

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held as a Virtual meeting, on 11 February 2021 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 Chris Heath
Councillor David Hughes
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Les Sibley
Councillor Katherine Tyson

Apologies for absence:

Councillor Simon Holland

Officers:

Alex Chrusciak, Senior Manager - Development Management
Nat Stock, Minors Team Leader
Matt Chadwick, Senior Planning Officer
Caroline Ford, Interim Major Developments Team Leader
Emma Whitley, Planning Officer
Karen Jordan, Deputy Principal Solicitor
Natasha Clark, Governance and Elections Manager
Lesley Farrell, Democratic and Elections Officer

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Declarations of Interest

11. Axis J9 Phase 1 OS Parcel 4200 Adjoining Middleton Road and Howes Lane, Bicester.

Councillor John Broad, Declaration, that the application could be seen as pre-determined as an objection had been submitted and would leave the meeting for the duration of the item.

Councillor Les Sibley, Declaration, that the application could be seen as pre-determined as an objection had been submitted and would leave the meeting 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.

122 **Requests to Address the Meeting**

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

123 **Minutes**

The Minutes of the meeting held on 14 January 2021 were agreed as a correct record and signed by the Chairman.

124 **Chairman's Announcements**

The Chairman made the following announcements:

1. The Committee be reminded that the meeting was broadcast live and to bear in mind that every word counts.
2. Where applications were proposed for refusal, contrary to officer recommendations, in the past best practice had been for Councillors to provide policy numbers for reasons for refusal. The Committee were now required to provide clear planning reasons with officer advice to provide policy numbers.

125 **Urgent Business**

There were no items of urgent business.

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

There were no proposed site visits.

127 **Barn In OS Parcel 0545 West Of Withycombe Farm, Wigginton**

The Committee considered application 20/01933/F for the erection of one residential dwelling for multi-generational living, landscape enhancements and associated works at Barn in OS Parcel 0545 West of Withycombe Farm, Wigginton for Virginia Sweetingham.

Due to the current ban on physical site visits, the Planning Officer had coordinated the use of a drone to record drone footage of the application site, which he presented to the Committee.

Ian McArdle, representing Wigginton Parish Council addressed the Committee in objection to the application

Ray Fazey, a local resident addressed the Committee in objection to the application.

Rob Hughes, agent for the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Hugo Brown and seconded by Councillor Mike Kerford-Byrnes that application 20/01933/F be refused contrary to the officer recommendation due to the scale of the development, the multiple dwellings, not being of exceptional design and having a detrimental impact on the open countryside.

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

It was proposed by Councillor Colin Clarke and seconded by Councillor Cassi Perry that application 20/01933/F be approved in line with the officer recommendation.

On being put to the vote the result was tied and went to the Chairman's casting vote.

In reaching its decision the Committee considered the officers report and presentation, the drone footage, the addresses of the public speakers and the written updates.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 20/01933/F subject to:
 - (i) 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, to secure the following (and any amendments as deemed necessary):
 - a) That application 18/00063/Q56 shall not be implemented
 - b) That the use of the building as one dwelling only
 - (ii) The following conditions (and any amendments to those conditions as 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: Site Location Plan (117-L-01); Proposed Site and Roof Plan (117-P-01 Rev D); Proposed Ground Floor Plan (117-P-02 Rev D); Proposed First Floor Plan (117-P-03 Rev D); Elevations (117-E-01 Rev E); Stone Barn in NW of Damp Meadow Plans and Elevations as Proposed (117-B-02 Rev A)

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.

3. No development shall commence above slab level unless and until samples of the timber to be used externally in the construction of the walls and roof of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area 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. No development shall commence unless and until a landscaping scheme has been 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,
- (d) means of enclosure.

The development shall not be carried out other than in accordance with the approved landscaping scheme and the development shall not be occupied until the hard landscape elements of the approved scheme have been carried out and the hard landscape elements 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.

5. 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 buildings 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.

6. The dwelling hereby approved shall not occupied unless and until the existing means of access between the land and the highway has been improved formed, laid out and constructed strictly in accordance with Oxfordshire County Council's guidance.

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

7. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.9 m measured from the carriageway level.

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

8. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved (drawing no. 117-P-02 D) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework

9. No development shall commence unless and until full specification details of the proposed access drive including construction, surfacing, layout, drainage and road markings, have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwelling the development 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 contained within the National Planning Policy Framework.

10. No development shall commence unless and until a Landscape and Ecological Management Plan (LEMP), which shall include types, locations, design and numbers of all additional features to be included for wildlife as set out in the Preliminary Ecological Appraisal prepared by ecologybydesign dated August 2019, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with approved LEMP.

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.

11. No development shall commence unless and until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication

to be carried out with local residents, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with approved CEMP.

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

12. A scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve and retained as such thereafter.

Reason - To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted 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.

13. 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

14. If a potential risk from contamination is identified as a result of the work carried out under condition 13, 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

15. If contamination is found by undertaking the work carried out under condition 14, 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

16. If remedial works have been identified in condition 15, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 15. 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

17. 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

18. No development shall commence unless and until full details of the external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and shall be retained as such thereafter.

Reason - To safeguard the character and appearance of the area and surrounding landscape and heritage assets 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.

19. Notwithstanding the submitted details, no development shall commence unless and until an amended Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, has been submitted to and approved in writing by the Local Planning Authority. 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 landscape 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.

20. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling,

without the grant of further specific planning permission from the Local Planning Authority.

Reason: To ensure and retain the satisfactory appearance of the completed development and to enable the Local Planning Authority to retain planning control over the development of this site to protect the character of the wider landscape and countryside and in the interests of sustainable development and to comply with Policies BSC1, ESD1, 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.

128 **The Chesterton Hotel, Bicester Road, Chesterton, OX26 1UE**

The Committee considered application 20/02653/F for the variation of condition 2 (plans) of application 18/01529/F - to amend the design of the extension at The Chesterton Hotel, Bicester Road, Chesterton, OX26 1UE for Rabinder Gill.

Christopher Messum, a local resident addressed the Committee in objection to the application.

Simon Sharpe, planning consultant for the applicant addressed the Committee in support of the application.

Kaven Gill, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the addresses of the public speakers and the written updates.

Resolved

- (1) That application 20/02653/F be refused for the following reason:

By virtue of its design, form and use of materials, the proposed function hall extension would result in a visually incongruous and poorly designed form of development that would fail to relate to well to the existing hotel building and would adversely affect the character and appearance of the area. This harm would significantly and demonstrably outweigh the proposals' benefits. The proposed development would therefore fail 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.

129 **Straw Barn College Farm, Main Street, Wendlebury, OX25 2PR**

The Committee considered application 20/02859/F for the erection of a general-purpose agricultural building at Straw Barn, College Farm, Main Street, Wendlebury, OX25 2PR for Mr & Mrs T Howard.

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

Resolved

- (1) That application 20/02859/F be approved subject to the following conditions:

CONDITIONS:

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.

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: 20.192.01 Rev B; 20/0192.02; 20/192.03 Rev A and the Landscaping Scheme produced by Pyramid Consulting Arboricultural Consultancy (January 2021).

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.

3. The tree planting scheme, as shown on approved drawing number 20-0192-01 Rev B, and the Landscaping Scheme produced by Pyramid Consulting Arboricultural Consultancy (January 2021), shall be completely implemented within the first planting season following the first use of any part of the approved development. All planting, seeding or turfing comprised in the approved details of landscaping shall be maintained for a period of 5 years from the first use of any part of the approved development. Any trees and/or 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason – To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policy ESD13 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. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative

provisions have been previously agreed in writing by the Local Planning Authority

Reason – To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with Policy ESD10 of the Cherwell Local Plan 2011–2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

5. The existing trees to be retained along the eastern border of the development shall be protected in accordance with the detail set out in the Landscaping Scheme produced by Pyramid Consulting Arboricultural Consultancy (January 2021).

Reason : To ensure the continued health of retained trees 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 landscape 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.

6. If the use of the building, hereby approved, for the purposes of agriculture permanently ceases, the building must be removed from the land and the land must, so far as is practicable, be restored to its condition prior to the implementation of this permission or to such a condition as agreed in writing by the Local Planning Authority.

Reason – The site is in an area where permission for development unrelated to the needs of agriculture would not normally be granted and therefore to enable the Local Planning Authority to retain planning control over the development of the site and in order to safeguard the amenities of the area in accordance with saved Policies C28 and ENV1 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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Axis J9 Phase 1 OS Parcel 4200 Adjoining Middleton Road and Howes Lane, Bicester

The Committee considered application 20/03199/F for a variation of condition 13 (extent of employment development usage) of application 19/00347/OUT - to enable the full employment development to be occupied for use Class B8 at Axis J9 Phase 1 OS Parcel 4200 adjoining Middleton Road and Howes Lane, Bicester for Albion Land Two Limited.

Emma Lancaster, agent for the applicant addressed the meeting in support of the application.

It was proposed by Councillor Lynn Pratt and seconded by Councillor Ian Corkin that application 20/03199/F be approved subject an amendment as detailed in paragraph 9.26 of the officer's report, to refer to the site being used for no more than 85% B8 uses. This would enable the whole site as it was

planned to be used for B8 uses, but if further floorspace were proposed in the future, this would be restricted to B2/E(g)(iii) uses (as the up to 80% restriction on B2/B1c (now E(g) (iii) would remain in place). Officers recommend that Class E(g) (iii) is referred to as the grant of this permission would be a new permission for the site, but it would be necessary to restrict change of use to other uses within Class E given the nature of this commercial site.

In reaching its decision the Committee considered the officer's 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 20/03199/F subject to:
 - a) 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 to link the application to the Section 106 agreement that currently binds the site (other than in so far as to update the agreement to refer to this permission or and as otherwise advised by the Council's Legal department)
 - b) The following conditions (and any amendments to those conditions deemed necessary):

CONDITIONS

1. Details of the access (in so far as not approved in this decision), appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") of any phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development of that phase takes place and the development shall be carried out as approved.

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 Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. No development shall take place until a phasing plan for the whole development has been submitted to and approved in writing by the Local Planning Authority indicating the landscaping, open space, play facilities, affordable housing, cycle ways, footpaths and public transport facilities to be provided in each phase. Development shall be carried out in accordance with the phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with

Government guidance contained within the National Planning Policy Framework.

3. Application for approval of the reserved matters for the first phase of employment development shall be made to the Local Planning Authority not later than 3 years from the 19 December 2017.

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 Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

4. Application for approval of the reserved matters for the remaining phases of development shall be made to the Local Planning Authority not later than 5 years from the 19 December 2017.

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 Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

5. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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 Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

6. The access to the development hereby permitted shall be carried out in accordance with Parameter Plan 06, drawing number 17023/TP/106 Rev A and the following approved plans: 14042-30 revision B and 14042-56. No employment development on plot 4 shall be occupied until the access shown on drawing 14042-30 revision B has been completed to a standard capable of being adopted by the local highway authority.

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

7. No development shall take place other than in accordance with the Land Uses shown on Parameter Plan 02, drawing number 17023/TP/102 Rev A.

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

8. The height of the development hereby permitted shall not exceed the limits shown on Parameter Plan 03, drawing number 17023/TP/103.

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

9. No development on any phase shall be occupied until the planting proposals shown on Parameter Plan 04_A, drawing number 4216_SK_204_A revision D and encompassed within that phase have been carried out.

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

10. No site clearance, preparatory work or development shall take place on any phase until a scheme for the protection of the trees and hedgerows in that phase shown to be retained on Parameter Plan 05 (drawing number 17023/TP/105 (vegetation retention and removal plan) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees and hedgerows shall be carried out as approved. No tree or hedgerow shown to be retained shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner, other than in accordance with Parameter Plan 05, without the prior written approval of the local planning authority. If any tree or hedgerow shown to be retained is cut down, uprooted or destroyed or dies another tree or hedgerow shall be planted at the same place within the following planting season and that tree shall be of such size and species as may be specified in writing by the local planning authority. Notwithstanding the detail shown on Parameter Plan 05, the element of hedgerow shown to be removed to the east of Plot 2 shall be retained and protected, which shall be demonstrated through the scheme for the protection of trees and hedgerows.

Reason: In the interests of the visual amenities of the area, to protect landscape features of importance, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved

Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive.

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 and Government guidance contained within the National Planning Policy Framework.

12. No more than 150 dwellings shall be constructed on the site.

Reason: In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and in accordance with Government guidance contained within the National Planning Policy Framework.

13. No more than 53,000 sq m of employment floor space shall be constructed on the site, of which no more than 80% (42,400sqm) shall be utilised for purposes falling within Class E(g)(iii) or B2 (including ancillary uses) and no more than 85% (45,050sqm) within Class B8 (including ancillary uses) of the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments) and for no other purposes whatsoever, including no other categories of Class E.

Reason: In order to retain planning control over the use of the site, to ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement and in accordance with Government guidance contained within the National Planning Policy Framework.

14. No dwellings and no more than 18,020sqm of Class E(g)(iii)/B2 floor space may be occupied until the development work to realign Howes Lane and Lords Lane approved under application 14/01968/F (or any other such planning permission which may be granted for the Strategic Link Road) has been completed and the road is open to vehicular traffic.

Reason: Oxfordshire County Council as Highway Authority have advised that there is a need for a restriction on the quantum of development that can occur at North West Bicester prior to the opening of the Howes Lane/Lords Lane realignment. The maximum traffic that can be accommodated is a total of 900 homes (including 393 at Elmsbrook) and 40% of the proposed overall 10 hectares of employment land. The development identified to take place prior to the Howes Lane/ Lords Lane realignment would fall within this identified capacity in vehicular movement terms. Beyond this and without the realignment, the highways impact of development over

the identified capacity would be severe. A restriction on development is therefore necessary until such time that the tunnel is in place and open to vehicular traffic to mitigate the impact of traffic from the development in accordance with Government Guidance within the Eco Towns PPS and the National Planning Policy Framework.

15. No dwelling or employment building shall be occupied until it has been provided with devices showing real time energy and travel information in accordance with details which shall have been submitted to and approved in writing by the local planning authority prior to the commencement of their construction. The devices shall thereafter be retained in operational condition.

Reason: To support the delivery of modal shift towards sustainable modes and create high quality, inclusive, sustainable development in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

16. No dwelling or employment building shall be occupied until it has been provided with service connections capable of supporting the provision of high speed broadband from the building to the nearest broadband service connection outside the site.

Reason: To facilitate information provision to homes for energy monitoring, travel and home working change in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

17. Prior to the commencement of each residential phase, those areas of the phase that are likely to be subject to elevated levels of noise, e.g. from the Strategic Link Road, shall be identified and the dwellings that are constructed in those areas shall be designed and constructed in such a manner that they contain elements of sound insulation that will ensure that the internal noise levels contained within table 4 of BS 8233:2014 are achieved in accordance with details to be first submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details so approved.

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

18. No phase of development shall commence until details of the embedded carbon of its proposed construction materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in compliance with the approved details.

Reason: To ensure the development achieves a reduced carbon footprint in accordance with Planning Policy Statement 1: Eco Towns.

19. No phase of development shall commence until details of the route of service connections (both under and over ground) for that phase, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 or its successor, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

20. There shall be no vehicular access created into the site from the existing A4095 Howes Lane and no existing field accesses from Howes Lane shall be used by any vehicular traffic whatsoever. Prior to the first occupation of the site, the existing field accesses on Howes Lane shall be permanently stopped up by means of planting and reinstatement of highway verge.

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

21. No residential phase shall commence until details of directional signage between the dwellings proposed and both Shakespeare Drive retail and community facilities and Kings Meadow Primary School have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling on the phase concerned shall be occupied until the signage has been installed.

Reason: To ensure sustainable travel in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

22. Prior to the first occupation of any phase of the development, details of a Travel Plan setting out how at least 50% of trips originating within that phase will be made by non-car means, with the potential for this to increase over time to 60%, shall have been submitted to and approved by the local planning authority. The development shall be carried out and continued thereafter in accordance with the approved details.

Reason: To ensure sustainable travel in accordance with Government guidance contained within the Eco Towns PPS and National Planning Policy Framework.

23. Prior to the commencement of any phase of development, details of bus stop locations for that phase shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.

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

24. No development shall take place on any phase, including any works of demolition, until a Construction Method Statement for that phase has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

i) the parking of vehicles of site operatives and visitors;

ii) the routeing of HGVs to and from the site;

iii) loading and unloading of plant and materials;

iv) storage of plant and materials used in constructing the development;

v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

vi) wheel washing facilities;

vii) measures to control the emission of dust and dirt during construction;

viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

ix) delivery, demolition and construction working hours;

x) The mitigation measures recommended in the Construction section of table 6.6, paragraphs 7.5.2 and 7.5.3, table 9.10 and paragraphs 10.5.3 and 10.6.13 of the submitted Environmental Statement June 2017;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

25. If, during development of any phase, land contamination is found to be present at the site then no further development of that phase shall be carried out until details of a remediation strategy for that phase has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved remediation details.

Reason: To ensure that any unexpected contamination encountered is dealt with, such that it does not pose an unacceptable risk to controlled water quality as required by PPS1 Policy ET17, Policy ENV12 of the adopted Cherwell Local Plan and the National Planning Policy Framework.

26. The level of noise emitted from the employment development shall not exceed 58 dB LAeq, between 0700 and 2300 daily and 50 dB LAeq, at any other time on Mondays to Fridays (except public holidays) and 48 dB LAeq at any other time on Saturdays, Sundays and public holidays, as measured at a position of 1m in front of the façade of the nearest dwelling.

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

27. Details of any external lighting on any phase of development shall be submitted to and approved in writing by the local planning authority before any development on that phase commences. Development shall be carried out in accordance with the approved details. The lighting shall be installed and made operational before any building on the relevant phase is first occupied.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings and to protect ecology in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

28. No phase of development shall commence until details of both surface water and foul drainage to serve that phase have been submitted to and approved in writing by the local planning authority. No building shall be occupied until it has been provided with its drainage in accordance with the approved details. The drainage shall thereafter be retained in an operational state.

Reason: To mitigate the risk of surface water flooding, protect water quality and biodiversity on the site and to ensure that sufficient capacity is available for sewage in accordance with Government guidance contained within the Eco Town PPS and the National Planning Policy Framework.

29. No phase of employment development shall commence until details of the measures to be installed in that phase to minimise water consumption have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The measures shall thereafter be retained in an operational condition.

Reason: The site is located in an area of water stress and to comply with Government guidance contained within the Eco Town PPS.

30. The residential development shall be constructed so as to meet as a minimum the higher Building Regulation Standard for water consumption limited to 110 litres per day (lppd).

Reason: The site is located in an area of water stress and therefore reaching a higher level of water efficiency is required to comply with Policy ESD3 of the Cherwell Local Plan 2011-2031.

31. No development shall take place on the relevant phase until details of a Scheme of Investigation of the archaeological features identified in figures 6 and 8 of the submitted archaeological evaluation (report 13/43 of Northamptonshire Archaeology dated March 2013) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved investigation details.

Reason: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

32. No development shall take place on any phase of development until details of measures (including off-phase and off-site measures if necessary) to achieve zero carbon energy use (as defined in paragraph ET7.1 of the eco-towns supplement to Planning Policy Statement 1) for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the measures approved shall thereafter be retained in an operational condition.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government Policy contained in

Planning Policy Statement 1: Eco Towns and Policy Bicester 1 of the Cherwell Local Plan 2011-2031.

33. No residential development shall take place until a scheme for the provision as affordable housing of 30% of the number of dwellings proposed in the submission of reserved matters has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: To ensure that the development satisfactorily contributes towards the creation of mixed and balanced community as required by Policy BSC3 of the Cherwell Local Plan 2011-2031 and Government Guidance set out in the National Planning Policy Framework.

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3 The Green Barn, Stoke Lyne Road, Stratton Audley, Bicester, OX27 9AT

The Committee considered application 20/03426/F a retrospective application for the erection of new detached dwelling house - this application sought to amend the original dwelling design from 16/00366/REM and Appeal APP/C3105/W/16/3154107 at 3 The Green Barn, Stoke Lyne Road, Stratton Audley, Bicester, OX27 9AT for Mobley Limited.

Christina Honsinger, a local resident, addressed the Committee in objection to the application.

It was proposed by Councillor Barry Richards and seconded by Councillor Colin Clarke that application 20/03426/F be approved in line with the officer recommendation.

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

It was proposed by Councillor Ian Corkin and seconded by Councillor Maurice Billington that application 20/03426/F be refused, contrary to the officer recommendation, due to the interrelationship of the building with the surrounding conservation area, the design and orientation of the building in the context of which it was set and the loss of amenity due to the additional windows.

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

Resolved

- (1) That application 20/03426/F be refused contrary to the officer recommendation (with the exact wording of the reasons for refusal delegated to the Assistant Director Planning and Development).

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Glebe Farm, Boddington Road, Claydon, Oxfordshire OX17 1TD

The Committee considered application 20/02446/F for the formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake at Glebe Farm Boddington Road, Claydon, Banbury, OX17 1TD for W A Adams Partnership. This application was a re-submission of application 18/00904/F.

Application 20/02446/F had been considered by Planning Committee on 14 January 2021 and Members had resolved to refuse the application. Having reviewed the matter and having taken advice from the Council's legal services team, officers were returning this application to the Committee to seek clarity on the Committee's resolution.

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

Resolved

- (1) That the wording of the reasons for refusal of application 20/02446/F considered at Planning Committee on 14 January 2021, be agreed as follows:
 1. The proposed development, by reason of its nature, size and scale combined with its isolated location away from settlements, established moorings and existing popular destinations and with poor

alternative transport links, would be an unsustainable insertion into the open countryside. Future users of and visitors to the development would have no realistic choice of transport other than the private car, and the proposal would result in an unsustainable form of development. The proposal would therefore be contrary to Policies SLE1, ESD1, ESD16 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

2. By virtue of its scale and location, the proposed development would result in a significant increase in traffic on the surrounding road network, and it has not been demonstrated that the access to the development or the visibility over bridges in the local area would be adequate for the scale of development proposed. The proposal would therefore be to the detriment of local highway safety and contrary to Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies TR1, TR7 and TR10 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. By virtue of its scale and siting, the proposed development would fail to preserve the character and appearance of the Oxford Canal Conservation Area. This harm, which would be less than the substantial, would significantly and demonstrably outweigh the benefits of the proposed development. The proposed development would therefore be contrary to Policies ESD15 and ESD16 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate footpath improvements required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies SLE4, ESD1, ESD15 and ESD16 of the Cherwell Local Plan 2011-2031 Part 1, and saved Policy TR1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework and relevant Government guidance in the National Planning Policy Framework.

Appeals Progress Report

The Assistant Director 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.

The meeting ended at 7.47 pm

Chairman:

Date: