

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 16 January 2020 at 4.00 pm

Present: Councillor James Macnamara (Chairman)
Councillor Maurice Billington (Vice-Chairman)

Councillor Andrew Beere
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Colin Clarke
Councillor Ian Corkin
Councillor David Hughes
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor George Reynolds
Councillor Les Sibley
Councillor Katherine Tyson

Substitute Members: Councillor Richard Mould (In place of Councillor Lynn Pratt)
Councillor Douglas Webb (In place of Councillor Chris Heath)

Apologies for absence: Councillor Chris Heath
Councillor Simon Holland
Councillor Lynn Pratt
Councillor Barry Richards

Officers: Sarah Stevens, Interim Senior Manager – Development Management
Matt Chadwick, Senior Planning Officer
Caroline Ford, Principal Planning Officer
James Kirkham, Principal Planning Officer
Amy Sedman, Enforcement Team Leader
Jennifer Crouch, Solicitor
Lesley Farrell, Democratic and Elections Officer

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Declarations of Interest

9. 60-62 Broad Street, Banbury, OX16 5BL.

Councillor Andrew Beere, Declaration, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council which had been consulted on the application.

10. Kings End Antiques, Kings End, Bicester OX26 2AA.

Councillor Les Sibley, Declaration, as a member of Bicester Town Council which had been consulted on the application.

Councillor Richard Mould, Declaration, as a member of Bicester Town Council which had been consulted on the application.

123 **Requests to Address the Meeting**

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

124 **Minutes**

The Minutes of the meeting held on 18 December 2019 were agreed as a correct record and signed by the Chairman.

125 **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.

126 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Committee Site Visits.

It was proposed by Councillor Sibley and seconded by Councillor Broad that application 19/02311/OUT be deferred for a site visit to understand the traffic and air quality problems. On being put to the vote, the motion fell.

Resolved

- (1) That application 19/02311/OUT would not be deferred.

128 **OS Parcel 9100 Adjoining and East of Last House Adjoining and North of Berry Hill Road, Adderbury**

The Committee considered application 19/00963/OUT which was the resubmission of application 17/02394/OUT, an outline application for

permission for up to 40 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road (all matters reserved other than access) at OS Parcel 9100 Adjoining and East of Last House Adjoining and North of Berry Hill Road Adderbury for Hollins Strategic Land LLP.

Matthew Symons, Agent addressed the Committee in support of the application.

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

Resolved

(1) That application 19/00963/OUT be refused for the following reasons:

- 1 The development proposed, by reason of its scale and siting beyond the built up limits of the village, in open countryside and taking into account the number of dwellings already permitted in Adderbury, with no further development identified through the Adderbury Neighbourhood Plan 2014-2031, is considered to be unnecessary, undesirable and unsustainable development. The site itself is in an unsustainable location on the edge of the village, distant from local services and facilities and would result in a development where future occupiers would be highly reliant on the private car for day to day needs. The proposal is therefore unacceptable in principle and contrary to Policies ESD1, BSC1, SLE4 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
- 2 The development proposed, by virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village (beyond the Adderbury Settlement Boundary as defined in the Adderbury Neighbourhood Plan 2014 - 2031) causing significant urbanisation and its visual impact on the rural character, appearance of the locality and local settlement pattern, would cause unacceptable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies C8, C27, C28 and C33 of the Cherwell Local Plan 1996, Policy AD1 of the Adderbury Neighbourhood Plan - 2014 - 2031 and Government guidance contained within the National Planning Policy Framework.
- 3 In the absence of the completion of a satisfactory S106 Planning Agreement, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, PSD1, BSC2, BSC9, BSC11

and ESD7 of the adopted Cherwell Local Plan (2011-2031) Part 1 and the advice within the National Planning Policy Framework.

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60-62 Broad Street, Banbury, OX16 5BL

The Committee considered application 19/01675/F for alterations to a building and change of use to form retail unit at the front at ground floor level and two office units at the rear at ground floor level and the provision of 12 No, self-contained dwellings at first, second and third floor level at 60-62 Broad Street Banbury, OX16 5BL for Novika Limited.

In reaching its decision the Committee considered the officer's 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 19/01675/F subject to the following conditions (and any amendments to those conditions as 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 Plan (GAL 273 (PC) 100); Proposed Ground Floor Plan (GAL 273 (PC) 110); Proposed First Floor Plan (GAL 273 (PC) 111); Proposed Second Floor Plan (GAL 273 (PC) 112); Proposed Third Floor Plan (GAL 273 (PC) 113); Proposed East and West Elevations (GAL 273 (PC) 114); Typical Site Section 1 (GAL 273 (PC) 116); Typical Site Section 2 (GAL 273 (PC) 117) and Proposed Sectional Elevations West And East (GAL 273 (PC) 115).

The CTMP dated 16 October 2018 by Genesis Architects Ltd and the drawing titled Site Plan N.T.S. and the details titled 'Drawing Sketch', drawing number EX1800901/001 as approved under 18/00444/DISC.

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. The external walls of the development to be constructed in brick shall be constructed in strict accordance with the brick sample panel approved under 18/00444/DISC.

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.

3. The roof of the development shall be externally faced in strict accordance with the slates approved under 18/00444/DISC.

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.

4. The external walls of the development to be finished in render shall be carried out in strict accordance with the render sample approved under 18/00444/DISC.

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.

5. Within one month of the date of this consent, full design details of the shop fronts facing onto Broad Street, including details of materials and finished colour, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the shop fronts shall be finished in accordance with the approved details.

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.

6. The rainwater goods of the development shall be carried out in accordance with the black uPVC rainwater goods submitted on 13 January 2020.

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.

7. Prior to the first occupation of the development, a specialist acoustic consultant's report that demonstrates that internal noise levels do not exceed the levels specified (or gives details of mitigation measures required to achieve these levels) in the British Standard BS 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings', shall be submitted to and approved in writing by the Local Planning Authority. If required thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings affected by this condition shall be insulated and maintained in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The development shall not be carried out other than in accordance with the CTMP approved under 18/00444/DISC.

Reason - In the interests of highway safety and the residential amenities of people living in the vicinity of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. 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, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

10. A Travel Information Pack, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, shall be provided to every household upon their first occupation of the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

11. The development shall not be carried out other than in accordance with the drainage scheme approved under 18/00444/DISC.

Reason - In the interests of highway safety and flood risk management, to comply 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.

12. Notwithstanding the provisions of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no radio or TV aerials, satellite dishes or other antennae shall be affixed to the front façade of the building without the grant of further specific planning

permission from the Local Planning Authority.

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.

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Kings End Antiques, Kings End, Bicester OX26 2AA

The Committee considered application 19/02311/OUT for 10 apartments within a scheme of 2 to 2.5 storeys at Kings End Antiques Kings End Bicester OX26 2AA for Mr Dean Jones.

It was proposed by Councillor Sibley and seconded by Councillor Broad that application 19/02311/OUT be refused due to the impact of listed buildings in close vicinity, overdevelopment of the site and the application not being suitable of that area.

On being put to the vote the motion fell.

It was proposed by Councillor Clarke and seconded by Councillor Corkin that permission be granted for application 19/02311/OUT with a request made for reserved matters to be brought to Committee at the appropriate time.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to the following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

Time Limits

1. No development shall commence until full details of the access, layout (including the layout of the internal access roads and footpaths), 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

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

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

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: 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 Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

Compliance with Plans

4. 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: Application form and Site Location Plan (shown on drawing number 1925 001)

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.

Finished floor levels

5. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of 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.

Detailed Drainage Scheme

6. As part of any reserved matters for layout and prior to the development commencing, detailed designs of the proposed surface water drainage scheme including details of implementation, maintenance and management shall be submitted to and approved in writing by the local planning authority. Those details shall include:

- a) Information about the design storm period and intensity, critical storm duration (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates; and
- f) A management and maintenance plan, in perpetuity, for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

No building hereby permitted shall be occupied until the sustainable drainage scheme for this site has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons: To ensure that the proposed development can be adequately drained and to manage the flood risk on or off the site resulting from the proposed development in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Noise Report

7. Prior to any works commencing above slab level a report should be provided and approved in writing by the local planning authority that shows that all habitable rooms within the proposed residential flats above the commercial units will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor ambient noise levels. Any noise sources from the nearby garage and commercial premises that might impact on the proposed development will need to be identified and assessed with the requirements of British Standards BS4142:2014 – Method for Rating and Assessing Industrial and Commercial Sound. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the development shall be carried out in strict accordance with the approved details and recommendations.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy ENV1 of the Cherwell

Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Air Quality

8. As part of the reserved matters for layout or scale, an Air Quality Impact Assessment which considers the potential impact of extra traffic from the development on the local air quality, including the nearby Bicester Air Quality Management Area, and has regard to the Cherwell District Councils Air Quality Action Plan shall be submitted and approved in writing by the local planning authority. This should include a damage cost calculation and any proposed mitigation. Prior to the first occupation of the development the agreed mitigation shall be provided in accordance with the approved details.

Reason: To mitigate any significant impacts on air quality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Energy Statement

9. Prior to the commencement of development, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

Reason: In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance in the National Planning Policy Framework.

Biodiversity enhancement

10. Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Electric charging points infrastructure

11. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve each dwelling or a scheme showing the provision of electrical vehicle charging points for each dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Cycle Parking

12. No dwelling of the development hereby permitted shall be occupied until cycle parking has been provided in accordance with a plan showing the number, location and design of cycle parking for the dwellings which shall have first been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework

Travel Information Packs

13. Prior to the first occupation of the development hereby approved a Residential Travel Information Pack for future residents shall be submitted and approved in writing by the Local Planning Authority. The approved Residential Travel Information Pack shall then be distributed to all new residents at the point of occupation.

Reason: To ensure all residents are aware of the travel choices available to them and to encourage sustainable forms of transport in accordance with Policy SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Water usage

14. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained 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, secure the following (and any amendments as deemed necessary):
- a) Payment of £30,000 towards provision of cycle route improvements along Queens Avenue
 - b) Payment of £2,306.86 per 2 bedroom flat to upgrade play area(s) in the vicinity of the site
 - c) Payment of £14,985.97 for provision of outdoor sports provision
 - d) Payment of £6,203.42 for indoor sports provision
 - e) Payment of £8,494.65 for community halls
- (3) That as the statutory determination period for this application expires on 20 January 2020, if the section 106 agreement/undertaking is not completed and the permission is not able to be issued by this date and no extension of time has been agreed between the parties, that authority be delegated to the Assistant Director for Planning and Development to refuse application 19/02311/OUT.

131 **Appeals Progress Report**

The Assistant Director for Planning 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.

132 **Planning Enforcement Report**

The Assistant Director Planning and Development submitted a report to inform Members about planning enforcement cases at Cherwell District Council and update Members on the current position following the update in October regarding case numbers, formal notices served, enforcement action taken, and prosecutions achieved.

Resolved

- (1) That the contents of the report be noted.

The meeting ended at 5.40 pm

Chairman:

Date: