

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 3 September 2015 at 2.00 pm

- Present: Councillor Colin Clarke (Chairman)  
Councillor Fred Blackwell (Vice-Chairman)
- Councillor Michael Gibbard  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Matt Johnstone  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor Alastair Milne Home  
Councillor Lynn Pratt  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Trevor Stevens  
Councillor Rose Stratford
- Substitute Members: Councillor D M Pickford (In place of Councillor Richard Mould)  
Councillor Barry Wood (In place of Councillor Lawrie Stratford)
- Apologies for absence: Councillor Richard Mould  
Councillor Barry Richards  
Councillor Lawrie Stratford
- Officers: Jon Westerman, Development Services Manager  
Bob Duxbury, Development Control Team Leader  
Caroline Ford, Senior Planning Officer  
Stuart Howden, Senior Planning Officer  
Alex Keen, Team Leader, Development Management  
Rebekah Morgan, Senior Planning Officer  
Matthew Parry, Principal Planning Officer  
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer  
Natasha Clark, Team Leader, Democratic and Elections  
Lesley Farrell, Assistant Democratic and Elections Officer

### Declarations of Interest

Members declared interests in the following agenda items:

10. Sites D and E Graven Hill Upper Arcott Ambrosden.

Councillor David Hughes, Declaration, as a Director of Graven Hill Village Holdings Limited and would leave the meeting for the consideration of the application.

14. Land Adjacent to Bicester Community College, Queens Avenue, Bicester.  
Councillor G A Reynolds, Non Statutory Interest, as Lead Member for Recreation.

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

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

15. Oxford and Cherwell College, Broughton Road, Banbury.  
Councillor Alastair Milne Home, 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.

16. Land Adj To 53A Hamilton Close, Bicester.  
Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

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

17. 21 Chetwode, Banbury.  
Councillor Alastair Milne Home, 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.

69 **Requests to Address the Meeting**

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

70 **Urgent Business**

There were no items of urgent business.

71 **Minutes**

Subject to the amendments detailed below, the Minutes of the meeting held on 6 August 2015 were agreed as a correct record and signed by the Chairman:

- Minute 49 – Chairman’s Announcements  
Addition of 4<sup>th</sup> announcement regarding the proposed joint site visit with West Oxfordshire District Council to Woodstock on 15 September 2015.
- Minute 65 – Garage Block Adjacent Westbeech Court, Banbury  
In the fifth paragraph, it should read “policy 15 of the Cherwell Local Plan 2011-2031” not policy 13

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### **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. There would be a joint site visit with West Oxfordshire District Council on 15 September 2015 to view the major application site of Woodstock East. Members should meet at the main gates of Blenheim Palace at 2pm where transport would be provided to Blenheim Palace.

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### **Allotment Gardens west of Roebuck Inn and south east of the Blinking Owl PH, Banbury Road, North Newington**

The Committee considered application 14/01816/F for the erection of 1 no. detached dwelling and detached garage at allotment gardens west of the Roebuck Inn and south east of the Blinking Owl PH, Banbury Road, North Newington for Penfield Homes Limited (Mr Christopher McNally).

Mr Christopher McNally, the applicant, addressed the meeting 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 14/01816/F be refused for the following reasons:

1. The Pound is a designated public Right of Way and crosses a second public Right of Way at the access point to the site and it had not been demonstrated that the applicant benefits from a lawful vehicular access to the site via The Pound. As such the development may result in parking being displaced to the public highway compromising highway safety contrary to government guidance contained within the National Planning Policy Framework.

74 **OS Parcel 6920 East of Oxford Road and Adjoining and South of Canal Lane, Bodicote**

The Committee considered application 14/01888/F, for the erection of two local centre buildings – one to contain four apartments (3 x 2 bed and 1 x 1 bed and 1 x 3 bed) over three retail units and a nursery at OS Parcel 6920 East of Oxford Road and adjoining and south of Canal Lane, Bodicote for Taylor Wimpey, Oxfordshire.

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

**Resolved**

That application 14/01888/F be approved subject to:

- a) The applicants entering into a linking agreement to link this application proposal to the legal agreement pursuant to 05/01337/OUT to ensure the proposal remains bound by the clauses of the outline S106.
- b) The receipt of amended plans to the satisfaction of the Head of Development Management in consultation with the Chairman of the Planning Committee and the removal of objections.
- c) The following conditions (with authority delegated to the Head Of Development for the addition/ amendment of conditions to suit any accepted amended plans)
  1. The development to which this permission relates shall be begun not later than the expiration of five 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:

To be added following receipt of satisfactory amended plans.
  3. Prior to the construction of the foundations of the buildings hereby approved, and notwithstanding the submitted details, a revised schedule of the materials and finishes for the external walls and roof(s) 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 approved materials.
  4. Prior to the construction of the foundations of the buildings hereby approved, samples of all roofing materials 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 construction of the foundations of the buildings 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.
6. Prior to the construction of the foundations of the buildings hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m<sup>2</sup> in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.
7. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
8. Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.
9. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed local centre buildings 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 finished floor levels plan.
10. Before any of the units in the Longford Park 'Local Centre' are first occupied the whole of the estate roads and footpaths of that phase, shall be laid out, constructed, lit and drained and if required temporary or permanent traffic calming to the Oxfordshire County Council's Specifications.
11. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the proposed vehicular accesses, driveways, turning areas, 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.

12. Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of Longford Park 'Local Centres' the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.
13. 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.
14. Prior to the first occupation of any unit hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority for that particular unit. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
15. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development (which shall demonstrate how this scheme relates to the wider site drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
16. The development hereby approved shall be carried out strictly in accordance with the mitigation measures set out in section 6 of the May 2014 ecological assessment report by Aspect Ecology.
17. Prior to the construction of the foundations of the dwellings, garages and carports hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on this Parcel 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.

18. Prior to the construction of the foundations of the buildings 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,
  - (d) details of the location and type of root barriers to be installed
19. 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.
20. 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. The AMS shall identify all tree protection measures required and any special treatment required for foundations within proximity of any retained tree. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
21. 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 this consent.

22. The units marked as 'Retail units 1-3 and unit A' on drawing numbers 1419 300 K and 1419 400 G shall be used only for purposes falling within Class A1 specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose(s) whatsoever.
23. The A1 retail units hereby approved shall not be amalgamated or mezzanines inserted.
24. The units marked as 'Nursery and Surgery' on drawing numbers 1419 300 K and 1419 400 G shall be used only for purposes falling within Class D1 specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose(s) whatsoever.

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### **Land south west of Cotefield Business Park, Oxford Road, Bodicote**

The Committee considered application 14/02156/OUT, an outline application for up to 95 homes (appearance, landscaping and layout reserved) at land south west of Cotefield Business Park, Oxford Road, Bodicote for Mr O Wells.

Councillor Heath proposed that application 14/02156/OUT be refused as the application represented overdevelopment in the open countryside and was outside the built up limits. Councillor Randall seconded the proposal. The motion was duly voted on and subsequently fell.

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

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

### **Resolved**

That application 14/02156/OUT be approved, subject to the following conditions:



## **General Implementation**

- 1) No development shall commence until full details of the layout (including the layout of the internal access roads, footpaths and cycle ways), appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
- 2) In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission. Each application shall demonstrate how the design and access principles shown on Drawing Nos: 7993-0047-04 (Phase Two Indicative Layout), 7993-0071-01 (Phase One and Two Interface Plan), 7993-0070-01 (Walking and Cycling Routes), and 7993-0060-01 (Walking Routes Plan) have been used to inform the reserved matters.
- 3) The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
- 4) The approved plans to which this permission relates are: Drawing Nos. OXF7993 Rev A Site Boundary, and OXF7993 Fig. 7993-0058-02.
- 5) Prior to the commencement of the development hereby approved, a Phasing Plan covering the application site (Phase 2) and the development of the 82 dwellings approved under planning application ref: 11/00617/OUT (Phase 1) as shown on Figure No: 7993-0058-02 shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include a timetable for implementing the developments with estimated completion dates for each phase. Thereafter the development shall be carried out in accordance with the approved Phasing Plan.

## **Scale**

- 6) With regard to scale, the reserved matters shall demonstrate the following:
  - a) No more than 30% of the dwellings to be 2.5 storey
  - b) No more than 5% of the dwellings to be 3 storey
  - c) No more than 35% of the dwellings to exceed 9 metres in height above existing ground level
  - d) No building to exceed 11.5 metres in height above existing ground level

Unless alternative details of scale are submitted to and approved in writing by the Local Planning Authority.

## **Access**

- 7) 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.
- 8) Prior to the commencement of the development hereby approved, full specification details of the internal access roads, footpaths and cycle ways which shall include construction, layout, surfacing, drainage and lighting, 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.
- 9) Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the accesses, driveways and turning areas shall be constructed in accordance with the approved details.
- 10) Prior to the first occupation of the development hereby approved, full details of the proposed enhancements to the local footpath network, as shown on Drawing No: 7993-0060-01, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include at least two points of connection between the development and the local footpath network and a timetable for implementing the proposed enhancements. Thereafter the approved details shall be implemented in accordance with the approved timetable.

## **Archaeology**

- 11) Prior to the commencement of the development (other than in accordance with the submitted archaeological Written Scheme of Investigation produced by RPS), a staged programme of archaeological evaluation and mitigation shall be carried out by an appropriately qualified archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority prior to the first occupation of the development.

## **Drainage**

- 12) Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development, which shall be broadly in accordance with the drainage proposals set out in the submitted Flood Risk Assessment produced by

Forge Engineering Design Solutions, 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 drainage scheme.

- 13) Prior to the commencement of the development hereby approved, impact studies of the existing water supply infrastructure, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, 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.

## **Noise**

- 14) Prior to the commencement of the development hereby approved, a noise mitigation scheme in respect of the dwellings falling within the zone "Treatment 1" as shown on Figure 3 in the Noise Assessment submitted with the application, demonstrating 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 dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.
- 15) 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.

## **Trees and Biodiversity**

- 16) Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, 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 CEMP.
- 17) The development hereby approved shall be carried out in strict accordance with the recommendations detailed in section 4 of the Bat Activity Survey dated November 2014 (paragraphs 4.9 to 4.31) submitted with the application.
- 18) The development hereby approved shall be carried out in strict accordance with the recommendations detailed in sections 9, 10 and

11 of the Arboricultural Impact Assessment dated 28 November 2014 submitted with the application.

19)(a) No retained tree shall be cut down, uprooted, damaged or destroyed without the prior written approval of the Local Planning Authority.

(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 first 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 permission.

#### **Other matters**

20) No development shall commence until a Sustainable Construction Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate which sustainable construction methods shall be used in the development to achieve, as far as practicably possible, zero carbon development including but not limited to:

- (i) Minimising both energy demands and energy loss;
- (ii) Maximising passive solar lighting and natural ventilation;
- (iii) Maximising resource efficiency;
- (iv) Incorporating the use of recycled and energy efficient materials;
- (v) Incorporating the use of locally sourced building materials;
- (vi) Reducing waste and pollution and making adequate provision for the recycling of waste;
- (vii) Making use of sustainable drainage methods;
- (viii) Reducing the impact on the external environment and maximising opportunities for cooling and shading; and
- (ix) Making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

The development shall thereafter be carried out in full accordance with the approved Statement.

21) Prior to the first occupation of any dwelling on the site, a scheme for the provision of refuse and recycling bins to serve each dwelling including details of the type and specification of the bins to be provided and a programme for their provision, shall have been submitted to and approved in writing by the Local Planning Authority. The development

shall thereafter be carried out in accordance with the approved scheme.

76 **Sites D and E Graven Hill Upper Arcott Ambrosden**

The Committee considered application 15/00266/DISC for the discharge of conditions 26 (masterplan and design code), 30 (phasing plan), 31 (M40 junction improvements, 37 (district heating feasibility), 48 strategic landscape scheme), 61 (relief road safeguarding zone), 62 (foul water drainage) and 67 (surface water drainage) of outline planning permission 11/0149/OUT at Sites D and E Graven Hill Upper Arcott Ambrosden for Graven Hill Village Development Company.

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

**Resolved**

That authority be delegated to the Head of Development Management, in consultation with the Cherwell District Council Member design Champion, to approve the Masterplan and Design Code, subject to minor amendments to the street design principles sufficient to address OCC Transport concerns,

77 **Outbuilding, Elephant and Castle, Humber Street, Bloxham**

The Committee considered application 15/00325/F for the change of use of an outbuilding to residential accommodation, the removal of a bread oven and repairs to the building at Elephant and Castle, Humber Street, Bloxham for Mr James Clarke (Hook Norton Brewery)

Dale Ingram, Director of Planning for Pubs Limited addressed the meeting in support of the application.

Councillor Heath proposed that the application be approved with authority delegated to officers to draft appropriate conditions. Councillor Reynolds seconded the proposal.

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

**Resolved**

That application 15/00325/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, Design, Access and Heritage Statement, Planning

Statement, Schedule of Works, site location plan, block plan and drawings numbered: 0001, 0002, 1001, 1002, 1003, 1004 and 1005.

3. The parking area shall be kept free of obstructions at all times and used only for the specified purpose.
4. The development hereby approved shall be carried out in accordance with the recommendations set out in section 4 of the Bat Survey Report carried out by Cotswold Wildlife Surveys on 25th September 2014.
5. The living accommodation hereby approved shall be restricted to rented accommodation and/or holiday lets and shall not be sold as a separate unit of accommodation.

78 **Outbuilding, Elephant and Castle, Humber Street, Bloxham**

The Committee considered application 15/00326/LB for the change of use of an outbuilding to residential accommodation and the removal of a bread oven and repairs to the building at Elephant and Castle, Humber Street, Bloxham for Mr James Clarke (Hook Norton Brewery)

Dale Ingram, Director of Planning for Pubs Limited addressed the meeting in support of the application.

Councillor Heath proposed the application be approved. Councillor Reynolds Seconded the proposal.

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

**Resolved**

That application 15/00326/LB be approved subject to the following conditions:

1. 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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design, Access and Heritage Statement, Planning Statement, Schedule of Works, site location plan, block plan and drawings numbered: 0001, 0002, 1001, 1002, 1003, 1004 and 1005.
3. Prior to the commencement of works to demolish the bread oven body, a scheme for recording the historic significance (by an organisation with acknowledged experience in recording historic structures) of the bread oven shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.
4. All rainwater goods shall be traditional cast iron or metal painted black and permanently so retained thereafter.

5. Only lime mortar and lime plaster shall be used in the works to the building.
6. All works of making good shall be carried out in materials and detailed to match the adjoining existing historic fabric except where shown otherwise on the approved drawings.
7. Prior to the removal of the existing staircase full design details of new staircase 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.
8. If any of the existing roof slates require replacement as part of the works, the replacement slates shall be reclaimed natural Welsh slates.

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### **OS Parcel 3235 and OS Parcel 5021 West of West End, Launton**

The Committee considered application 15/00392/OUT, an outline application for the erection of 8 detached houses and creation of informal open space at OS Parcel 3235 and OS Parcel 5021, west of West End, Launton for Mr Richard Howson.

Mr Jack Peeters, Chartered Town Planner addressed the Committee in support of the application

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

### **Resolved**

That application 15/00392/OUT be refused for the following reasons:

1. The development of the application site would result in the encroachment of built development into an attractive open parcel of land which provides an important open character and setting to the village of Launton. The introduction of built development on the site would be out of keeping with the established pattern along West End and cause substantial harm to the character of the settlement, contrary to Policies ESD 13 and 16 and village policy 1 of the adopted Cherwell Local Plan 2011-2031 and to the NPPF.
2. The information submitted within the Noise Impact Assessment indicates that the development would be unable to achieve suitable LOAEL noise levels within the properties during the night time period. This would lead to the creation of an inappropriate internal living environment for future occupants which would be contrary to the requirements for high quality design as set out within Policy C30 of the adopted Cherwell Local Plan and BSC 8 of the submission Cherwell Local Plan and the requirements of the NPPF

80 **Land Adjacent to Bicester Community College, Queens Avenue, Bicester**

The Committee considered application 15/01006/F for the erection of a three storey studio school with associated landscaping and car/cycle parking at land adjacent to Bicester Community College, Bicester for Activate Learning

Mr Lee Nichols, the applicant addressed the Committee in support of the application.

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

**Resolved**

That application 15/01006F 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: 15003/ E(PA)0002 Rev. P2, 15003/ L(PA)0004 Rev. P2, 15003/ L(PA)0005 Rev. P2, 15003/ S(PA)0002 Rev. P2, L-1509-PRP-003 Rev. 02, L-1509-PRP-002 Rev. 02, L-1509-GAP-001 Rev. 02 and L-1509-GAP-002 Rev. 02.
- 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 hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- 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 Prior to the commencement of the development hereby approved, a Tree Protection Plan 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 setting out how all retained trees identified in the landscaping scheme will be safeguarded during construction. Thereafter, all works on site shall be carried out in accordance with the approved tree protection plan.
- 6 Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, 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 All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.
- 8 Prior to the commencement of the development hereby approved, a detailed scheme for the discharge of surface water from the site shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption". The scheme shall include the following:

Discharge Rates

- Discharge Volumes
- Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing plans
- Flood Risk Assessment

- 9 The development hereby approved shall be carried out strictly in accordance with the recommendations set out in Section 6 of the Preliminary Ecological Assessment submitted with the application, which was prepared by Middlemarch Environmental dated May 2015. The location and types of at least two nesting/roosting provisions in accordance with the above shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the approved development and carried out as approved prior to the development being brought into use.
- 10 The building hereby approved shall be constructed to at least BREEAM 'Very Good' standard and shall not be occupied until such minimum standard has been achieved in accordance with all of the measures set out in the submitted 'Energy Feasibility Assessment' produced by Hulley & Kirkwood Consulting Engineers Ltd and dated July 2015.
- 11 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved CTMP at all times.
- 12 Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details. The Travel Plan shall include at least the following information:
  - Details of a dedicated shuttle service and the arrangements for the transportation of students to and from the school;
  - Measures to encourage staff and student travel by foot and cycle;
  - Measures to encourage staff and students to travel by bus;
  - Details of any off-site car parking/drop-off arrangements;
  - Details of monitoring arrangements to include the submission of an annual report to the local planning authority that assesses the effectiveness of the Travel Plan and sets out measures to try to reduce car travel to and from the school during the following year and thereafter.
- 13 A travel information pack for staff and students shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development. This travel information pack shall then be distributed and made available to all new students both in the first year of operation and thereafter in accordance with a scheme that shall be approved in writing by the local planning authority prior to first occupation of the development.
- 14 Prior to the first occupation of the development hereby approved (other than for construction purposes) a Management Plan relating to operations at the approved new school development as well as the existing school currently known as Bicester Community College shall be submitted to and approved in writing by the local planning authority. This Management Plan shall include details on at least the following matters:

- Specified operating hours of both the proposed Bicester Studio School and the existing secondary school (Bicester Community College) to ensure peak arrivals and departures from the two institutional premises are kept separate from each other as well as peak times of other neighbouring development;
- The means of controlling staff and pupil movements to ensure their arrival and departure times do not materially fall outside the above specified times;
- Details of servicing and waste management arrangements to ensure that this does not take place during in and around peak hours;
- Means of monitoring and enforcing student car parking and parent/guardian drop-offs at the site and on the Queens Avenue access road;
- Arrangements for school field trips and outings including times during which arrival and departure of vehicles into the Queens Avenue access road will be restricted as well as arrangements for the parking and waiting of such vehicles;
- Details of arrangements to prevent notable events taking place at the existing Bicester Community College at the same or similar times.

The approved Management Plan shall be implemented and operated from the point of first occupation of the development. Thereafter, any change to the approved Management Plan shall require the formal prior written approval of the local planning authority.

- 15 Prior to the commencement of the development hereby approved, samples of the external materials to be used in the construction 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.
- 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.
- 17 Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.
- 18 Prior to first occupation of the approved development details of the boundary treatments to be used in the development shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the boundary treatments have been laid out in full as approved and thereafter so retained.

81 **Oxford and Cherwell College, Broughton Road , Banbury**

The Committee considered application 15/01024/F for the demolition of existing buildings and change of use from D1 non-residential to C3 dwelling houses comprising of 78 x 1 bedroom and 2 bedroom extra care residential apartments with associated ancillary accommodation and 39 car parking spaces at Oxford and Cherwell College, Broughton Road, Banbury for Bromford Homes Ownership Limited and Activate Learning.

Mr Ed Witney and Mr Roy Soan, local residents, addressed the meeting in objection to the application.

Councillor Blackwell proposed that consideration of the application be deferred to allow for a formal site visit. Councillor Milne Home seconded the proposal.

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

**Resolved**

That application 15/01024/F be deferred to allow for a formal site visit.

82 **Land Adj To 53A Hamilton Close, Bicester**

The Committee considered application 15/01052/F for the erection of 2 no. semi-detached dwellings at land adjacent to 53a Hamilton Close, Bicester for Oxon Group Limited.

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

**Resolved**

That application 15/01052/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;
  - Drawing No. DE(9)900 Rev A submitted with the application;
  - Design and Access Statement dated July 2015 received from the applicant's agent by E-mail on 27<sup>th</sup> July 2015;
  - Drawings No's: DP(0)001 Rev D; DP(9)900 Rev D; DP(0)050 Rev B; and DP(0)051 received from the applicant's agent by E-mail on 27<sup>th</sup> July 2015.

3. 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.
4. Prior to the commencement of the development hereby approved, samples of the brick to be used in the construction of the wall 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 details of a scheme for the location of at least three nesting opportunities for swifts or another suitable bird species shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the nesting bricks shall be installed on the site within the building fabric in accordance with the approved details.
6. 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 hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
7. 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.
8. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking, access 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.

9. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.
10. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and any highway, access road or private drive without the prior express planning consent of the Local Planning Authority.

83      **21 Chetwode, Banbury**

The Committee considered application 15/01136/F for a change of use of land to private garden at 21 Chetwode, Banbury for Mrs Dawn Brown.

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

**Resolved**

That application 15/01136/F be refused for the following reason:

1. The proposed change of use of public open space to domestic curtilage and erection of a fence, by virtue of its appearance and positioning, would result in the loss of public open space that would detract from the open character and appearance of the context of the development, contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2013 and saved Policy C28 of the Cherwell Local Plan 1996. In addition, it will set an undesirable precedent for the consideration of similar proposals that would cumulatively further erode the area of open space but would be consequentially difficult to resist.

84      **Land Adjacent And North of St.Swithun's Church, Merton, Oxfordshire**

The Committee considered application 15/01148/OUT, an outline application for a residential development of 3 No dwellings (a re-submission of application 13/01873/OUT) at land adjacent and north of St. Swithun's church, Merton, Oxfordshire for Wellend Design and Build.

Mr Ian Mills, a local resident, addressed the meeting in objection to the application.

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

### **Resolved**

That application 15/01148/OUT be refused for the following reasons:

1. The proposal represents unsustainable development beyond the built up limits of Merton, which is inherently poor in terms of services and facilities, not well served by public transport and is reliant on the use of the private car. No case has been made for its consideration as a rural exceptions site or other essential undertaking. As the proposal cannot be justified on the basis of an identified need in an unsustainable location, it represents inappropriate development, contrary to Policy Villages 1 of the Cherwell Local Plan Part 1, saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. The proposal represents development which encroaches into the open countryside and causes demonstrable harm to the setting and significance of the designated Heritage Assets, the Grade I listed St. Swithun's Church and the Grade II listed Manor House. The proposed development would also fail to maintain the rural character and appearance of the area and to conserve, enhance and respect the environment and historic settlement pattern by introducing an incongruous, prominent, urbanising and discordant built form of development into this rural setting, injurious to its character and appearance and would also risk further harm to the character of this area which could arise from the precedent that may set. The application is, therefore, contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and C33 of the Cherwell Local Plan 1996 and Government guidance contained in the National Planning Policy Framework.
3. The proposal would result in the residential development of land in an unsuitable 'backland' position served by an access way between and behind residential dwellings, which is out of keeping with and causes harm to the existing residential form and character of the area. Furthermore, the development would be detrimental to the amenities of the adjacent residential properties by reason of the introduction of increased vehicular activity in an otherwise quiet and tranquil environment. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C28, C30 and C31 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Former Rosemary, Main Street, Fringford**

The Committee considered application 15/01190/F for a variation of Condition 1 of planning permission 13/00718/F – in relation to Plot 1 only at Former Rosemary, Main Street, Fringford for Mr and Mrs Ward.

Councillor Wood proposed that application 15/01190/F be refused as the development would be detrimental to the street scene and would continue to be harmful to the residential amenities of the occupiers of Kohanka. Councillor Kerford-Byrnes seconded the proposal

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

**Resolved**

That application 15/01190/F be refused for the following reasons:

The proposal would result in a development which would be of a contrived design, detrimental to the character and appearance of the street scene. It would also continue to be harmful to the residential amenities of the occupiers of Kohanka. The proposed development therefore fails to accord with Government guidance contained within the National Planning Policy Framework, Policies C28 and C30 of the Cherwell Local Plan (1996) and Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1.

86 **Land Adjoining And South West Of 27 Derwent Road, Bicester**

The Chairman advised the Committee that application 15/01295/F had been withdrawn by the applicant and would therefore not be considered at the meeting.

87 **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.

88 **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 6.50 pm

Chairman:

Date: