

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House,  
Bodicote, Banbury, OX15 4AA, on 28 September 2017 at 4.00 pm

- Present: Councillor David Hughes (Chairman)  
Councillor James Macnamara (Vice-Chairman)
- Councillor Andrew Beere  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Surinder Dhesi  
Councillor Chris Heath  
Councillor Simon Holland  
Councillor Alastair Milne-Home  
Councillor Alan MacKenzie-Wintle  
Councillor Richard Mould  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Nigel Simpson
- Substitute Members: Councillor Ken Atack (In place of Councillor Mike Kerford-Byrnes)  
Councillor Hugo Brown (In place of Councillor Lynn Pratt)  
Councillor Barry Wood (In place of Councillor D M Pickford)
- Apologies for absence: Councillor Mike Kerford-Byrnes  
Councillor D M Pickford  
Councillor Lynn Pratt
- Officers: Bob Duxbury, Team Leader (Majors)  
Nat Stock, Team Leader (Others)  
Matt Parry, Principal Planning Officer  
Andrew Lewis, Principal Planning Officer  
James Kirkham, Senior Planning Officer  
Matthew Coyne, Planning Officer  
Nigel Bell, Interim Legal Services Manager / Deputy Monitoring Officer  
Aaron Hetherington, Democratic and Elections Officer

## **Declarations of Interest**

### **9. Church Leys Field, Blackthorn Road, Ambrosden.**

Councillor Simon Holland, Declaration, as the applicant was known to him and would therefore leave the chamber for the duration of the item.

### **13. Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ.**

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the room for the duration of the item.

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

Councillor Richard Mould, Declaration, as a member of the Executive and would leave the room for the duration of the item.

### **14. Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ.**

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the room for the duration of the item.

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

Councillor Richard Mould, Declaration, as a member of the Executive and would leave the room for the duration of the item.

### **16. Antelope Garage, Swan Close Road, Banbury, OX16 5AQ.**

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

Councillor Andrew Beere, 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 Barry Wood, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council and a separate declaration as a member of the Executive and would leave the room for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor Richard Mould, Declaration, as a member of the Executive and would leave the room for the duration of the item.

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

86      **Requests to Address the Meeting**

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

87      **Urgent Business**

There were no items of urgent business.

88      **Minutes**

The Minutes of the meeting held on 31 August 2017 were agreed as a correct record and signed by the Chairman subject to the following amendment:

Councillor Les Sibley as present, amended to Councillor Les Sibley, apologies for absence.

89      **Chairman's Announcements**

The Chairman made the following announcement:

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.

90      **Land East Of Larsen Road, Upper Heyford**

The Committee considered application 15/01357/F for the erection of 79 dwellings, creation of new access from Camp Road, creation of new open space, hard and soft landscaping and ancillary works at Land East Of Larsen Road, Upper Heyford for Pye Homes Ltd.

Gavin Angell, representing the Dorchester Group, addressed the committee in objection to the application.

John Ashton, the agent to the application, addressed the committee in support of the application.

In reaching their decision, the committee considered the officer's report, presentation, written update and the address of the public speakers.

### **Resolved**

That application 15/01357/F be approved subject to:

- a) Delegation of the negotiation of the S106 agreement to Officers in accordance with the summary of the Heads of Terms set in para 8.50 and subsequent completion of S106 agreement;
- b) Resolution of the Highway Authority objection
- c) The following conditions with delegation provided to the Development Services Manager to negotiate final amendments to the wording of 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 documents: Application forms , Planning Statement and Addendum, Heritage Statement, Landscape and Visual Impact Assessment and Addendum, geophysical Survey, Transport assessment, Design and Access Statement and Addendum, Ecology Report and Flooding Risk and Foul Drainage Assessment, and drawings numbered:

Proposed Site Plan A1 1:500 P01-F

Winnersh House Type - Plans, Roof Plan and Section A3 1:100 P100  
Winnersh House Type - Elevations A3 1:100 P101  
Dashwood House Type - Plans, Roof Plan and Section A3 1:100 P102  
Dashwood House Type - Elevations A3 1:100| P103  
H House Type - Plans A3 1:100 P104  
H House Type - Elevations A3 1:100 P105  
H House Type - Roof Plan and Section A3 1:100 P106  
S Bungalow - Plans, Roof Plan and Section A3 1:100 P107  
S Bungalow - Elevations A3 1:100 P108  
Tetbury House Type - Plans, Roof Plan and Section A3 1:100 P109  
Tetbury House Type - Elevations A3 1:100 P110  
BKKB House Type - Plans A3 1:100 P119 A  
BKKB House Type - Elevations A3 1:100 P120 A  
BKKB House Type - Roof Plan & Section A3 1:100 P121 A  
KeKeKKB House Type - Floor Plans A3 1:100 P122 A  
KeKeKKB House Type - Elevations A3 1:100 P123 A  
KeKeKKB House Type - Roof Plan & Section A3 1:100 P124 A  
KeKeKKR House Type - Floor Plans A3 1:100 P125 A  
KeKeKKR House Type - Elevations A3 1:100 P126 A

KeKeKKR House Type - Roof Plan & Section A3 1:100 P127A  
BB House Type - Plans, Roof Plan and Section A3 1:100 P131  
BB House Type - Elevations A3 1:100 P132  
BR House Type - Floor Plans A3 1:100 P133 A  
BR House Type - Elevations A3 1:100 P134 A  
BR House Type - Roof Plan & Section A3 1:100 P135 A  
BKK House Type - Floor Plans A3 1:100 P136  
BKK House Type - Elevations A3 1:100 P137  
BKK House Type - Roof Plan & Section A3 1:100 P138  
KR House Type - Floor Plans A3 1:100 P139  
KR House Type - Elevations A3 1:100 P140  
KR House Type - Roof Plan & Section A3 1:100 P141  
KB House Type - Floor Plans A3 1:100 P142  
KB House Type - Elevations A3 1:100 P143  
KB House Type - Roof Plan & Section A3 1:100 P144  
KeKeKK House Type - Floor Plans A3 1:100 P145  
KeKeKK House Type - Elevations A3 1:100 P146  
KeKeKK House Type - Roof Plan & Section A3 1:100 P147  
KKK House Type - Floor Plans A3 1:100 P148 -  
KKK House Type - Elevations A3 1:100 P149 -  
KKK House Type - Roof Plan & Section A3 1:100 P150 -  
Plot 38 1:100 P151  
Plot 38 Elevations 1:100 P152  
BBR House type Plans 1:100 P153  
BBR House type elevations 1:100 P154

- 3 The development permitted shall not be begun until details of the following additional matters have been submitted to, and approved in writing by, the Local Planning Authority:
  - o The siting, layout and design of the proposed treatment plant
  - o A proposed scheme of access for pedestrians and cyclists to Larsen Road
- 4 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 together with samples of all bricks, render, paviers and slates 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.
- 5 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.

- 6 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.
- 7 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, other than for privately owned, domestic gardens, 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.
- 8 Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.
- 9 That full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the dwelling.
- 10 Prior to the commencement of development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.
- 11 Prior to the commencement of the development hereby approved, full specification details of the roads, footpaths and cyclepaths including 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 first house the development shall be constructed in accordance with the approved details.

- 12 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 access, driveways and turning areas shall be constructed in accordance with the approved details.
- 13 Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.
- 14 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.
- 15 Prior to the commencement of the development hereby approved, full details of the main 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 the main access 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 1m above carriageway level.
- 16 Prior to first occupation of any dwelling, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.
- 17 Prior to commencement of the development the Applicant shall submit to the Local Planning Authority a SUDS Maintenance and Management Plan for the development. This will include:
  - o A maintenance schedule, A site plan showing location of SUDS features and details, Maintenance areas, and Outfalls. Responsibility for the management and maintenance of each element of the SUDS scheme will be detailed within the Management Plan and a health and safety plan where risks are involved in the maintenance activity will be required.

- 18 Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.
- 19 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.
- 20 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.
- 21 If a potential risk from contamination is identified as a result of the work carried out under condition 20, 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.
- 22 If contamination is found by undertaking the work carried out under condition 21, 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.



- 23 If remedial works have been identified in condition 22, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 22. 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.
- 24 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.
- 25 Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

91 **Studley Wood Golf Club, The Straight Mile, Horton Cum Studley, Oxford, OX33 1BF**

The Committee considered application 16/02218/F for the change of use of part of a golf course (woodland) to a natural burial ground and associated buildings including ceremonial building and administration building and proposed pro shop and office and conversion of existing function room to staff flat at golf club (the application was a re-submission of 15/01539/F) at Studley Wood Golf Club, The Straight Mile, Horton Cum Studley, Oxford, OX33 1BF for Studley Wood Golf Club.

In introducing the report, the Development Control Team Leader referred Members to the written update and that the officer recommendation had changed from Approval to Deferral at the applicants requested to negotiate further changes to the proposal and to allow a formal site visit.

**Resolved**

That consideration of application 16/02218/F be deferred following the request of the applicants to negotiate further changes to the proposal and to allow a formal site visit.

92 **Church Leys Field, Blackthorn Road, Ambrosden**

The committee considered application 16/02370/F for the erection of 85 dwellings with public open space, associated parking, landscaping, new vehicular accesses and servicing at Church Leys Field, Blackthorn Road, Ambrosden for Bellway Homes Limited and Archstone Ambrosden Limited.

Jonathan Porter, the applicant's agent, addressed the committee in support of the application.

In reaching their decision, the committee considered the officer's report, presentation and the address of the public speaker.

### **Resolved**

That application 16/02370/F be approved subject to the following conditions with the issuing of the decision notice delegated to the Head of Development Management only following the satisfactory completion of a legal agreement with both Cherwell District Council and Oxfordshire County Council to secure the items listed in paragraph 8.68 of the report:

- 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 development shall be carried out strictly in accordance with the following plans and documents:
- 3 Prior to the commencement of the development hereby approved, samples of the external walls and roofing materials to be used in the construction of the buildings within 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 Notwithstanding any details that might be shown to the contrary in the approved plans, all windows to be installed on buildings within the development shall be flush fitting balanced casements that are recessed a minimum of 75mm within the window surrounds unless otherwise agreed in writing by the local planning authority.
- 5 Prior to the commencement of the development hereby approved, a plan showing full details of the existing and proposed site levels as well as finished floor levels within 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 finished floor levels plan.
- 6 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, those means of enclosure shall be completed in accordance with the approved details prior to the first occupation of any part of the development that would be served by those means of enclosures.
- 7 Prior to the first occupation of any dwelling, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any

dwelling the refuse bin storage facilities for that dwelling shall be provided in accordance with the approved details and retained as such thereafter.

- 8 The dwelling(s) hereby approved shall not be occupied until 3 bins for the purposes of recycling, residual and garden waste have been provided for each of the approved dwellings, in accordance with the following specification:
  - One 240 litre blue wheeled bin for the collection of dry recyclable material;
  - One 240 litre green wheeled bin for the collection of residual waste;
  - One 240 litre brown bin for the collection of garden waste material
- 9 No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.
- 10 Prior to the first occupation of any dwelling hereby approved, full details of the fire hydrants to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.
- 11 Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy and communication infrastructure on the site to serve the development shall be provided underground and retained as such thereafter unless with the prior written approval of the local planning authority.
- 12 Prior to the first occupation 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.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

- 13 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. All hardsurfacing shall be carried out prior to substantial completion of the development. 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.
- 14 Prior to the first occupation of the development hereby approved, a landscape and ecology management plan, to include the timing of the implementation of the plan, long term objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape and ecology management plan shall be carried out in accordance with the approved details.
- 15 The development hereby approved shall be constructed strictly in accordance with the recommendations and specifications set out in the submitted Arboricultural Assessment (ref: T\_EDP2488\_04b) and the Arboricultural Addendum Statement (ref: T\_EDP2488\_06a\_210617) .
- 16 Except to allow for the construction of the means of access and associated visibility splays the existing hedgerow along the northern boundary with Blackthorn Road shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development, it shall be replaced and shall thereafter be properly maintained in accordance with this condition.
- 17 Prior to the first occupation of any dwelling within the development, full details of the equipment, layout, drainage, surfacing, landscaping and specification of the combined Local Area of Play and Local Equipped Area of Play (LAP/LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the combined LAP/LEAP shall be provided as approved and retained at all times thereafter as a publicly available play area.
- 18 Notwithstanding anything shown in the approved plans and documents, the development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be fully implemented in accordance with the approved details prior to substantial completion of the development. The scheme shall include:

Discharge Rates  
Discharge Volumes  
Maintenance and management of SUDS features  
Sizing of features - attenuation volume  
Infiltration in accordance with BRE365  
Detailed drainage layout with pipe numbers  
SUDS - (in a treatment train approach to improve water quality)  
Network drainage calculations  
Phasing

- 19 Prior to the commencement of the development hereby approved, a detailed scheme of foul drainage for the development shall be submitted to, and approved in writing by, the Local Planning Authority (in consultation with Thames Water). Thereafter, and prior to the first occupation of any dwelling, the foul drainage scheme approved shall be shall be completed so far as is necessary to serve that dwelling. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
- 20 The development hereby approved shall proceed in accordance with the Flood Risk Assessment Technical Note prepared by Clarkebond (dated 21-04-2017 and ref: WB03 884 - TN06 Rev. V2) accompanying the application unless otherwise previously approved in writing by the Local Planning Authority. There shall be no built development within the area of land shown as Flood Zones 2 and 3 within the submitted Flood Risk Assessment and neither shall any spoil or materials be deposited or stored on that part of the site lying within the area shown as Flood Zone 3 (1 in 100 year flood event) within the Flood Risk Assessment.
- 21 Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority which shall include details of:
- Construction traffic management and contractor parking;
  - Compound and storage details;
  - Spoil management;
  - Measures to be taken to control hours of working, noise, dust and vibration resulting from construction;
  - Details of the consultation and communication to be carried out with local residents;
  - Site Manager details and that of relevant personnel.
- Thereafter the development shall be carried out in accordance with the approved CMP at all times unless otherwise agreed in writing beforehand by the local planning authority.
- 22 Prior to the first occupation of the development hereby approved, full details of the external lighting within the site shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out prior to first occupation of the development and retained thereafter in accordance with the approved details.

- 23 Prior to the commencement of the development hereby approved, full details of the means of vehicular access between the site and Blackthorn Road including position, road markings, layout, and vision plays shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied on the site until the means of vehicular access has been constructed and available for continued use in accordance with the approved details.
- 24 Other than the approved vehicular access, no other means of vehicular access whatsoever shall be formed or used between the site and the highway.
- 25 Prior to the first occupation of any of the dwellings hereby approved, all of the new roads and footpaths within the site (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments. Within 3 months' of the first occupation of the final dwelling along any particular new street/road, the roads, streets and paths providing access to those dwellings from Blackthorn Road shall be fully completed (including final surfacing).
- 26 Prior to the first occupation of any dwelling, the motor vehicle parking, turning and manoeuvring areas serving that dwelling as shown on the approved plans shall have been fully laid out and available for use and shall be retained unobstructed except for vehicle parking thereafter.
- 27 Prior to the commencement of the development hereby approved, full specification details of the proposed new footway/cycleway along the south side of Blackthorn Road connecting the development and Ploughley Road which shall include construction, layout, surfacing, lighting 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 footway/cycleway shall be constructed in accordance with the approved details.
- 28 No dwelling shall be occupied until cycle parking provision to serve that dwelling has been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter.
- 29 Public footpath 131/7 shall not be diverted, stopped up or obstructed in any way until the proposed diversion to the footpath as shown in the approved site layout plans has been laid out, completed and made available for public use in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include the means of construction, surfacing, lighting and drainage.

- 30 Until such time as public footpath 131/7 has been successfully diverted in accordance with the requirements of condition 29, no development shall take place within 10m of the public footpath until it has been protected and fenced to accommodate a width of a minimum of 5m in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the existing public footpath shall remain fenced and available for use up until the diversion required by condition 29 has been successfully completed and made available for continued public use.
- 31 All new roads, streets and paths within the development shall be available for use by the public as pedestrians in the same manner as those adopted by the local highway authority.
- 32 No more than 45 dwellings shall be occupied as part of the development until the visitor parking spaces shown in the approved site layout plan have been completed and made available for continued public use.
- 33 Prior to first use of the combined LAP/LEAP facility, the cycle parking areas adjacent to it as shown on the approved site layout plan shall be fully laid out and made available for public use.
- 34 Prior to the first occupation of any dwelling, a revised Residential Travel Plan meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved revised Residential Travel Plan.
- 35 All porch canopies shall feature external materials for roof coverings that match those used in the construction of the main roof of the dwelling that they relate to unless otherwise approved in writing beforehand by the local planning authority.
- 36 All roof eaves and verges on buildings within the approved development shall be finish flush with the external walls to which they connect and no barge boards or fascia boards shall be used.
- 37 Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to that contained within the former Code for Sustainable Homes Level 4 shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling occupied until it has been constructed in accordance with the approved energy performance measures.

## **OS Parcel 3498 East Of Heatherstone Lodge, Fulwell Road, Finmere**

The Committee considered application 17/01328/OUT, an outline application for a residential development at OS Parcel 3498 East Of Heatherstone Lodge, Fulwell Road, Finmere for Siteplan UK LLP.

Andrew Hirst, a local resident, addressed the committee in objection to the application.

In reaching their decision the committee considered the officer's report, presentation, written update and address of the public speaker.

### **Resolved**

That application 17/01328/OUT be refused for the following reasons:

- 1 The development proposed, by reason of its excessive scale in relation to the size and relative sustainability of Finmere, and taking into account Cherwell District Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable development that would prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan (2011-2031) Part 1 and would undermine the housing strategy in the Cherwell Local Plan which seeks to distribute new housing to the most sustainable locations having regard to such matters as public services and facilities, transport and employment. Consequently the proposal is unacceptable in principle and contrary to Policies ESD1 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
- 2 The development proposed, by reason of its detached siting, excessive scale and poorly integrated relationship with existing built development, would cause significant and unacceptable harm to the historic linear form of the village, rural landscape character and quality of the area and the traditional setting of the village as experienced by local residents, visitors and users of old Banbury Road and the existing Public Rights of Way which run through and within close proximity to the site. The development would detract from the area's established character and would fail to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13, ESD15 and Policy Villages 2 of the Cherwell local Plan (2011-2031) Part 1, saved Policies C8 and C28 of the Cherwell local Plan 1996 and Government advice within the National Planning Policy Framework.
- 3 In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements, will be provided. This would be contrary to Policy INF1, BSC3 and BSC11 of the Cherwell Local Plan



(2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

94

**Heyford Park Parcel B2A, Camp Road, Upper Heyford**

The Committee considered application 17/01466/F for the addition of approximately 310m of metal 'field' style railings painted black (Retrospective) at Heyford Park Parcel B2A, Camp Road, Upper Heyford for Bovis Homes.

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

**Resolved**

That application 17/01466/F be refused for the following reasons:

1. The fence would cause harm to the character, openness, accessibility and permeability of the public open space, which is not considered to be outweighed by the public benefit or intended function of the railings in terms of public safety or the demarcation of public and private property. Furthermore, the railings would result in the formalisation of informal public open space and would set a precedent for the enclosure of open space and the removal of open frontages. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework requiring the creation of safe and accessible environments and Policies Villages 5: Former RAF Upper Heyford and ESD15 of the Cherwell Local Plan 2011-2013 (Part 1).

95

**The Old Forge, Mixbury, Brackley, NN13 5RR**

The Committee considered application 17/01482/F for a two storey extension to side elevation adjoining south facing gable end to improve living accommodation (particularly upstairs); dormer windows to front and rear elevations as per existing building; additional windows and doors to ground and first floor (re-submission of application 17/00966/F) at The Old Forge, Mixbury, Brackley, NN13 5RR for Mr Mark Bairstow.

Mark Bairstow, the applicant, addressed the committee in support of the application.

In reaching their decision, the committee considered the officer's report, presentation, written update and address of the public speaker.

**Resolved**

That application 17/01482/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 conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and drawings No "12SP Site location Plan 1:1,250" and "Proposed elevations & Floorplans"
- 3 No development shall commence above ground level until a schedule of materials and finishes for the external walls and roof of the development hereby approved has been 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 No development shall commence on site until details of the proposed footpath diversion have been submitted to and approved in writing by the Local Planning Authority. These details shall show the proposed route of the path, its connection in to the existing rights of way network and the proposed width and surfacing of the path. The path should be diverted in accordance with the approved details before any work commences on site.

96 **Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ**

The Committee considered application 17/01487/ADV for 1 No non-illuminated fascia sign at Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ for Mr Tom Darlington.

In reaching their decision the committee considered the officer's report and presentation.

**Resolved**

That application 17/01487/ADV be approved, subject to the following conditions:

1. At the end of a period of five years form the date of this decision, this consent for the display of advertisement will lapse.
2. Except where otherwise stipulated by condition, the consent shall be carried out strictly in accordance with the Application Form, Site Location Plan and the drawings numbered: SK21 Rev A, SK22 and the Elevation Plan submitted with the application.
3. (a) No advertisement shall be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.  
  
(b) No advertisement shall be sited or displayed so as to:-
  - i. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - ii. obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

- iii. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

97      **Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ**

The Committee considered application 17/01488/F for the installation of two height restricting (2.1m) barrier gates at the entrance to the main car park and service yard of Whitelands Farm Sports Pavilion to replace previously approved gates under application 15/01615/F at Whitelands Farm, Sports Ground, Whitelands Way, Bicester, OX26 1AJ for Mr Tom Darlington.

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

**Resolved**

That application 17/01488/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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing numbers SK23 Rev B Location Plan; SK24 Rev A Proposed Site Plan; al(9)95 Cross Section through the Site and Height Restriction Barrier and Structural Calculations by Barry Eames and accompanying sketch plans.

98      **St Edburgs Church Of England Voluntary Aided School, Cemetery Road, Bicester, OX26 6BB**

The Chairman had advised that application 17/01578/OUT had been withdrawn by the applicant.

### **Antelope Garage, Swan Close Road, Banbury, OX16 5AQ**

The Committee considered application 17/01636/F for a change of use of a former petrol filling station, workshop and showroom premises (in part of the former Nissan Car Dealership) to form warehouse (Class B8) with trade counter at Antelope Garage, Swan Close Road, Banbury, OX16 5AQ for Day Lighting.

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

#### **Resolved**

That application 17/01636/F be approved, subject to the receipt of a satisfactory Flood Risk Assessment and 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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: PF9861.02 and Transport Statement August 2017 (PF/9861).
3. The operational use of the premises shall be restricted to the following times:-  
  
Monday-Friday – 8.00am to 8.00pm  
Saturday – 8.00am to 6.00pm  
Sunday and Public Holidays – 10:00am to 5:00pm
4. The development hereby approved shall proceed in accordance with the Flood Risk Assessment prepared by Framptons (reference PF/9861) received 20/09/2017 accompanying the application unless otherwise previously approved in writing by the Local Planning Authority.

### **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.

Chairman:

Date: