

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 3 January 2013 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)

Councillor Ken Atack
Councillor Colin Clarke
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor James Macnamara
Councillor G A Reynolds
Councillor Gordon Ross
Councillor Leslie F Sibley
Councillor Trevor Stevens
Councillor Lawrie Stratford

Substitute Members: Councillor Jon O'Neill (In place of Councillor Alastair Milne Home)
Councillor P A O'Sullivan (In place of Councillor Fred Blackwell)
Councillor Barry Wood (In place of Councillor Mike Kerford-Byrnes)

Apologies for absence: Councillor Alastair Milne Home
Councillor Fred Blackwell
Councillor Tim Emptage
Councillor Mike Kerford-Byrnes
Councillor D M Pickford

Officers: Bob Duxbury, Development Control Team Leader
Rebecca Horley, Senior Planning Officer
Rebekah Morgan, Assistant Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Democratic and Elections Officer

Declarations of Interest

Members declared the following interests:

6. Land SW of Bicester Village adjoining A41, Oxford Road, Bicester.

Councillor Barry Wood, Conflict of Interest, as a member of Executive and left the room for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and left the room for the duration of the item.

Councillor Ken Atack, Conflict of Interest, as a member of Executive and left the room for the duration of the item.

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

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and left the room for the duration of the item.

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

7. Tesco, Pingle Drive, Bicester.

Councillor Barry Wood, Conflict of Interest, as a member of Executive and left the room for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and left the room for the duration of the item.

Councillor Ken Atack, Conflict of Interest, as a member of Executive and left the room for the duration of the item.

Councillor Leslie F Sibley, Non Statutory Interest, as a member of Bicester Town Council which has been consulted on the application.

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and left the room for the duration of the item.

Councillor Rose Stratford, Non Statutory Interest, as a member of Bicester Town Council which has been consulted on the application.

8. Hardstanding between railway and Higham Way, adjacent Integrated Control Centre, Banbury.

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

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

9. 1 Bear Garden Road, Banbury.

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

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

10. 1 Bear Garden Road, Banbury.

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

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

130 **Requests to Address the Meeting**

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

131 **Urgent Business**

There was no urgent business.

132 **Minutes**

The Minutes of the meeting held on 6 December 2012 were agreed as a correct record and signed by the Chairman, subject to the following amendments:

Minute 108: Declarations of Interest

8. Land SW of Bicester Village adjoining A41, Oxford Road, Bicester
Councillor Reynolds, conflict of interest: amend "letter from applicant" to "letter from Objector"

Minute 120: Roselyn, School Lane, North Newington

Note Councilor Reynolds abstention from the vote.

133 **Land SW of Bicester Village adjoining A41, Oxford Road, Bicester**

The Committee considered application 12/01193/F for a proposed foodstore with associated car parking, petrol filling station with car wash/jet wash, recycling facilities, ancillary plant and equipment, landscaping, access and highway works.

John Rogers, Chief Financial Officer of Sainsbury's Supermarkets Ltd spoke in objection to the application.

Simon Petar, the applicant and Colin Burnett, the applicant's agent, spoke in support of the application.

County Councillor Charles Shouler, Chairman of the Bicester Traffic Advisory Committee, spoke in support of the application.

In reaching their decision, the committee considered the officers' report, presentation, written update, presentations of the public speakers and comments from Members.

Resolved

That application 12/01193/F be approved subject to:

- i) referral to the Secretary of State (Department for Communities and Local Government) as a departure;
- ii) completion of a satisfactory section 106 agreement relating to matters of public art and highway contributions,
- iii) the following conditions:
 - (1) SC1.4 Time (3 years)
 - (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: Environmental Statement dated 17th August 2012, Design and Access Statement (Rev D) by Inspire Design dated 19th November 2012, drawing numbers 111245 AP00B, AP01A, AP02S, AP04C, AP05A, AP09C, AP10C, AP15A, AP18B and 5042 ASP2F.
 - (3) That the external walls and roof(s) of the buildings shall be constructed in accordance with a schedule of materials and finishes, samples and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
 - (4) That a plan showing the details of the finished floor levels of the proposed buildings in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.
 - (5) The development hereby permitted shall be carried out strictly in accordance with the summary and conclusions drawn in Chapter 11 (Water Resources, drainage and flood risk) pages 158-159 of the Environmental Statement (Waterman Transport and Development Ltd dated August 2012 unless otherwise agreed in writing by the Local Planning Authority.
 - (6) That prior to the commencement of the development, full drainage design details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
 - (7) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Tesco's, Oxford Road, 120108 Rev2 unless otherwise agreed in writing by the Local Planning Authority. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
 - (8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise

agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

- (9) The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water and foul has been submitted to, and approved in writing by, the local planning authority. Since run off from areas such as areas associated with vehicle washing and refuelling, lorry and car parking areas could contaminate controlled waters, full details are required of the surface water drainage arrangements, outlining how any contamination risks will be mitigated. Thereafter, the scheme shall be implemented as approved.
- (10) That prior to the first occupation of the proposed development the proposed access works between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.
- (11) That the proposed vision splays shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the proposed development and that the land and vegetation within the splays shall not be raised or allowed to grow above a maximum height of 0.6 metres above carriageway level.
- (12) That prior to the first occupation of the proposed development all the identified off-site highway and landscaping works shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.
- (13) The parking, manoeuvring and servicing areas for the development shall be provided in accordance with the submitted plan (AP/02R) hereby approved and shall be constructed, laid out, surfaced, drained and completed, and shall be retained unobstructed except for the parking, manoeuvring and servicing of vehicles at all times.
- (14) No development shall commence on site for the development until the whole of the Sustainable Drainage Systems (SUDS) details are submitted to and approved in writing by the Local Planning Authority in consultation with Oxfordshire County Council.
- (15) Notwithstanding the drawings submitted, no development shall commence on site for the development until details (including design and siting) are submitted to and approved in writing by the Local Planning Authority in consultation with Oxfordshire County Council for a new alignment for Bicester Footpath number 6.
- (16) No development shall commence on site for the development until a Construction Traffic Management Plan providing full details of the

phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction and a route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

- (17) Prior to the first occupation of the development covered cycle parking facilities shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.
- (18) Notwithstanding the details submitted within the Framework Travel Plan dated 15th August 2012, prior to the commencement of the development, an amended Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (19) Notwithstanding the details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which 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, pavements, pedestrian areas, crossing points and steps.
- (20) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- (21) No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation.

Development shall be carried out in accordance with the approved schedule.

- (22) The foodstore element of the development hereby permitted shall only be used for the purposes of providing a foodstore of 8,135 sqm gross internal area (convenience sales floorspace of 3,091 sqm and comparison sales floorspace of 2,060 sqm) only as detailed in the application and for no other purpose within Class A1 of the Town and Country (Use Classes) Order 1987 (as amended).
- (23) No development shall take place on the site until the applicant(s), or their agents or successors in title, has arranged an archaeological watching brief to be maintained during the course of building operations or construction works on the site. The watching brief shall be carried out in accordance with a written specification and by a professional archaeological organisation, details of which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- (24) A scheme of lighting for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall thereafter be carried out and operated at all times in accordance with the approved details.
- (25) That prior to the commencement of the development, the provision of a suitable scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the occupation of the development and thereafter retained in accordance with the approved details.
- (26) The development hereby permitted shall be constructed to at least a BREEAM 'very good' standard.
- (27) That the proposed superstore hereby permitted shall not commence trading until the operations at the existing superstore at Pingle Drive (adjacent to Bicester Village) has ceased trading.

(Councillors Atack, Gibbard, Reynolds and Wood left the meeting for the duration of this item)

134

Tesco, Pingle Drive, Bicester

The Committee considered application 12/01209/F for the demolition of an existing Tesco food store, petrol filling station and part of the existing Bicester Village retail outlet centre to provide an extension to comprise 5,181sqm (gross internal area) of new Class A floorspace, 372 car parking spaces and associated landscaping and highway works.

Chris Goddard, the applicant's agent, spoke in support of the application.

In reaching their decision, the committee considered the officers' report, presentation, written update, presentation of the public speakers and comments from Members.

Resolved

That application 12/01209/F be approved subject to:

- (i) referral to the Secretary of State (Department for Communities and Local Government) as a departure;
- (ii) completion of a satisfactory section 106 agreement relating to matters set out in the officer's report under the heading 'section 106 requirements' and
- (iii) the following conditions:
 - (1) SC1.4 Time (4 years)
 - (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: the application form and submitted reports and documentation and drawing numbers 09/068/P-01B, P-02C, P-03A, P-04.1B, P-04.2A, P-04.3A, P-05A, P-06B, P-07B, P-08B, P-09A, P-10A, P-11A, P-12B, P-13A, P-14A, P-15A, P-16A, P-17A, P-18A, P-19A, HED.979.100(a), 101(B), 102(A), 103(A), 104(A), 105, 107, 601, 602, 603, 604, 3P7640/RH1, RH2, RH3, RH4, RH5, RH6, RH7, RH8, SK-26, SK-27, SK-28, SK-29 and SK30.
 - (3) That the external walls and roof(s) of the buildings shall be constructed in accordance with a schedule of materials and finishes, samples and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
 - (4) That a plan showing the details of the finished floor levels of the proposed buildings in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.
 - (5) That prior to the first occupation of the proposed development the proposed access works between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.
 - (6) That the proposed vision splays shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the proposed development and that the land and vegetation

within the splays shall not be raised or allowed to grow above a maximum height of 0.6 metres above carriageway level.

- (7) That prior to the first occupation of the proposed development all the identified off-site highway and landscaping works shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.
- (8) The parking, manoeuvring and servicing areas for the development shall be provided in accordance with the submitted site layout plan (P-04) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking, manoeuvring and servicing of vehicles at all times.
- (9) No development shall commence on site for the development until the whole of the Sustainable Drainage Systems (SUDS) details are submitted to and approved in writing by the Local Planning Authority in consultation with Oxfordshire County Council.
- (10) Notwithstanding the drawings submitted, no development shall commence on site for the development until further details are submitted to and approved in writing by the Local Planning Authority in consultation with Oxfordshire County Council for a new alignment for Bicester Footpath number 6.
- (11) No development shall commence on site for the development until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction and a route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
- (12) Prior to the first occupation of the development covered cycle parking facilities shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.
- (13) Notwithstanding the details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which 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, pavements, pedestrian areas, crossing points and steps.
- (14) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- (15) No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- (16) The development hereby permitted shall be carried out in accordance with the recommendations set out in Report No. WB02669/R2 by Clarkebond (UK) Ltd dated June 2012 unless otherwise agreed in writing by the Local Planning Authority.
- (17) If contamination is found by undertaking the work carried out under condition 16, 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, CLR11' 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.
- (18) If remedial works have been identified in condition 17, the remedial works shall be carried out in accordance with the scheme approved under condition 17. the development shall not be occupied until a verification report (or validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.
- (19) No development shall take place on the site until the applicant(s), or their agents or successors in title, has arranged an archaeological

watching brief to be maintained during the course of building operations or construction works on the site. The watching brief shall be carried out in accordance with a written specification and by a professional archaeological organisation, details of which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

- (20) Development shall not begin until a surface water drainage scheme for the site, based on the principles included in the Flood Risk Assessment Ref WB02669 June 2012 has been submitted to and approved in writing by the local planning authority. The scheme shall include upgrading the storage pond, control structure and pipe work and there shall be no increase in discharge rates or volumes of surface water runoff. Thereafter, the scheme shall be implemented in accordance with the approved details before the development is completed.
- (21) No development shall take place until a scheme for the provision and management of an eight metre wide buffer zone alongside the Pingle Brook is submitted to and agreed in writing by the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include: plans showing the extent and layout of the buffer zone, details of any proposed planting scheme (for example, native species) and details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.
- (22) No infiltration of surface water drainage into the ground in the area of the former petrol filling stations permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
- (23) Except where stated in condition 26, the retailing units shall only be used for the purposes of providing a factory outlet shopping centre for high end designer fashion and homewares only and for no other purpose within Class A1 of the Town and Country (Use Classes) Order 1987 (as amended).
- (24) Except where stated in condition 26, the development shall not be used for the retailing of food or other convenience goods including newspapers, magazines, confectionary nor as a newsagents or chemists selling pharmaceuticals or health products.
- (25) The development hereby permitted shall not be occupied by retailers who predominantly sell any of the following category of goods: furniture

hardware, garden products, dispensed optical goods, books, CDs, DVDs, videos, electrical goods, computers and software, mobile phones, toys, pets and pet accessories and arts and crafts products.

- (26) Any class A3 café/restaurant use of the approved buildings shall not at any time cause the overall gross floorspace for such uses within the existing and proposed factory outlet shopping centre as a whole to exceed the maximum of 3,500 sq metres.
- (27) Except where shown on the submitted drawings, no individual retail unit shall have a gross floor area of in excess of 450 sqm.
- (28) That prior to the commencement of the development, the provision of a suitable scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the occupation of the development and thereafter retained in accordance with the approved details.
- (29) The development hereby permitted shall be constructed to at least a BREEAM 'very good' standard.

(Councillors Atack, Gibbard, Reynolds and Wood left the meeting for the duration of this item)

135

Hardstanding between railway and Higham Way, adjacent Integrated Control Centre, Banbury

The Committee considered application 12/00849/F for the construction of a multi-storey station car park for rail customer parking and formation of a new east-side access to Banbury station with associated pedestrian link bridge.

The Development Control Team Leader advised the Committee that the applicant had requested that consideration of the application be deferred as a meeting had been arranged between officers from Cherwell District Council and Oxfordshire County Council and the applicants and their advisers to see if the transportation reason for refusal could be overcome and to allow the applicants the opportunity to address the issue relating to the neighbouring residential properties.

Councillor Clarke proposed that consideration of the application be deferred for the reasons requested by the applicant. Councillor Lawrie Stratford seconded the proposal.

Councillor Rose Stratford proposed that a site visit be held. Councillor Lawrie Stratford seconded the proposal.

Resolved

That consideration of application 12/00849/F be deferred to allow for ongoing negotiations between the applicant and Oxfordshire County Council regarding the traffic plan and for a formal site visit

136 **1 Bear Garden Road, Banbury**

The Committee considered application 12/01606/F for the demolition of an existing commercial unit to be replaced with 3 no. 1 bed apartments – resubmission of 12/01031/F.

In considering the application, Members commented that given the poor state of the building it would be uneconomical to restore it to its original state and the proposal represented the best option for the site.

In reaching their decision, the committee considered the officers' report, written update and presentation.

Resolved

That application 12/01606/F be approved subject to

- (i) no adverse comments being received as the result of the public consultation
- (ii) the following conditions:
 - (1) S.C 1.4A (RC2) – [Time}
 - (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: Drawing number 001, drawing number 002A, drawing number 003A, drawing number 004A and drawing number 005A received 12 November 2012.
 - (3) Prior to the commencement of the development hereby approved, samples of the brick to be used in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
 - (4) Prior to the commencement of the development hereby approved, samples of the Welsh slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

137 **1 Bear Garden Road, Banbury**

The Committee considered application 12/01607/CAC for the demolition of existing commercial unit.

In reaching their decision, the committee considered the officers' report, written update and presentation.

Resolved

That application 12/01607/CAC be approved subject to:

- (i) no adverse comments being received as the result of the public consultation
- (ii) the following conditions:
 - (1) S.C 1.4A (RC2) – [Time}
 - (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: Drawing number 001, drawing number 002A, drawing number 003A, drawing number 004A and drawing number 005A received 12 November 2012.
 - (3) S.C 5.3A (RC25A) – [Demolition and redevelopment of site]
 - (4) Prior to any demolition on the site and the commencement of the development, a professional archaeological organisation/building recorder acceptable to the Local Planning Authority shall carry out a full recording of the building concerned and submit the record to the Local Planning Authority.

138 **Tree Preservation Order (No. 10/2012 - 58c Mill Street, Kidlington)**

The Committee considered a report which sought confirmation of an unopposed Tree Preservation Order (No 10/2012) relating to 1 No walnut tree at 58c Mill Street, Kidlington.

Resolved

- (1) That Tree Preservation Order No 11/2012 be confirmed without modification in the interest of public amenity.

139 **Tree Preservation Order (No 11/2012 - relating to 3 No limes, 2 No horse chestnut, 1 No beech and 1 No yew tree at Bicester Community Hospital, Kings End, Bicester, OX26 6DU)**

The Committee considered a report which sought confirmation of unopposed Tree Preservation Order No 11/2012 - relating to 3 No limes, 2 No horse chestnut, 1 No beech and 1 No yew tree at Bicester Community Hospital, Kings End, Bicester, OX26 6DU.

Resolved

- (1) That Tree Preservation Order No 11/2012 be confirmed without modification in the interest of public amenity.

140 **Tree Preservation Order (No 12/2012 - 1 No horse chestnut and 2 No lime trees at Caesars Lodge, Kings End, Bicester, OX26 6DU)**

The Committee considered a report which sought confirmation of unopposed Tree Preservation Order (No 12/2012 - 1 No horse chestnut and 2 No lime trees at Caesars Lodge, Kings End, Bicester, OX26 6DU)

Resolved

- (1) That Tree Preservation Order No 12/2012 be confirmed without modification in the interest of public amenity.

141 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were subject to various requirements.

Resolved

- (1) That the position statement be accepted

142 **Appeals Progress Report**

The Committee considered a report which updated Members on applications which had been determined by the Council, where new appeals had been lodged, Public Inquiries/ hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted

143 **Exclusion of Public and Press**

Resolved

That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.

144 **Land South of Milton Road, Bloxham**

The committee considered an exempt report which advised members that an appeal had been lodged against the non-determination of the planning application for land south of Milton Road in Bloxham (application no. 12/01139/OUT) and sought a resolution from members as to the putative reasons for refusal on which to defend the appeal.

Resolved

- (1) That the reasons for refusal set out below in relation to Land South of Milton Road, Bloxham (12/01139/OUT) be agreed.
 - (1) The proposal represents development beyond the built up limits of Bloxham within open countryside contrary to Policies H12, H13 and H18 of the adopted Cherwell Local Plan and Policies H15 and H19 of the Non-Statutory Cherwell Local Plan and Policy SP3 of the South East Plan. It is considered that the development of this site will cause harm to the character and appearance of the countryside on the south eastern edge of Bloxham contrary to Policy C7 of the adopted Cherwell Local Plan and Policy EN34 of the Non-Statutory Cherwell Local Plan and Policy ESD 13 of the Cherwell Local Plan Proposed Submission Draft August 2012 and Policy CC6 of the South East Plan and to the core principles of the NPPF. It is also considered that the submitted and revised indicative layout fails to demonstrate that the development of the site will result in a high quality and inclusive design contrary to Policy C28 of the adopted Cherwell Local Plan and the NPPF. Notwithstanding the Council's present inability to demonstrate that it has a five year supply of housing land required by paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the temporary land supply deficiency alone and that significant harm will result.
 - (2) Having regard to the level of new development recently accommodated in Bloxham, the fact the site is not identified for development by existing or emerging Policy, and is not supported by the local community, the proposal is considered to go beyond that which would reasonably be expected to be accommodated in the village during the proposed Cherwell Local Plan period.

In the particular context of housing delivery at Bloxham and South East Plan Policy BE5 requirements (including that local planning authorities should encourage community-led local assessments of need and action planning to inform decision making processes in rural communities), it is considered the proposed development would adversely affect further consideration of how to sustainably meet rural needs through the production of Development Plan Documents and a Neighbourhood Development Plan (especially when the local community has indicated its intention to prepare a Neighbourhood Development Plan). As such the proposed development is contrary to Policy Villages 2 of the Cherwell Local Plan Proposed Submission draft August 2012 and to the core principles of the National Planning Policy Framework set out at paragraph 17 and in particular the requirement that decisions should be genuinely plan-led; empowering local people to shape their surroundings, with succinct local and

neighbourhood plans setting out a positive vision for the future of the area.

- (3) In the absence of a satisfactory planning obligation the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development will be provided, thus adding to the pressures on local infrastructure and services resulting in an unsustainable form of development, contrary to Policy CC7 of the South East Plan, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.
- (2) That it be agreed to allow the report to be made publicly available after the Committee has considered it.

The meeting ended at 6.00 pm

Chairman:

Date: