

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 13 February 2020 at 4.00 pm

Present: Councillor James Macnamara (Chairman)

Councillor Andrew Beere  
Councillor John Broad  
Councillor Hugo Brown  
Councillor Phil Chapman  
Councillor Colin Clarke  
Councillor Chris Heath  
Councillor Simon Holland  
Councillor David Hughes  
Councillor Mike Kerford-Byrnes  
Councillor Lynn Pratt  
Councillor George Reynolds  
Councillor Barry Richards  
Councillor Les Sibley

Substitute Members: Councillor Douglas Webb (In place of Councillor Ian Corkin)

Apologies for absence: Councillor Maurice Billington  
Councillor Ian Corkin  
Councillor Cassi Perry  
Councillor Katherine Tyson

Officers: Sarah Stevens, Interim Senior Manager – Development Management  
Nat Stock, Minors Team Leader  
Linda Griffiths, Principal Planning Officer  
Matt Chadwick, Principal Planning Officer  
George Smith, Planning Officer  
David Mytton, Solicitor  
Lesley Farrell, Democratic and Elections Officer

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### **Declarations of Interest**

#### **8. Land West of Oxford Road and South of Newton Close, Bicester.**

Councillor Les Sibley, Non-Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non-Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

**13. Holly Tree Cottages, Earls Lane, Deddington, OX15 0TQ.**

Councillor Mike Kerford-Byrnes, Conflict of Interest, as the applicant was known to him and he would speak as local Ward Member and then leave the chamber for the duration of the debate and vote.

**14. Windmill Nurseries, London Road, Bicester, OX26 6RA.**

Councillor David Hughes, Disclosable Pecuniary Interest, as he was the applicant and would leave the chamber for the duration of the item.

Councillor Lynn Pratt, Non-Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

**15. Kirtlington Park House, East Wing Kirtlington Park, Kirtlington, OX5 3JN.**

Councillor Simon Holland, Disclosable Pecuniary Interest, as he was the applicant and would leave the chamber for the duration of the item.

**16. Kirtlington Park House, East Wing Kirtlington Park, Kirtlington, OX5 3JN.**

Councillor Simon Holland, Disclosable Pecuniary Interest, as he was the applicant and would leave the chamber for the duration of the item.

**17. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury.**

Councillor Andrew Beere, Non-Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non-Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non-Statutory Interest, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the Chamber for the duration of the item.

Councillor George Reynolds, Non-Statutory Interest, as a member of the Executive and would leave the Chamber for the duration of the item.

Councillor Lynn Pratt, Non-Statutory Interest, as a member of the Executive and would leave the Chamber for the duration of the item.

**18. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury.**

Councillor Andrew Beere, Non-Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non-Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non-Statutory Interest, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the Chamber for the duration of the item.

Councillor George Reynolds, Non-Statutory Interest, as a member of the Executive and would leave the Chamber for the duration of the item.

Councillor Lynn Pratt, Non-Statutory Interest, as a member of the Executive and would leave the Chamber for the duration of the item.

134 **Requests to Address the Meeting**

The Chairman advised that requests to address the meeting would be dealt with at each item.

135 **Minutes**

The Minutes of the meeting held on 16 January 2020 were agreed as a correct record and signed by the Chairman.

136 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

137 **Urgent Business**

There were no items of urgent business.

138 **Proposed Pre-Committee Site Visits (if any)**

The Assistant Director of Planning and Development submitted a report, which recommended that the Planning Committee agree to hold a pre-Committee site visits for the following applications. It was anticipated that these applications would be brought before the Committee for determination at its next meeting.

**Application No.** 19/02708/F

**Proposal:** To Provide new employment units comprising B1 (Business), B2 (General Industrial), B8 (Storage) and D1 (Education) uses with ancillary offices, storage, display and sales, with all matters reserved except for access.

**Location:** Bicester Heritage, Buckingham Road, Bicester

**Reason for the visit:** Recommended by Planning Officers

**Application No.** 19/2550/F

**Proposal:** Redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping

**Location:** Land to the east of M40 and south of A4095, Chesterton, Bicester

**Reason for the visit:** Recommended by Planning Officers

Members endorsed the recommendation for a site visit to application 19/02708/F.

It was proposed by Councillor Colin Clarke and seconded by Councillor George Reynolds that there not be a site visit for application 19/2550/F as members felt that a site visit would be of no benefit.

### **Resolved**

- (1) That a pre-committee site visit take place for application 19/02708/F, Bicester Heritage, Buckingham Road, Bicester.
- (2) That there be no pre-committee site visit for application 19/2550/F, Land to the east of M40 and south of A4095, Chesterton, Bicester.

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### **Land West of Oxford Road and South of Newton Close, Bicester**

The Committee considered application 18/01721/OUT an outline application for permission for the development of up to 57 residential dwellings (C3 use class), other related infrastructure and associated works at Land West of Oxford Road and South of Newton Close, Bicester for Countryside Properties (Bicester) Limited.

It was proposed by Councillor Les Sibley and seconded by Councillor Lynn Pratt that consideration of application 18/01721/OUT be deferred for a period of up to 10 years until a suitable site for the Bicester Super Health Hub had been decided.

On being put to the vote the proposal was lost and the motion subsequently fell.

Mr Simon Ible, agent for the applicant, addressed the meeting in support of the application.

It was proposed by Councillor Les Sibley and seconded by Councillor John Broad that application 18/01721/OUT be refused, contrary to officer recommendation as it was against the S106 legal agreement and contrary to the local plan.

On being put to the vote the proposal was lost and the motion subsequently fell.

On reaching its decision the Committee considered the officers' report and presentation, the address of the public speaker and the written update.

### **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 18/01721/OUT subject to the following conditions (and any amendments to those conditions as deemed necessary) and a Section 106 planning obligation (resolution (2) below):

### CONDITIONS

1. No development shall commence until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and Town and Country Planning (General Development Procedure) Order 2015 (as amended)

2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: The permission is in outline only.

3. The development to which this permission relates shall be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason: this application is in outline.

4. Except where otherwise stipulated by condition, the development shall be carried out, strictly in accordance with the following plans and documents: (to be added)

Reason: For the avoidance of doubt, to ensure the development is carried out only as approved by the Local planning Authority and to comply with Government guidance within the National Planning Policy Framework.

5. That prior to the commencement of any development on the site, and prior to the submission of any reserved matters, notwithstanding the design code submitted with the application, a design code shall be submitted and approved in writing by the Local Planning Authority. The design code shall include: character area details; densities across the site, general scale, massing, height, design and form of buildings; street form and frontages; movement hierarchy and public realm strategy; public open space/play space/ landscaping and green infrastructure links, materials; servicing; parking strategies and sustainability features, including renewable energy. Thereafter, any reserved matters application shall be submitted in accordance with the approved design code.

Reason: To ensure a high quality development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

6. No development may be occupied until written confirmation is received by the Local Planning Authority that a six month extension to the existing bus service agreement (for services between south-west Bicester and the town centre) has been secured. Such confirmation must include the original and new dates of service expiration, and must be jointly signed by the applicant and service provider.

Reason: To ensure the development can be served effectively by sustainable transport as required by paragraph 108 of the National Planning Policy Framework.

7. Prior to first occupation, a Travel Plan Statement should be submitted to and approved in writing by the Local Planning Authority.

Reason: in the interests of sustainability and to comply with Government guidance within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, full details of the pedestrian and cycle access points linking the development with the adjacent highway and off highway pedestrian and cycle network, including a temporary route across the safeguarded

land, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways, parking and turning areas to serve the dwellings, which shall include construction, layout surfacing, drainage and parking restrictions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance within the National Planning Policy Framework.

11. The development shall be implemented in accordance with the approved residential travel plan for Kingsmere (to be added)

Reason: In the interests of sustainability and to comply with Government guidance within the National Planning Policy Framework.

12. Prior to the commencement of the residential development hereby approved, full details of secure, covered cycle parking for residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each dwelling, the cycle parking shall be provided in accordance with the approved details.

Reason: In the interests of sustainability and to comply with Government guidance within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of construction access route, delivery hours avoiding network peak and school arrival/departure times, site compound including parking and turning, provision for making good any damage to the highway resulting from construction of the development, and wheel washing arrangements.

Reason: To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

14. Development shall not begin until a detailed surface water drainage scheme for the site, which shall be provided as part of any reserved matters submission, in accordance with the approved Create Flood Risk Assessment TF/CS/P15-874/13/Revision D and Drainage Strategy drawing 02/703 Rev C, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- a compliance report to demonstrate how the scheme complies with the agreed drainage strategy for the site and the local and national surface water drainage standards
  - full micro drainage calculations for all events up to and including the 1 in 100 year plus climate change
  - a Flood Exceedance Conveyance Plan
  - Detailed drainage design layout drawings of the SUDs proposals including cross section details
  - detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element; and
  - Details of how water quality will be maintained during construction

Reason: To ensure satisfactory drainage of the site and in accordance with Government guidance within the National Planning Policy Framework.

15. No properties shall be occupied until confirmation has been provided that either: a) that all water upgrades required to accommodate the additional flows from the development have been completed, or, b) a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing 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.

16. No dwelling shall be occupied on the site until 3 bins for the purposes of recycling, residual and garden waste have been provided for that dwelling in accordance with the following specification:
- one 240 litre blue wheeled bin for the collection of dry recyclable material
  - one 240 litre green wheeled bin for the collection of residual waste
  - one 240 litre brown bin for the collection of garden waste material

Reason: To ensure that new residents have access to waste storage facilities that encourage recycling and to reduce the risk of unsightly bin waste storage affecting street scenes in accordance with the requirements of Policy ESD1, ESD2 and ESD15 of the Cherwell Local



Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

17. All applications for approval of reserved matters shall include an energy statement demonstrating how all the dwellings will achieve a 19% reduction in carbon emissions above 2013 building regulations and a water efficiency of not more than 110 litres/person/day. The development shall be carried out in accordance with the approved statement.

Reason: In the interests of creating sustainable new development in accordance with the requirements of Policy ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

18. No development shall take place, nor shall any reserved matter be submitted 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 protecting any trees/hedges of importance in accordance with Policy ESD15 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19. Prior to the commencement of the development hereby permitted, a desk study and site walk over to identify all potential contamination on the site, and to inform the conceptual site model, to be carried out by a competent person and in accordance with DEFRA and Environment agency's Model Procedures for the Management of Land Contamination, CLR11, and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure the risks from contamination to future residents is minimised in accordance with Government guidance within the National Planning Policy Framework.

20. Prior to the commencement of the development hereby approved, A Landscape and Ecological Management Plan (LEMP) to include a full biodiversity enhancement scheme to demonstrate net biodiversity gain of 10%, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LEMP shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

21. Prior to the commencement of any development and prior to the submission of any reserved matters, a noise assessment together with details of any necessary mitigation measures in respect of the adjacent Esso petrol station and activities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the findings and necessary agreed mitigation measures.

Reason: to protect the new residents from adverse noise and disturbance and to accord with Government guidance within the National Planning Policy Framework.

22. Prior to the commencement of any development on the site, full details of the existing and proposed site and floor levels shall be submitted to and approved in writing by the Local planning authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure the satisfactory functioning and visual appearance of the development, in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

23. Prior to the first occupation of the development hereby approved, a landscape and SUDS Management Plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting of all landscaped areas, other than for privately owned, domestic gardens shall be submitted to and approved in writing by the Local Planning Authority. thereafter the Landscape Management Plan shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework

- (2) That the completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, be agreed to secure the following (and any amendments as deemed necessary):

District Requirements

- 30% affordable housing provision on site
- Attenuation - £51.39 per square metre maintenance
- LAP provision on site plus £30, 702.02 future maintenance
- Public open space maintenance provision

- Safeguarding of 1ha of land as edged blue on the location plan for healthcare purposes for at least 10 years
- Sale/marketing value of healthcare land to be at a cost to reflect its safeguarded health use – not open market value
- Outdoor off-site sports facilities contribution of £2017.03 per dwelling towards improving the quality of outdoor hard courts at The Cooper School, Bicester
- Community safety and policing contribution (to be negotiated)
- Community hall contribution of £18,980
- Public art contribution (to be negotiated)
- Allotments contribution (to be negotiated)
- Burial ground contribution (to be negotiated)
- Indoor sports contribution of £335.32 per dwelling
- £111 per dwelling for bins and recycling
- Apprenticeships x 3 and EST Plan
- AQMA mitigation (to be negotiated)
- Secure access into reserved land along secondary street
- Monitoring cost - 5% of the total value of the S106 contributions (financial and in kind)

#### OCC Requirements

- Traffic Regulation Order - £3,120
- Off site highway works: provision of a crossing of Middleton Stoney Road and pedestrian/cycle facilities on Oxford road and Middleton Stoney road
- Extension of contract of existing Kingsmere bus service
- Monitoring fee (to be negotiated)
- Travel plan
- Education contribution of £482,434 primary education and £397,854 Secondary education

The Committee considered application 19/00465/F a retrospective application for 10 Recessed LED lights within soffit of the forecourt canopy at Motor Fuel Limited, Bloxham Service Station, South Newington Road, Bloxham, Banbury OX15 4QF for Motor Fuel Group.

Amanda Baxter, local resident, addressed the meeting in objection to the application.

It was proposed by Councillor Heath and seconded by Councillor Clarke that application 19/00465/F be approved subject to an additional condition that lights should not exceed 1.04 lux post curfew.

In reaching its decision the Committee considered the officers' report and presentation, and the address of the public speaker.

### **Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/00465/F subject to the following conditions (and any amendments to those conditions deemed necessary):

#### **CONDITIONS**

##### **Compliance with Plans**

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Location and Block Plan (PA01).

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

2. Notwithstanding the annotation shown on drawing number PA01, the two lights on the northernmost part of the canopy shall be turned off at 11pm and not turned back on again until 7am.

Reason - In order to safeguard the amenities of the area and the amenities of neighbouring occupiers and to comply with Policy ESD15 of the Cherwell Local Plan 2011 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- (2) That it be agreed that a further condition be added to restrict the lights to less than 1.04 lux post curfew, exact wording delegated to officers.

The Committee considered application 19/02444/OUT for outline planning permission for a residential development of up to 14 dwellings, with all matters save for the means of access reserved for subsequent approval at Land South of Home Farm House, Clifton Road, Deddington, OX15 0TP for Harcourt Rugby Limited. The application was a re-submission of the previously refused application 19/00831/OUT.

John Wilbraham, agent for the applicant, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers' report and presentation, the address of the public speaker and the written update.

### **Resolved**

(1) That application 19/02444/OUT be refused for the following reasons:

1. By virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village and its scale and location, the proposed development would cause significant and demonstrable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. For the same reasons the proposal would also result in 'less than substantial' harm to the setting of the nearby Scheduled Ancient Monument and Conservation Area and the harm stemming from the proposals is considered not to be outweighed by any public benefits. The impact on the character and appearance of the Conservation Area of the works required outside of the site to improve connections from the site to the village also weighs against the development. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C28 and C33 of the Cherwell Local Plan 1996, Cherwell Residential Design Guide SPD (2018) and Government guidance contained within the National Planning Policy Framework.
2. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure (including education, open space, sports facilities, community facilities, highway infrastructure and affordable housing) directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, mix and balanced communities, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10 and BSC11 of the Cherwell Local Plan (2011-2031) Part 1, the Developer Contributions SPD (2018) and Government guidance contained within the National Planning Policy Framework.

The Committee considered application 18/02160/F for the redevelopment of part of the site with new purpose-built buildings for B1 and B8 use including provision for access onto Cassington Road at Part of OS Parcel 0083 North of 89 Cassington Road, Yarnton, for Douglas Charlett Tyres Limited.

It was proposed by Councillor Macnamara and seconded by Councillor Clarke that application 18/02160/F be approved subject to additional conditions regarding hours of operation and Policy ESD 5: Renewable Energy of the Local Plan.

In reaching its decision the Committee considered the officers' report and presentation.

### **Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 18/02160/F subject to the following conditions (and any amendments to those conditions deemed necessary)(and two further conditions in resolution (2) below):

### CONDITIONS

#### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Planning and Design and Access Statement, Preliminary Ecological Appraisal Report and Bat Roost Assessment dated 27/04/2019, Sustainable drainage and Flood Risk Assessment version 3.1 dated 20/12/2019, and drawings: Site Plan, 3914/p001a, 3914/p100, 3914/p101, 3014/p102, 3914/sk04 March 18, and 15375-HOP-ZZ-GF-DR-C-DR01 rev P6

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

#### **Materials**

3. Prior to the construction of the development hereby approved above slab level, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply 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.

**Access and highway**

4. No part of the development hereby permitted shall be occupied until the following works have been constructed and completed, to the satisfaction of the local planning authority:
  - i) Reinstatement of PROW 420/8 on the south side of Cassington Road from a point adjacent to the existing bridge to the west of the site eastwards to the point where PROW 420/8 turns in a southerly direction away from Cassington Road.
  - ii) The site access and its junction with Cassington Road as approved pursuant to condition 5.

Reason: In the interests of highway and pedestrian safety and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage, vision splays, footway connections and inter-visibility between the adjacent site access shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall not be constructed other than in accordance with the approved details and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**Cycle Parking Provision**

6. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework and the Local Transport Plan.

**Construction Traffic Management Plan**

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of times for construction traffic and delivery vehicles, which must be outside of peak network hours. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**Travel Plan Statement**

8. Prior to the first occupation of the development hereby permitted the Travel Plan Statement shall be updated with details of the final occupier and the final occupier's measures to encourage sustainable travel and shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan Statement shall thereafter be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**Drainage**

9. The surface water drainage system to serve the development hereby permitted shall be constructed entirely in accordance with the detailed Flood Risk Assessment prepared by HOP (Ref: 15375/01/HOP/FRA v3.1 - 20/12/2019) and the details shown on drawing no. 15375-HOP-ZZ-GF-DR-C-DR01revP6 dated 20/12/2019 and hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing and phasing arrangements. The measures detailed shall be retained and maintained throughout the lifetime of the development.

Reason: To ensure the site is appropriately drained and to reduce off-site flood risk in accordance with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**Waste water network**

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



Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents. And to accord with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**Water network**

11. No premises shall be occupied until confirmation has been provided that either:
- all water network upgrades required to accommodate the additional flows from the development have been completed; or
  - a housing and infrastructure phasing plan had been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing 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. And to accord with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**Arboricultural Method Statement**

12. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority detailing how the existing trees on the site are to be protected during the development. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply 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.

**Landscaping scheme and implementation**

13. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

The development shall not be carried out other than in accordance with the approved landscaping scheme and the hard landscape elements of the approved scheme shall be carried out prior to the first use or occupation of the development and shall be retained as such thereafter.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply 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.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply 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.

#### **Ecology/Biodiversity**

15. The development hereby approved shall be carried out in accordance with the recommendations set out in section 6 of the Preliminary Ecological Appraisal Report and Bat Roost Assessment carried out by Lizard Landscape Design and Ecology on 27 April 2019.

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.

16. No construction beyond damp proof course level shall take place until details of a scheme for the location of bat, bird and owl and invertebrate boxes and hedgehog holes in the bases of fencing have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the bat, bird, owl and invertebrate boxes and hedgehog holes shall be installed on the site in accordance with the approved details and shall be retained as such thereafter.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17. No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) has been submitted to and approved in writing by the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be first submitted to and agreed in writing by the local Planning authority. The scheme shall include the following elements:

- Details of maintenance regimes
- Details of any new habitat created on-site and details of how habitat connectivity will be maintained and enhanced
- Details of treatment of site boundaries and/or buffers around water bodies, with native species planting of UK provenance
- Details of management responsibilities

Reason – To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site's nature conservation value in order to comply with government guidance set out in the National Planning Policy Framework. and Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

18. No development shall take place until a plan detailing the protection of water voles and otters and mitigation for any damaged caused to their associated habitats has been submitted to the local Planning authority. The plan must consider the whole duration of the development from the construction phase through to development completion. Any change to operation responsibilities, including management, shall be first submitted to and approved in writing by the local planning authority. The water voles and otters protection plan shall be carried out in accordance with a timetable for the implementation as approved. The scheme shall include the following elements:

- Appropriate design changes incorporated into the methodology of the development
- Details of how protected species present are to be protected during construction works
- A scheme for the long-term management and protection of any protected species population and its habitat
- Details of mitigation for the disturbances caused by the development including loss of habitat used by protected species
- Details of how the existing habitat will be enhanced so as to protect and promote protected species populations.

Reason – To ensure the protection of wildlife and supporting habitat and to secure opportunities for enhancing the site’s nature conservation value in order to comply with government guidance set out in the National Planning Policy Framework. and Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Contamination**

19. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. If a potential risk from contamination is identified as a result of the work carried out under condition 19, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

21. If contamination is found by undertaking the work carried out under condition 20, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22. If remedial works have been identified in condition 21, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 21. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

23. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Noise**

24. Prior to the first occupation of the development a noise report produced to BS4142:2014 shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation required by the report shall be in place prior to the first occupation of the units and shall be retained as such thereafter.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Lighting**

25. Prior to the first occupation of the development details of the lighting scheme shall be submitted to and approved by the Local Planning Authority. The lighting scheme shall be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of light and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Electric vehicle charging ducting**

26. Prior to the first occupation of the development details of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The ducting shall be installed in accordance with the approved scheme prior to the occupation of the development and shall be retained as such thereafter.

Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

- (2) That the following two additional conditions be agreed (The exact wording to be delegated to officers):
- i) that the operating hours be restricted.
  - ii) that Policy ESD5 of the local plan- renewable energy be included

**Portway Cottage, Ardley Road, Somerton, OX25 6NN**

The Committee considered application 19/02279/F for the change of use from garage/workshop to a two bedroom cottage, at Portway Cottage, Ardley Road, Somerton, OX25 6NN for Mrs Carol Black. The application was a re-submission of application 19/01670/F.

Having declared an interest in the application, Councillor Mike Kerford-Byrnes, addressed the Committee in his capacity as local ward councillor in support of the application. Councillor Kerford-Byrnes subsequently left the Chamber and did not debate or vote on the application.

Mrs Carole Black, the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Hugo Brown and seconded by Councillor Chris Heath that application 19/02279/F be approved subject to suitable conditions (the exact wording to be delegated to officers), contrary to officer recommendation as the renovation of a building that was already there would not be adverse, and the Committee should not impose its views on how this person should run their business.

In reaching its decision the Committee considered the officers' report and presentation, the addresses of the Local Ward Councillor and the public speaker, and the written update.

**Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02279/F subject to:
  - a) Consultation with Mid Cherwell Neighbourhood Plan Forum
  - b) Suitable conditions (the exact wording of those conditions to be delegated to the Assistant Director for Planning and Development in consultation with the Chairman).

**Holly Tree Cottages, Earls Lane, Deddington, OX15 0TQ**

The Committee considered application 19/02668/F for the erection of two dwellings at Holly Tree Cottages Earls Lane, Deddington, OX15 0TQ for Deddington Housing Association. The application was a re-submission of the previously withdrawn application 19/01308/F.

Councillor Bryn Williams addressed the Committee as Local Ward Member in support of the application.

Andrew Bird of Deddington Housing Association and David Rogers of Deddington Parish Council address the Committee in support of the application.

It was proposed by Councillor Mike Kerford-Byrnes and seconded by Councillor Hugo Brown that application 19/02668/F be approved contrary to

officer recommendations, subject to suitable conditions (the exact wording to be delegated to officers) as the public benefit of the proposal outweighed any potential harm.

In reaching its decision the Committee considered the officers' report and presentation, and the addresses of the Local Ward Councillor and public speakers.

**Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02668/F subject to suitable conditions (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning and Development).

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**Windmill Nurseries, London Road, Bicester, OX26 6RA**

The Committee considered application 19/01289/F for the change of use of land to a Camping and Caravan Site together with access and amenity areas at Windmill Nurseries, London Road, Bicester, OX26 6RA for Mr D Hughes.

In reaching its decision the Committee considered the officers' report and presentation.

**Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/01289/F subject to the following conditions:

**CONDITIONS**

**Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

- Site Location Plan – 6218CAMP-04
- Tree Retention and Loss Plan – LAS101-02

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and



comply with Government guidance contained within the National Planning Policy Framework.

**Landscaping Scheme**

3. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

The hard landscape elements shall be carried out in accordance with the approved details and prior to the first use of the development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply 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.

**Details of amenity buildings**

4. Prior to the commencement of development, and notwithstanding the details submitted, full details of the buildings proposed (amenity hub, site store and office), including floor plans and elevations, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason - In the interests of the visual amenities of the area and to comply with Policies ESD13 and 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.

The Committee considered application 19/02772/F for alterations to a detached outbuilding to create living accommodation ancillary to East Wing, Kirtlington Park House at Kirtlington Park House, East Wing Kirtlington Park Kirtlington OX5 3JN for Mr Simon Holland.

In reaching its decision the Committee considered the officers' report and presentation and the written updates.

### **Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02772/F subject to the following conditions (and any amendments to those conditions deemed necessary):

#### **CONDITIONS**

##### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

##### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement, Structural Report, Preliminary Bat Assessment carried out by Astute Ecology Ltd dated November 2019 and drawing Nos: 100/03 rev A, 200/01, 300/01 rev A, 300/02 rev C and 500/02,

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

##### **Materials**

3. Any remedial stonework necessary for the repair or making good of the elevations shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to safeguard the significance of the heritage asset and to comply 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.

4. Prior to the insertion of the doors, rooflights and windows, full details of the doors, rooflights and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall not be installed within the building other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the significance of the heritage asset and to comply 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.

#### **Ecology**

5. The development hereby approved shall be carried out in accordance with the recommendations set out in sections 5.2, 5.3 and 5.4 of the Preliminary Bat Assessment carried out by Astute Ecology Ltd dated November 2019.

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.

#### **Occupancy**

6. The residential accommodation hereby permitted shall be used solely as ancillary accommodation to the existing dwellinghouse currently known as East Wing Kirtlington Park and as such shall not be sold leased, sub-let or used as an independent dwelling unit.

Reason - The site is in an area where permission for development unrelated to the essential needs of agriculture or forestry would not normally be granted, in addition, the site is unsuitable to accommodate a separate dwelling without it being cramped and would not provide a satisfactory level of living amenity for the occupants on a permanent basis and in order to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies H18, C28 and C30 of the Cherwell Local Plan 1996.

### **Kirtlington Park House, East Wing, Kirtlington Park, Kirtlington, OX5 3JN**

The Committee considered application 19/02774/LB a listed building consent for external and internal alterations to a detached outbuilding to facilitate its conversion to living accommodation ancillary to East Wing, Kirtlington Park House at Kirtlington Park House, East Wing, Kirtlington Park, Kirtlington, OX5 3JN for Mr Simon Holland.

In reaching its decision the Committee considered the officers' report and presentation and the written update.

## **Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02774/LB subject to the following conditions (and any amendments to those conditions deemed necessary):

### CONDITIONS

#### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement, Structural Report and drawing Nos: 100/03 rev A, 200/01, 300/01 rev A, 300/02 rev C and 500/02,

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

#### **Materials**

3. Any remedial stonework necessary for the repair or making good of the elevations shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to safeguard the significance of the heritage asset and to comply 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.

4. Prior to the insertion of the doors, rooflights and windows, full details of the doors, rooflights and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall not be installed within the

building other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the significance of the heritage asset and to comply 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.

148 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 19/02936/NMA for a non-material amendment to the previously approved application 17/00284/REM at land adjacent to The Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

In reaching its decision the Committee considered the officers' report and presentation.

**Resolved**

- (1) That the proposed non-material amendment be granted in accordance with the following wording:

Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendment described in application ref.no.19/02936/NMA in accordance with the application form and drawing numbers set out in the agent's letter dated 20 November 2019. The non-material amendment application, hereby approved, does not nullify the conditions imposed in respect of reserved matters consent 17/00284/REM. These conditions must be adhered to so as to ensure that the development is lawful.

149 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 19/02937/CDC for a new access stair from cinema roof terrace land adjacent to The Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

In reaching its decision the Committee considered the officers' report and presentation.

**Resolved**

- (1) That planning permission be granted subject to the conditions:

CONDITIONS

**Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Site Plan CQ2/407 RM/D-SP-500

Proposed Cinema Terrace Floor Plan CQ2/407 RM/D-P-520

Proposed Elevations CQ2-407/RM/D-E-521

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

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**Appeals Progress Report**

The Assistant Director for Planning Policy and Development submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled, or appeal results achieved.

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 6.50 pm

Chairman:

Date: