

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 11 January 2024 at 4.00 pm

#### Present:

Councillor George Reynolds (Chairman)  
Councillor Andrew Beere  
Councillor Rebecca Biegel  
Councillor John Broad  
Councillor Becky Clarke MBE  
Councillor Ian Harwood  
Councillor Fiona Mawson  
Councillor Lesley McLean  
Councillor Julian Nedelcu  
Councillor Les Sibley  
Councillor Nigel Simpson  
Councillor Amanda Watkins  
Councillor Barry Wood

#### Substitute Members:

Councillor Dorothy Walker (In place of Councillor Jean Conway)

#### Apologies for absence:

Councillor Maurice Billington (Vice-Chairman)  
Councillor Phil Chapman  
Councillor Jean Conway  
Councillor Simon Holland  
Councillor Lynn Pratt

#### Officers:

Paul Seckington, Head of Development Management  
Jeanette Davey, Principal Planning Officer  
Karen Jordan, Deputy Principal Solicitor  
Matt Swinford, Democratic and Elections Officer  
David Rogers, Democratic and Elections Officer

### **Declarations of Interest**

**8. Former Pakefield House to Fortescue House, St. John's Street, Bicester, OX26 6SL.**

Councillor Les Sibley, Other Registerable Interest, as a member of Bicester Town Council Planning Committee.

94 **Requests to Address the Meeting**

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

95 **Minutes**

The Minutes of the meeting held on 7 December 2023 were agreed as a correct record and signed by the Chairman.

96 **Chairman's Announcements**

The Chairman made the following announcement:

1. The Chairman reminded Members that if they leave the room during the Officer's presentation, and/or public addresses and/or Committee debate that they should abstain from the vote as they had not heard the full agenda item.

97 **Urgent Business**

The Chairman advised that he had agreed to no items of urgent business.

At the discretion of the Chairman, Councillor Sibley addressed the meeting. Councillor Sibley explained he had been corresponding with the Chairman and Planning Officers regarding application 23/03441/DEM and requested that the item be added as urgent business. The application was a demolition application which Planning Committee members were not aware of the application and did not have an opportunity to comment on the application. Councillor Sibley had asked if Planning Officers could make Members aware of the process for Committee members and members of the public giving views on the application despite a consultation process having been undertaken.

The Chairman explained that he could not accept the application as urgent business at the meeting as no information had been provided to Members. The Chairman advised that he had requested that Planning officers circulate to all Members information on the process for the determination of demolition and Permission in Principle (PIP) applications.

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

There were no proposed Pre-Committee site visits.

99 **Former Pakefield House to Fortescue House, St. John's Street, Bicester, OX26 6SL**

The Committee considered application 23/01771/F, for the redevelopment for retirement living accommodation for older people comprising 41 no retirement apartments including communal facilities, access, car parking and landscaping at Former Pakefield House to Fortescue House, St. John's Street, Bicester, OX26 6SL for Churchill Retirement Living.

Lauren Bishop, on behalf of the agent for the applicant, Planning Issues, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers' report, presentation, addresses from the public speaker and the written updates.

**Resolved**

That, in line with the officer's recommendation, application 23/01771/F be delegated to the Assistant Director for Planning and Development to approve subject to no call-in being received from the Secretary of State, the conditions set out below (and any amendments to those conditions as deemed necessary) and 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 amendment as deemed necessary):

- a) Provision of 30% affordable housing off site
- b) Payment of a financial contribution towards sports and recreation provision in the locality of £139,000 (index linked)
- c) Payment of the Council's monitoring costs.

Additionally, the Assistant Director of Planning and Development be given delegated powers to vary the conditions as required, pending the outcome of pre-commencement condition applications on the scheme allowed at appeal, reference 21/01818/F.

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. The development hereby permitted shall be carried out in accordance with the following approved drawings: 10113BS-PA00 Site Location Plan; Site Plan 10113BS-PA01 Rev J; Ground Floor Plan 10113BS-PA02 Rev E; First Floor Plan 10113BS-PA03 Rev E; Second Floor Plan

10113BS-PA04 Rev E; Third Floor Plan 10113BS-PA05 Rev F; Roof Plan 10113BS-PA06 Rev F; Elevations 1, 10113BS-PA07 Rev D; Elevations 2, 10113BS-PA08 Rev E; Elevations 3, 10113BS-PA09 Rev G JBA 21/035-01 and 20247-10.

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 development shall be carried out in accordance with the written scheme of investigation and timetable approved by application reference 23/01201/DISC dated 27.06.2023.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government guidance contained within the National Planning Policy Framework.

4. Following compliance with the Written Scheme of Investigation referred to in condition 3, the staged programme of work, including all processing, research and analysis necessary to produce an accessible and useable archive, and a full report for publication, shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby permitted, roof-mounted solar photovoltaics (PV) shall be installed, in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. The solar PV shall be retained thereafter.

Reason: To support the delivery of renewable and low carbon energy in accordance with Government guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development hereby permitted, there shall have been submitted to and approved in writing by the local planning authority written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations.

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.

7. All site clearance (including the removal of any vegetation or works to hedging) should be timed to avoid the bird nesting season during the

months of March until August 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 Government guidance contained within the National Planning Policy Framework.

8. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Protected Species Addendum submitted as part of application 21/01818/F (Ref: 13819\_R02, dated 1 October 2021, prepared by Tyler Grange) and the ecological measures in paragraphs 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 of the Ecological Technical Note (Ref: 13819\_R04b, dated 1 February 2022, prepared by Tyler Grange), unless otherwise agreed in writing by the local planning authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme for the provision, enhancement and management of a buffer zone alongside the watercourse, encompassing all remaining land between the development and the river. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- a) plans showing the extent and layout of the buffer zone;
  - b) details of habitat creation/ecological enhancements to the river, river bank and river corridor adjacent to the site;
  - c) details of any proposed planting scheme, using native species of UK genetic provenance;
  - d) details of proposed footpaths, fencing and exterior lighting on the development; and
  - e) details demonstrating how the buffer zone will be protected during development and managed over the longer term, including adequate financial provision and named body responsible for management.
- Measures (a) to (d) will be located, designed and specified to be appropriately sensitive to the nature conservation and ecological corridor function of the river corridor.

Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm and to prevent flood risk in

accordance with Government guidance contained within the National Planning Policy Framework

10. A) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority the soft and hard landscaping scheme for the site. The landscaping scheme shall include: (i) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc); (ii) seed mixes; (iii) details of existing trees and hedgerows to be retained as well as any 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; and (iv) details of hard landscaping, including hard surfaced areas including pavements, pedestrian areas and steps.
- B) Any planting, seeding, turfing and hard landscaping in the part of the site within 8m of its southern-western boundary shall be designed and specified to blend in sympathetically, both visually and ecologically, with the adjacent watercourse buffer zone that is stipulated in condition no 9. Waterbody 1, as illustrated on the Tyler Grange drawing Habitat Features within 8m of the River Bure, shall be retained and protected on site.
- C) The approved landscaping scheme shall be implemented no later than the end of the first planting season following completion of the development. The scheme shall be maintained for a period of 5 years from the completion of the 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 agrees any variation in writing.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity 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.

11. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a landscape and ecological management plan (LEMP) for the site, and the watercourse buffer zone. The LEMP shall include long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas on the site (except for privately owned domestic gardens), and the watercourse buffer zone. Thereafter the LEMP shall be carried out as approved, unless otherwise agreed in writing by the local planning authority.

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.

12. Notwithstanding the requirement of condition 17, no development shall take place until there shall have been submitted to and approved in writing by the local planning authority details of all finished floor levels, in relation to existing and proposed site levels and to the adjacent buildings. The floor levels shall be implemented as approved during the construction phase of the development.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a schedule of materials and finishes to be used in the external walls and roofing of the building. The relevant works shall be carried out in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Prior to the construction of the building above slab level, there shall have been submitted to and approved in writing by the local planning authority details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on building external elevations. The relevant works shall be carried out in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. No above ground works shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme for the provision and implementation of foul and surface water drainage. The drainage works shall be implemented in accordance with the approved plans before the first occupation of any of the apartments hereby permitted.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 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.

16. The drainage scheme approved under application reference number 23/00935/DISC dated 23.08.2023 shall be carried out in accordance with the approved details, prior to first use or occupation of the development hereby permitted.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17. The development hereby permitted shall be carried out in accordance with the submitted flood risk assessment (Version 2.3, dated September 2023, prepared by The Civil Engineering Practice), including the following mitigation measures that it details: finished floor levels shall be set no lower than 71.75 metres above Ordnance Datum (AOD), in accordance with paragraph 7.2.3 in the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To protect the development and its occupants from the increased risk of flooding in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

18. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme to provide level for level and volume for volume floodplain storage compensation. This should include details of existing and proposed external site levels, together with proposed building and car park locations in relation to the existing and proposed areas of functional and non-functional flood plain and their interconnectivity to the main river. The scheme as approved shall be fully implemented and subsequently maintained in accordance with its timing/phasing arrangements, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: To protect the development and its occupants from the increased risk of flooding in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.



19. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.

Reason: To prevent obstruction to the flow of flood water, with a consequent increased risk of flooding and to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

20. Prior to commencement of any construction or demolition works, there shall have been submitted to and approved in writing by the local planning authority a Construction Traffic Management Plan (CTMP). The CTMP should follow Oxfordshire County Council's template if possible. It should identify: (i) the routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman; (ii) access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network); (iii) details of wheel cleaning facilities to prevent mud from migrating onto the adjacent highway; (iv) contact details for the Site Supervisor responsible for on-site works; (e) travel initiatives for site-related worker vehicles; (f) parking provision for site-related worker vehicles; (g) details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours; (g) engagement with local residents.

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

21. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday, and 08.00 to 13.00 on Saturdays, and at no times on Sundays, Bank and Public Holidays.

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

22. Prior to the commencement of above ground construction works, there shall have been submitted to and approved in writing by the local planning authority full details of the junction of the proposed vehicle access and the main carriageway of St Johns Street. The access and junction shall be completed in accordance with the details as approved, prior to occupation of the development.

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

23. A Travel Information Pack shall be provided to all new residents of the development within 1 month of occupation, for the first 5 years of its operation.

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.

24. Prior to occupation of the development hereby permitted, the proposed vehicle and cycle parking shall have been completed and made available for use. The vehicle and cycle parking shall be maintained available for that use for the duration of the development unless otherwise agreed in writing by the local planning authority.

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.

25. At no time shall the development hereby permitted be occupied by persons other than: (i) a person of aged 60 years or over; (ii) a person aged 55 years or older, who is living as part of a single household with the person identified in i) who is residing at the development; or iii) a person aged 55 years or older who was living as part of a single household with the person identified in i) who was residing at the development and has since died.

Reason: In order to ensure that a satisfactory level of parking is available for the occupiers in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### INFORMATIVES

1. As the site is within 8m of a Main River watercourse a Flood Risk Activity Permit will be required from the Environment Agency before any work commences.

2. No ground within Flood Zones 2 or 3 should be raised or obstructed during the constructed or completed phases of the development.

3. The attenuated discharge from the development will require a S.23 Land Drainage Act consent to be issued by the Environment Agency.

4. You are requested to provide bat and swift boxes or bricks on the application site in order to protect habitats of importance to biodiversity conservation in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 5.05 pm

Chairman:

Date: