of Gibbs House, Foxhill Lane, Souldern

Para. 2.2 should read "*Seven letters were received and one letter signed by 33 residents.*" instead of "*Seven letters were received and one letter signed by 40 residents.*"

A further letter of objection has been received but no new issues have been raised.

Agenda Item 9 - OS Parcel 3431 Adjoining and North East of Blackthorn Road, Launton

Launton Parish Council – Objects to the application on the following grounds:

- The application is in a location that is beyond the built up limits of the

village settlement. It proposes the construction of two permanent structures (day rooms) and in addition, two constructions annotated on the plans as mobile homes.

The planning documents do not define the nature of the mobile homes but the plans have a space 12.2m x 6.1m allocated to each of them, so it is assumed they are permanent structures, in addition to the day rooms.

- An application to build a private residence on the village boundary was rejected for the same reason in January last year, the refusal notice stating that it was beyond the built up limits of the settlement and it would detract from the open, spacious and rural character of the area.
- The Council believes that entrance and egress from the site would represent a significant road safety hazard. The entrance to the site is at a bend in the road and is invisible to vehicles leaving the village (See Pics 1&2 Site entrance is beyond the second large tree in the hedgerow Pic 2). A recent traffic survey conducted by the Parish Council over a full week in November 2011, demonstrated that 32% of vehicles leaving the village on Blackthorn Road were exceeding the 30mph speed limit before they leave the restricted speed zone, and the maximum speed recorded was 59mph.
- The application is contrary to the Dept. of Communities and Local Government's Planning Policy for Traveller Sites (March 2012), Policy H, Para 23 which states that Local Planning Authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.
- Significant parts of the field are in the flood plain
- There is no history of usage of the site for anything other than agricultural or equine purposes. Most of the site is pasture, as is the field beyond, and whilst there is a corrugated iron structure on the site, the stable which had been erected was destroyed by fire some time ago, and there was no recollection of horses having been kept there in recent times (see Pics 3&4).
- There is a potential issue concerning the safe disposal of waste water in the immediate vicinity of an open water course (see Pic 5). The nature of the tank described in the application as a septic tank was called into question (see Pic 6), with a member of the public stating his belief that it was, in fact, part of a flood alleviation scheme in use when there was a pumping station on adjacent land.
- There is no perceived shortage of sites or pitches in the vicinity.

Agenda Item 10 – Land off Pingle Drive, Bicester

Insert additional condition (9) which is required to ensure the coach parking is retained as such. The condition should read:

That the area shown as coach parking on dwg number P-206 received on 25.04.12 shall be used only for the purpose of coach parking and for no other purposed whatsoever.

Reason – In the interests of highway safety and to ensure a proper standard of development and to comply with Section 4 of the National Planning Policy Framework.

Agenda Item 11 – Land adjacent the M40 and Oxford Canal, North of Wildmere Industrial Estate, Banbury, Oxfordshire

The comments of South Northamptonshire District Council have now been received. SNC supports the application and has the following comments:

1. SNC does have some concerns about the isolated nature of the car park and its security arrangements and the potential for crime or anti social behaviour. Cherwell District Council is encouraged to investigate this further with the relevant authorities and secure appropriate crime prevention measures where necessary.
2. SNC would also like Cherwell District Council to consider cycle links between the Country Park and the Town Centre.

Initial verbal advice has been received from the Thames Valley Police Architectural Liaison Officer raising the following points:

- Consideration will need to be given to any landscaping of the car park as surveillance of this area is key in terms of safety due to the isolated location
- There have been records of theft from isolated car parks in the past and so again surveillance is key to deter this.
- It is important to ensure that the roadside boundary is secure to ensure that vehicles cannot enter the car park without accessing through the car park height barrier
- It would be good to incorporate crime prevention message signage into any other signage that is erected to again deter crime from the outset.

However a full response will be sent in due course

A consultation response to British Waterways was missed initially. The consultation has now been sent but comments are still awaited. As British Waterways are a Statutory Consultee, the comments will be required prior to the determination of the application and so the recommendation is changed to one of:

Approval; Subject to: receipt of comments from The Thames Valley Police Architectural Liaison Officer and no objection being received from British Waterways and the inclusion of any required conditions as necessary delegated to the Head of Public Protection and Development Management. And the conditions and notes outlined within the committee report.

Agenda Item 13 – Glebe Farm, Fringford

OCC Highways – No objections on highway safety grounds subject to conditions but there is a concern over the unsustainable nature of the location. For this reason, officers consider that a third reason for refusal should be added in the recommendation which is similarly worded to a refusal reason at this site for a similar proposal (application no. 08/02142/F), as follows:

3. The proposed commercial use is in an isolated countryside location, divorced from established centres of population and reliant on the

private vehicle for access. Focussing commercial development in this location would not contribute towards sustainable objectives and is, therefore, contrary to core planning principles and Sections 3 & 4 of Government guidance contained in the National Planning Policy Framework.

It is further recommended that Policy EMP4 of the adopted Cherwell Local Plan be referenced in both reasons for refusal 1 and 2.

Agenda Item 14 – Update on Decisions subject to various requirements in the light of the NPPF

11/01369/F – Oxford and Cherwell Valley College (south site), Broughton Road, Banbury (p110)

First paragraph should read:

Members of the Planning Committee resolved to approve the above application on 5 January 2012 subject to: (i) a legal agreement or a condition securing public art and (ii) appropriate conditions.

11/01870/F – Banbury Gateway, Acorn Way, Banbury (p112)

Two letters of representation have been received from Savills and Turley Associates on behalf of Banbury Cross Retail Park and Castle Quay respectively. They reiterate previous objections to the scheme and refer to the National Planning Policy Framework.

The reiterated objections were previously reported to Members of the committee on 22 March.

The content of the Savills' letter relevant to this report is set out below:

As far as we are aware, the applicant has not submitted any additional information or further assessment of the proposed development to the LPA to demonstrate its compliance with the new policies and overall framework established by the NPPF. The NPPF provides a new approach and focus in respect of plan making and decision taking and provides a clear focus on the overarching objective to deliver sustainable forms of development.

In light of the scale of the proposed development and its importance within Banbury, Cherwell and the wider Region, a detailed assessment to demonstrate its compliance with the NPPF is essential. For the LPA to make a decision without such an assessment is considered to be premature and would result in an unlawful decision.

We have undertaken an initial review of the proposed development against the key elements of the NPPF and this is set out below. The proposed development is considered to be contrary to the objective of the NPPF to secure sustainable forms of development (Paragraph 14).

The application site is in an out of centre location and does not provide opportunities for linked trips with established retail and commercial facilities within the town. The site also suffers from limited accessibility by public modes of transport and accordingly customers are anticipated to access the site by

private modes.

Furthermore, the proposed development is contrary to the objective to maintain the vitality of town centres by adopting a town centre first approach and restricting development which would result in an adverse impact. The applicant has significantly under estimated the level of trade that will be diverted from the town centre due to the simplistic view and self-imposed limitations, adopted in respect of its trading characteristics.

The proposed development is considered to fail both of the key policy tests in respect of main town centre land uses and accordingly, should be refused in accordance with Paragraph 27 of the NPPF.

In response to these comments The applicant's agent WYG comment as follows:

The applicants are broadly content with the approach and conclusions reached by the Local Planning Authority and therefore do not seek to put forward an independent addendum relating to the implications of the NPPF. The planning documentation submitted in support of the Planning Application considered the draft NPPF. The published NPPF did not alter the conclusion reached within that documentation. Nowhere in the produced by Savills do the consultants seek to argue that the NPPF differs substantially from the draft, or that the document differs substantially from previous national guidance in terms of its objectives or impact of policies. The consultants are merely restating old criticisms but substituting different policy references. Their criticisms are not relevant to the consideration of the ay Committee, the purpose of which is to consider whether the NPPF changes the policy context in which the decision on the Banbury Gateway proposals was taken.

The NPPF sets out a new policy framework on which all Local Plans and development decisions are to be made, with a presumption in favour of sustainable development. The NPPF does not introduce any new tests against which proposals for town centre uses in out of centre locations must be assessed against. Tests set out within the PPS4 are effectively reinforced at section 2 of the NPPF, while the PPS4 Practice Guidance remains to be a material document in Plan making as well as the decision making process. The proposed development satisfies the requirements of the sequential test and the impact tests set out within the NPPF. As demonstrated above, the proposed development is therefore in line with the overriding aims of new Government policy set out within the NPPF, and the conclusions reached by the Committee do not need to be revisited save for an alterations to the reasons for approval that will need to refer to the NPPF directly.

The content of the Turley Associate's letter relevant to this report is set out below:

The proposals are contrary to employment land objectives set out in the NPPF.

Failure to comply with the sequential test (no evidence of flexibility) is grounds for refusal as clearly indicated at paragraph 27 of the NPPF.

The Town Centre First principle remains at the heart of government policy through the NPPF.

The proposals are a clear threat to the future of Banbury town centre both in

terms of retail impact and adverse consequences for future investment. This is a direct conflict with the NPPF and planning permission should be refused on this basis.