

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House,  
Bodicote, Banbury, OX15 4AA, on 6 August 2015 at 2.00 pm

- Present: Councillor Colin Clarke (Chairman)  
Councillor Fred Blackwell (Vice-Chairman)
- Councillor Michael Gibbard  
Councillor Chris Heath  
Councillor David Hughes (from agenda item 13)  
Councillor Russell Hurle  
Councillor Matt Johnstone (from agenda item 15)  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor Alastair Milne Home  
Councillor Richard Mould  
Councillor Lynn Pratt  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Barry Richards (from agenda item 11)  
Councillor Trevor Stevens (from agenda item 15)
- Substitute Members: Councillor Ken Atack (In place of Councillor Rose Stratford)  
Councillor Barry Wood (In place of Councillor Lawrie Stratford)
- Apologies for absence: Councillor Lawrie Stratford  
Councillor Rose Stratford
- Also Present: Councillor Douglas Webb, Local Ward Member for Kidlington North  
Councillor Sandra Rhodes, Local Ward Member for Kidlington North  
Councillor Carmen Griffiths, Local Ward Member for Kidlington South
- Officers: Bob Duxbury, Development Control Team Leader  
Stuart Howden, Senior Planning Officer  
Gemma Magnuson, Senior Planning Officer  
Rebekah Morgan, Senior Planning Officer  
Ross Chambers, Solicitor  
Natasha Clark, Team Leader, Democratic and Elections  
Lesley Farrell, Assistant Democratic and Elections Officer

45 **Declarations of Interest**

**22. Garage Block Adjacent 29 Westbeech Court, Banbury.**

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

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

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

Councillor Colin Clarke, Declaration, as one of the council's appointed representatives and trustee on Banbury Charities.

Councillor Fred Blackwell, Declaration, as one of the council's appointed representatives and trustee on Banbury Charities.

Councillor James Macnamara, Declaration, as the applicant was known to him and had taught his children and he would leave the meeting for the consideration of the application..

46 **Requests to Address the Meeting**

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

47 **Urgent Business**

There were no items of urgent business.

48 **Minutes**

The Minutes of the meeting held on 9 July 2015 were agreed as a correct record and signed by the Chairman.

49 **Chairman's Announcements**

The Chairman made the following announcements:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
2. The Chairman conveyed the sad news that Councillor Ann Bonner had passed away on Monday 3 August. The Committee stood for 1 minute silence in remembrance.

3. The Chairman advised members that due to the anticipated large number of applications at the next two planning committee meetings, it may be necessary for the meetings to commence at 2pm. This would be confirmed in due course.

50 **Land South of and Adjoining Bicester Services, Oxford Road, Bicester**

The Committee considered application 15/00250/OUT, an outline application for 3 No Class A1 (retail); 3 No Class A3 (café and restaurants); 1 No Class D2 (gym); surface level car park, servicing and associated works at land south of and adjoining Bicester Services, Oxford Road, Bicester for CPG Development Projects Limited.

Councillor Clarke referred to the written update and revised officer recommendation of deferral and proposed that consideration of application 15/00250/OUT be deferred to enable the applicant to undertake additional sequential assessment and to enable the Council officers to respond to detailed points raised by the applicant's highway consultants concerning highway and parking provision – especially with regards to comparative retail parking provision elsewhere within the District. Councillor Blackwell seconded the proposal.

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

**Resolved**

That consideration of application 15/00250/OUT be deferred to enable the applicant to undertake additional sequential assessment and to enable the Council officers to respond to detailed points raised by the applicant's highway consultants concerning highway and parking provision – especially with regards to comparative retail parking provision elsewhere within the District.

51 **Land Opposite Unit 1-5 Wildmere Park, Former Plot 10, Wildmere Road, Banbury**

The Committee considered application 15/00476/F for the erection of 3 no industrial unites with B1, B2 and B8 use with trade counters at land opposite Unit 1-5 Wildmere Park, Former Plot 10, Wildmere Road, Banbury for Apperly Estates Limited.

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

**Resolved**

That application 15/00476/F be approved, subject to the Environment Agency and Oxfordshire County Council Highways formally withdrawing their objections

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.
2. +Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form documents, Design and Access Statement and drawing numbers 214645-01 and 214645-03 submitted with the application and 214645-07A submitted via email on 02/07/2015 and 214645-02B submitted via email on 15/07/2015.
3. Prior to the commencement of the development hereby approved, full specification details of the parking and manoeuvring area shall be provided including pedestrian access and relationship between hard surfacing and built form including any changes in floor levels. This shall include construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the industrial units the development shall be constructed in accordance with the approved details.
4. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.
5. 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.
6. If a potential risk from contamination is identified as a result of the work carried out under condition 5, 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.

7. If contamination is found by undertaking the work carried out under condition 6, 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.
8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. 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.
9. 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.
10. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
11. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a lighting strategy, to include details of locations, designs, light spill and hours of operation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out strictly in accordance with the approved details.
12. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
13. Prior to the construction of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by

the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
14. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
15. No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
- If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.
- In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this decision notice.
16. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS. until the expiration of five years from the date of this decision notice.
17. Any showroom element of the trade counter use hereby approved shall be limited to be no more than 15% of the floorspace of the unit to which it relates unless otherwise first agreed in it writing by the Local Planning Authority

## **Land South Of Leycroft Barn, Somerton Road, Souldern**

The Committee considered application 15/00541/F for the erection of a livestock building for the rearing and finishing of pigs at land south of Leycroft Barn, Somerton Road, Souldern of WS Deeley & Son.

Ian Pick, agent for the applicant addressed the Committee in support of the application.

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

### **Resolved**

That application 15/00541/F be approved, subject to the following 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.
- 2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents:
  - Application Forms submitted with the application;
  - Design and Access Statement submitted with the application;
  - Drawing No's: IP/ED/01; IP/ED/02; and IP/ED/03 submitted with the application;
  - E-mail received from the applicant on 5th May 2015;
  - Waste Management Plan, Odour Management Plan and NVZ Risk Maps received from the applicant's agent by e-mail on 15th June 2015; and
  - Full Odour Impact Assessment received from the applicant's agent by e-mail on 16th July 2015.
- 3 Prior to the commencement of development, full specification details of three ridge fans within the livestock building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the ridge fans shall be installed in the livestock building in accordance with the approved details prior the first use of the livestock building for the rearing and finishing of pigs.

**Yarnton Nurseries, Sandy Lane, Yarnton, OX5 1PA**

The Committee considered application 15/00645/F for the extension of existing Poly Tunnels to cover open sales space and storage area, together with the replacement of an existing substandard Poly Tunnel; plus additional parking at Yarnton Nurseries, Sandy Lane, Yarnton. OX5 1PA for Mr Richard Wallbridge.

Councillor Gibbard proposed that the application be approved and authority delegated to the Head of Development Management, in consultation with the Chairman, to determine appropriate conditions. Councillor Randall seconded the proposal.

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

**Resolved**

That application 15/00645/F be approved, subject to the following 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.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents:
  - Application Form submitted with the application;
  - Design And Access Statement submitted with the application;
  - Drawing Numbers 0279/15/4, 0279/15/5 and 0279/15/7 submitted with the application;
  - Drawing Number 0279/15/3B received from the applicant by letter on 16th June 2015; and
  - Letter dated 26th May 2015 received from the applicant on 16th June 2015.
3. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

The Committee considered application 15/00723/F for a 70 bedroom care home at The Pits, The Mors, Kidlington for CMG (Kidlington) Limited, Kidlington Parish Council and Porthaven Properties, NO.2.

Councillor Douglas Williamson addressed the Committee as local Ward Member.

Adrian Kearley, agent for the applicant addressed the Committee in support of the application.

In reaching their decision, the Committee considered the officers' report, presentation, written update and the address of the local Ward Member and public speaker.

### **Resolved**

That application 15/00723/F be approved, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the County Council to secure financial contributions as outlined in paragraph 5.33 of the report,
- b) the following conditions:
  - 1 That 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.
  - 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the:

Transport Assessment produced by Axis and dated April 2015;  
Preliminary Land Quality Risk Assessment produced by SLR and dated February 2015;  
Preliminary Ecological Appraisal produced by SLR and dated February 2015;  
Flood Risk and surface Water Drainage Statement produced by SLR and dated April 2015;  
Design and Access Statement dated 20 April 2015;  
Supplementary Design and Access Statement dated June 2015;  
Landscape Design Statement produced by Alsfa and dated 13 April 2015;  
Arboricultural Assessment and Protection Method Statement produced by ACS Consulting and dated 15 April 2015;  
Statement of Community Involvement;  
Planning Policy Statement;  
Comprehensive Market Survey produced by Carterwood and dated December 2014

and the following approved plans: 14-078-100 Rev. B; 14-078-110 Rev. P; 14-078-120 Rev. P; 14-078-121 Rev. N; 14-078-135 Rev. C; 14-078-150 Rev. D; 14-078-151 Rev. D; 14-078-152 Rev. D; 14-078-160 Rev. A; 706 001 Rev. C.

- 3 Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
- 4 Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.
- 5 That 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.
- 6 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.
- 7 Prior to the first occupation of the development hereby approved, details of refuse bins and their housing shall be submitted to and approved in writing by the Local Planning Authority. The approved bins and housing shall be provided prior to the first occupation of the building.

- 8 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
- 9 Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.
- a) Applicant to confirm in writing the contact and qualification details of the project arboriculturalist employed on behalf of the Applicant to undertake the supervising and monitoring role of relevant arboricultural issues.
  - b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
  - c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
  - d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
- 10 Retained Trees
- a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
  - b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the decision notice.

- 11 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage, vision splays and pedestrian provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
- 12 Prior to the commencement of the development hereby approved, full details of improvements to the pedestrian route between the development and Banbury Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
- 13 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and 32 parking spaces within the curtilage of the site, arranged so that motor vehicles (including refuse, fire tender and delivery vehicles) may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.
- 14 Prior to commencement of the development, full details of the number, location and design of cycle parking serving the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme prior to the first occupation of the development.
- 15 The developer will submit a travel plan to the Travel Plan Team at Oxfordshire County Council, for approval before first occupation.
- 16 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.
- 17 Prior to the commencement of the development, 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 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

- 18 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance or the translocation of any reptile, a strategy for the translocation of reptiles, which shall include the identification of receptor sites, any management scheme or landscaping and the arrangements for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out strictly in accordance with the approved details.
- 19 No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
- 20 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, the results of an updated walkover survey for badgers (no older than three months), whether a development licence is required and where necessary the location and timing of the provision of any protective fencing around setts/commuting routes or other mitigation, 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.
- 21 Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a full scheme of enhancements for biodiversity on site including locations and types of habitat boxes, timing of provision, planting and management as appropriate with reference to Section 6.5 of the Ecological Impact Assessment, prepared by SLR, dated June 2015, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- 22 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".

- 23 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.
  
- 24 If contamination is found by undertaking the work carried out under condition 23, 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.
  
- 25 If remedial works have been identified in condition 24, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 24. 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.
  
- 26 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.
  
- 27 The external lighting scheme 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.
  
- 28 That the first floor windows in the western (facing the rear garden of 222 The Moors) and eastern elevation (facing the side elevation of 214 The Moors) of the northern wing shall be glazed at all times with obscured glass that achieves a minimum of level 3 obscurity and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

29. Prior to the commencement of the development hereby approved, full details of a scheme for acoustically insulating all habitable rooms within the dwelling(s) such that internal noise levels do not exceed the criteria specified in Table 4 of the British Standard BS 8233:2014, 'Guidance on sound insulation and noise reduction for buildings', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwelling(s) affected by this condition, the dwelling(s) shall be insulated and maintained in accordance with the approved details.

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### **Manor Farm Bungalow, Hornton**

The Committee considered application 15/00827/F for the demolition of existing buildings and erection of replacement dwelling, outbuildings and associated hard-standing at Manor Farm Bungalow, Hornton for Mr Finlay Scott.

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

### **Resolved**

That application 15/00827/F be approved, subject to the following conditions:

- 1 That the works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
- 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: Application Form and drawing nos. 1270/P01, 1270/P02, 1270/P03, 1270/P04, 1270/P05 and 1270/P06 received 23 September 2013.
- 3 Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural ironstone which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
- 4 Prior to the commencement of the development hereby approved, samples of the tile 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

- 5 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 6 Prior to the construction of the dwelling hereby approved, the existing means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
- 7 Prior to the commencement of the development a temporary bat nesting box shall be erected as a receptor for any bats found during the works. The box shall be retained in situ until the completion of the proposed bat loft.
- 8 Within 6 months of the first use of the dwelling, the existing bungalow and garage shall be demolished and the land restored to paddock.

56 **KM4 South West Bicester Development Site, Wetherby Road, Bicester**

The Committee considered application 15/00920/F for the provision of a new temporary access road off Middleton Stoney Road to access the building compound, car parking and materials storage serving KM4 parcel at the KM4 South West Bicester Development Site, Wetherby Road, Bicester for Bovis Homes Limited.

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

**Resolved**

That application 15/00920/F be approved, subject to the following conditions:

1. That at the expiration of 2 years from the date hereof, the use of this temporary construction access shall be discontinued, and the land reinstated as highway verge with hedge planting in accordance with a scheme, full details of which shall first be submitted to and approved in writing by the Local Planning Authority. Full details of the remediation and reinstatement works, which shall include a new hedge to the Middleton Stoney road, shall be submitted no later than 18 months from the date of this permission, to be approved in writing by the Local Planning authority prior to those remediation works commencing. The approved scheme shall be implemented in full within 6 months of the cessation of the use of this temporary construction access. Any tree, shrub or planting which, within a period of five years from the completion of the remediation works, 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.

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered 30472 KM4 Rev A Site Location Plan; BICE-5-1002 Vehicle Swept path Analysis; BICE-5-1003 Swept Path Analysis; BICE-5-1001 Rev H Site Compound layout Plan and BICE-5-535 Rev A Temporary Construction Access off Middleton Stoney Road.
3. The access hereby approved shall be constructed and used only in association with the construction of the approved dwellings on land parcel KM4 under application number 14/01054/REM, as outlined in red on the location plan, drawing number 30472 KM4 Rev A, only, and for no other purpose whatsoever.
4. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
5. Prior to the commencement of the development hereby approved, a routing agreement for HGVs using the access, intended to minimise the impact of its operation in the immediate vicinity and on the wider network, shall be submitted to and approved in writing by the Local Planning Authority
6. Prior to the commencement of the development hereby approved, a plan showing signs (i) warning all road users of the presence of Heavy Goods Vehicles using the entrance and (II) advising Heavy Goods Vehicle drivers to turn left out of the site entrance only shall be submitted to and approved in writing by the Local Planning Authority. The signage as agreed shall be erected prior to the access being first brought into use and removed from the site within 1 month of the cessation of the use of the access.
7. That prior to the commencement of the development, a dust management plan, to include the provision of vehicle wheel washing, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be brought into use and thereafter complied with during the use of the construction access.
8. Prior to the commencement of the development hereby approved, full details of the proposed fencing either side of the access shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed in accordance with the approved details prior to the access being first brought into use and shall be removed from the site upon cessation of the use of the access.

## **Park Farm, Tadmarton Road, Bloxham**

The Committee considered application 15/00925/F for the erection of an agricultural building for the storage of hay and straw at Park Farm, Tadmarton Road, Bloxham for AS Coles and Son.

In reaching their decision, the Committee considered the officers' report and presentation

### **Resolved**

That application 15/00925 be approved, subject to the following 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.
- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings: 2015-441-20 and 'Site Layout'.
- 3 Prior to the commencement of the development, details of tree protection measures to be used (in accordance with BS:5837:2012 and all subsequent amendments) shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall show the means of protecting retained soft landscape features on the existing embankment to the east of the site during construction works. The development shall only be carried out in accordance with the approved tree protection measures. These details are necessary prior to commencement to ensure that the trees are protected before construction work begins.
- 4 Prior to first use of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- 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 building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

- 6 The development hereby permitted shall be used only for the storage of hay and/or straw within the purposes of agriculture, as defined in Section 336 (l) of the Town and Country Planning Act, 1990 and for no other purpose notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and any of its subsequent amendments.
- 7 Prior to the commencement of the development a Construction Traffic Management Plan, taking into account the points made in this report, must be submitted to and approved in writing by the Local Planning Authority. The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan. Such a Plan is required prior to commencement of development given that it is necessary to assess the impact of construction vehicles that would inevitably result from work commencing on site.
- 8 Prior to the commencement of the development full details of the surface water drainage measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the surface water drainage measures have been installed as approved and shall be retained as such thereafter. Such details are required prior to commencement so that the approved drainage measures can be incorporated into the development.

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### **61 Evans Lane, Kidlington**

The Committee considered application 15/00971/F for an extension and alterations to form 4 no. 1-bed flats at 61 Evans Lane, Kidlington for Mr and Mrs El-Mergisi.

In introducing the report, the Development Control Team Leader provided a verbal update on the response from the Highways Liaison Officer which had been received after publication of the written update. The Highways liaison Officer had no objection to the application, subject to conditions.

Councillor Carmen Griffiths addressed the Committee as local Ward Member.

Councillor Milne Home proposed that application 15/00971/F be refused as the proposed alterations were not appropriate for this area and would impact on visual amenity. Councillor Wood seconded the proposal. The motion was duly voted on and subsequently fell.

Councillor Clarke proposed that the application be approved. Councillor Blackwell seconded the proposal.

In reaching their decision, the Committee considered the officers' report and presentation and the address of the local Ward Member.

**Resolved**

That application 15/00971/F be approved, subject to the following 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.
- 2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Site Location Plan, Design and Access Statement (dated 27 May 2015), 0114-1-90, 0114-1-100, 0114-1-101, 0114-1-110, 0114-1-120, 0114-2-90, 0114-2-100, 0114-2-101A, 0114-2-110, 0114-2-120.
3. The materials to be used for the proposed extensions hereby approved shall match in terms of colour, type and texture those used on the existing building.
4. Prior to first occupation of the proposed development, the existing single storey rear extension, shown to be removed on the proposed plans, shall be removed and the external appearance of the rear elevation made good.
- 5 Prior to the occupation of the flats hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
- 6 Prior to the commencement of the development hereby approved, a plan showing car parking provision for vehicles to be accommodated within the site, shall be submitted and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.
- 7 Prior to the occupation of the flats hereby approved, vision splays measuring 2.4m x 2.4m shall be provided to each side of the access.

**Land To East Of Webbs Way, Kidlington**

The Committee considered application 15/00979/F for a change of use from agriculture to a private fishing lake and associated landscaping at land to the east of Webbs Way, Kidlington for Mr Colin Coles.

Councillor Douglas Williamson addressed the meeting as local Ward Member.

Councillor Sandra Rhodes addressed the meeting as local Ward Member.

Mr Martin Palmer, a local resident, addressed the meeting in objection to the application.

Mr Christian Smith, agent for the applicant addressed the Committee in support of the application.

Councillor Hughes proposed that consideration of the application be deferred to allow for a formal site visit. Councillor Reynolds seconded the proposal. The motion was duly voted on and subsequently fell.

Councillor Randall proposed the application be approved. Councillor Milne Home seconded the proposal.

In reaching their decision the Committee considered the officers' report, presentation, written update, and the addresses of the local Ward Members and public speakers.

### **Resolved**

That application 15/00979/F be approved, subject to:

- (i) The drainage issues being satisfactorily addressed.
- (ii) The following 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.
  2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Planning Statement dated 28 May 2015, Letter from Abington Consulting Engineers dated 16 July 2015, Drawing No's. GPP-CC-K-15-02, W14-043-001 Rev. P1 Pond Construction, Pond Construction (Cross Sections), Pond Construction (Long Sections), GPP/CC/K/15/04 Rev. No. 1 received 02 July 2015
  3. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
    - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
    - (b) details of the 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 deposited material excavated to create the lake, including the bunds,
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
  5. The development hereby approved shall be carried out strictly in accordance with the recommendations and enhancement measures set out in Section 5 of the Extended Phase 1 Habitat Survey submitted with the application, which was prepared by Lockhart Garratt dated May 2015.
  6. No excavated material shall be removed from the site.
  7. Access to the site shall be taken via Webbs Way only.
  8. The fishing lake and land hereby permitted shall be used for private use only and no commercial use, including any trade, industry, business or other use whatsoever.
  9. No power-driven machinery or equipment shall be operated on site.

60 **74 - 76 Banbury Road, Kidlington**

The Chairman advised the Committee that application 15/01023/F had been withdrawn by the applicant and would therefore not be considered at the meeting.

61 **Land Adj 2 Orchard Way Bicester OX26 2EJ**

The Committee considered application 15/01055/F for 2 x 2 bedroom semi-detached dwellings at land adjacent to 2 Orchard Way, Bicester, OX26 2EJ for Mr J Prpa.

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

**Resolved**

That application 15/01055/F be refused for the following reasons:

1. By reason of its design, scale, siting and layout the proposed development would fail to respect the spacious character and pattern of existing

development in the locality and would appear cramped and over-dominant within the street. Further, the proposed area of hardstanding, which would provide off-street parking for up to three vehicles, and would result in the loss of existing soft landscaping (boundary hedge), would have a detrimental impact on the character of the site and the visual amenity of the area. The proposal is therefore contrary to Policy C28 and Policy C30 of the Cherwell Council Local Plan 2015, and the relevant provisions of the National Planning Policy Framework, 2012.

2. By reason of its close proximity to the common boundary with Walnut House, and taking account of the proposed height, depth and orientation, the proposal would have an adverse overbearing impact on the occupiers of Walnut House, and would significantly interfere with the receipt of light at the neighbouring rear garden. The proposed development would therefore have a detrimental impact on the residential amenity of the occupiers of Walnut House contrary to Policy C28 and Policy C30 of the Cherwell Council Local Plan, 2015, and the relevant provisions of the National Planning Policy Framework, 2012.

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## **2 Orchard Way Bicester OX26 2EJ**

The Committee considered application 15/01057/F for a two storey side extension and additional off street parking at 2 Orchard Way, Bicester. OX16 2EJ for Mr J Prpa

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

### **Resolved**

That application 15/01057/F be refused for the following reasons:

1. The proposed side extension would, by reason of its design, size and width, result in a visually obtrusive and unsympathetic appearance and fail to relate acceptably to the character and appearance of the existing building and surrounding area. Further, the excessive level of hardstanding and parking arrangement would have a detrimental impact on visual amenity. The proposed development would therefore have a detrimental impact on the character and appearance of the existing building, street scene and surrounding area, contrary to the provisions of Policies C28 and C30 of the Cherwell District Council Local Plan, 1996 and the relevant provisions of the National Planning Policy Framework, 2012.
2. The proposed development would fail to achieve an acceptable standard of environment for future occupiers of the dwelling. The proposed number of bedrooms (9) compared to the size and layout of the proposed shared internal amenity space would not cater sufficiently for the everyday needs of future occupiers to the detriment of their residential amenity. The proposal would therefore be contrary to Policy C30 (iii) of the Cherwell District Council Local Plan, 1996 and the relevant provisions of the National Planning Policy Framework, 2012.

63 **154 Oxford Road, Kidlington**

The Chairman advised the Committee that application 15/001076/F had been withdrawn by the applicant and would therefore not be considered at the meeting.

64 **131 Oxford Road, Kidlington**

The Chairman advised the Committee that application 15/001106/F had been withdrawn by the applicant and would therefore not be considered at the meeting.

65 **Garage Block Adjacent 29 Westbeech Court, Banbury**

The Committee considered application 15/01144/F for the construction of 3 new houses and associated parking with access from Westbeech Court at a garage block adjacent to 29 Westbeech Court, Banbury for Mr Norman White. This application was a resubmission of 15/00300/F.

In introducing the report, the Development Control Team Leader gave a verbal update on correspondence that had been received after the publication of the written update. The Committee was advised that a further 18 letters and a petition objecting to the application and 1 letter in support of the application had been received. It was proposed that an additional condition relating to screening be included to address the concerns of the objectors.

Mr Nick Price, agent to the applicant addressed the committee in support of the application.

Mr Gordon Shuttle, local resident, addressed the committee in objection to the application.

Councillor Blackwell proposed refusal of application 15/01144/F as the proposed application represented overdevelopment of the site, was not in keeping with the area and was contrary to policies C28 and C30 of the Adopted Cherwell Local Plan and policy ESD13 of the Cherwell Local Plan 2011-31, with authority being delegated to the Head of Development Management to determine the exact wording. Councillor Milne Home seconded the proposal.

**Resolved**

That application 15/00300/F be refused for the following reason:

- 1 The proposal represents overdevelopment of the site, resulting in a cramped form of development which by reason of its size and design is detrimental to the character and appearance of the vicinity, and to the residential amenities of the residents of Westbeech Court. The proposal is thus contrary to saved Policies C28 and C30 of the Cherwell Local Plan 1996 (saved policies) and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and the good design ethos of the National Planning Policy Framework.

66 **Decisions Subject to Various Requirements**

The Head of Development Management submitted a report which informed Members upon applications which they had authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

**Resolved**

- (1) That the position statement be accepted.

67 **Appeals Progress Report**

The Head of Development Management submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 6.00 pm

Chairman:

Date: