

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 6 December 2012 at 2.00 pm

- Present: Councillor Rose Stratford (Chairman)  
Councillor Alastair Milne Home (Vice-Chairman)
- Councillor Fred Blackwell  
Councillor Colin Clarke  
Councillor Michael Gibbard  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor D M Pickford  
Councillor G A Reynolds  
Councillor Trevor Stevens  
Councillor Lawrie Stratford
- Substitute Members: Councillor Barry Wood (In place of Councillor Ken Atack)
- Apologies for absence: Councillor Ken Atack  
Councillor Tim Emptage  
Councillor Leslie F Sibley
- Officers: Bob Duxbury, Development Control Team Leader  
Rebecca Horley, Senior Planning Officer  
Ross Chambers, Solicitor  
Natasha Clark, Team Leader, Democratic and Elections  
Aaron Hetherington, Democratic and Elections Officer

#### 108 **Declarations of Interest**

Members declared interests in the following items:

**8. Land SW of Bicester Village adjoining A41, Oxford Road, Bicester.**  
Councillor D M Pickford, Non Statutory Disclosable Interest, as a member of Bicester Town Council which has been consulted on the application.

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

Councillor G A Reynolds, Conflict of Interest, as he had received a letter from the applicant in his capacity as an Executive member and would not participate in consideration of the item

**9. Tesco, Pingle Drive, Bicester.**

Councillor D M Pickford, Non Statutory Disclosable Interest, as a member of Bicester Town Council which has been consulted on the application.

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

Councillor G A Reynolds, Conflict of Interest, as he had received a letter from the applicant in his capacity as an Executive member and would not participate in consideration of the item

**10. Tudor Hall School, Wykham Lane, Banbury.**

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

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

**11. Tudor Hall School, Wykham Lane, Banbury.**

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

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

**13. Nell Cottage, Nell Bridge House, Aynho Road, Adderbury.**

Councillor Alastair Milne Home, Conflict of Interest, as the applicant was known to him.

Councillor Barry Wood, Conflict of Interest, as the applicant was known to him.

Councillor D M Pickford, Conflict of Interest, as the applicant was known to her.

Councillor G A Reynolds, Conflict of Interest, as the applicant was known to him.

Councillor Lawrie Stratford, Conflict of Interest, as the applicant was known to him.

**15. Land Parcel KM21, South West Bicester Development Site, Middleton Stoney Road, Bicester.**

Councillor D M Pickford, Non Statutory Disclosable Interest, as a member of Bicester Town Council which has been consulted on the application.

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

**18. Old Bodicote House, White Post Road, Bodicote.**

Councillor Barry Wood, Non Statutory Disclosable Interest, as a member of Executive.

Councillor D M Pickford, Non Statutory Disclosable Interest, as a member of Executive.

Councillor G A Reynolds, Non Statutory Disclosable Interest, as a member of Executive.

Councillor Michael Gibbard, Non Statutory Disclosable Interest, as a member of Executive.

109 **Requests to Address the Meeting**

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

110 **Urgent Business**

There was no urgent business.

111 **Minutes**

The Minutes of the meeting held on 8 November 2012 were agreed as a correct record and signed by the Chairman.

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

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

Councillor Lawrie Stratford proposed that consideration of application 12/01193/F be deferred to allow for consideration of the additional information. Councillor Blackwell seconded the proposal.

**Resolved**

That consideration of application 12/01193/F be deferred, to enable detailed assessment of the significant amount of additional information received since the report went to print, particularly from Turley Associates on behalf of Sainsbury, and the applicant's agent's response to that representation, which could not be succinctly summarised together with an appropriately considered response in a format that could be assimilated in an addendum report. Further

comment on these matters was also awaited from CBRE and from OCC Highways and regarding s.106 matters.

113 **Tesco, Pingle Drive, Bicester**

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

Councillor Lawrie Stratford proposed that consideration of application 12/01209/F be deferred to allow for consideration of the additional information. Councillor Blackwell seconded the proposal.

**Resolved**

That consideration of application 12/01209/F be deferred, to enable detailed assessment of the significant amount of additional information received since the report went to print, particularly from Turley Associates on behalf of Sainsbury, and the applicant's agent's response to that representation, which could not be succinctly summarised together with an appropriately considered response in a format that could be assimilated in an addendum report. Further comment on these matters was also awaited from CBRE and from OCC Highways and regarding s.106 matters.

114 **Tudor Hall School, Wykham Lane, Banbury**

The Committee considered application 12/01224//F for an extension to the sports hall including landscaping and car-parking.

In response to Members' comments regarding floodlights, the Development Control Team Leader confirmed that no further external lights were proposed.

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

**Resolved**

That application 12/01224//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 and Access Statement and drawings numbered: [list amended drawing numbers once received].

- (3) Prior to the commencement of the development hereby approved, samples of the brick, slate, stone and through colour render to be used in the construction of the walls and 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, full details of the doors and windows, including a cross section and colour/finish shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the door and windows shall be installed in accordance with the approved details.
- (5) Prior to the commencement of the development hereby approved, full details of any external lighting required in association with the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.
- (6) Prior to the commencement of the development hereby approved, a plan showing the details of the finished floor levels of the proposed extensions in relation to existing ground levels on the site 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.
- (7) Prior to the commencement of the development, 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.
- (8) 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; and that 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, unless the Local Planning Authority gives written consent for any variation.

- (9) The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS) and the Tree Protection Plan prepared by RGS Tree Services in May 2012.
- (10) Prior to the commencement of the development hereby approved, including the carrying out of any operation relating to the provision of services, 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.
- (11) The sports facility hereby permitted shall be used only for purposes incidental to the use of Tudor Hall School and as such shall not be hired out for use by other parties.
- (12) Prior to the commencement of the development hereby approved, and notwithstanding the approved plans, 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.
- (13) Prior to the first occupation of the development hereby approved, the sewage disposal/drainage works to serve it shall be completed and operational and the development connected thereto.
- (14) No removal of hedgerows, trees or shrubs, shall take place between the 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
- (15) The columns proposed for the external elevation of the glazed entrance to the sports hall shall be in accordance with full details to be firstly submitted to and approved in writing by the Local Planning Authority.

**Tudor Hall School, Wykham Lane, Banbury**

The Committee considered application 12/01225/F for the erection of a teaching building with atrium link to existing building and external hard landscaping to create amphitheatre

The Committee was satisfied with the evidence presented.

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

### **Resolved**

That application 12/01225/F be approved, subject to

- (i) receipt of further design amendments, in relation to which delegated authority to approve be granted to the Head of Public Protection and Development Management, in consultation with the Design and Conservation Team Leader
- (ii) the following conditions:
  - (1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
  - (2) Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered: [list amended drawing numbers once received].
  - (3) Prior to the commencement of the development hereby approved, samples of the slate to be used for the covering 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, 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.
  - (5) Prior to the commencement of the development hereby approved, full details of the doors and windows, including a cross section and colour/finish, together with cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the door and windows shall be installed in accordance with the approved details.
  - (6) Prior to the commencement of the development hereby approved, full details of any external lighting required in association with the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.
  - (7) Prior to the commencement of the development hereby approved, a plan showing the details of the finished floor levels of the development

in relation to existing ground levels on the site 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.

- (8) Prior to the commencement of the development, 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.
- (9) 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; and that 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, unless the Local Planning Authority gives written consent for any variation.
- (10) The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Arboricultural Method Statement (AMS) and the Tree Protection Plan prepared by RGS Tree Services in May 2012.
- (11) Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures which is appropriate to the scale and duration of the development works (to include the information set out at (a) to (e) below) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.
  - (a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
  - (b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
  - (c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.



- (d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents.
  - (e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and associated features such as irrigation systems, root barriers and surface requirements (e.g. arboresin, tree grills etc).
- (12) Prior to the commencement of the development hereby approved, including the carrying out of any operation relating to the provision of services, 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.
- (13) Prior to the commencement of the development hereby approved, and notwithstanding the approved plans, 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.
- (14) Prior to the first occupation of the development hereby approved, the sewage disposal/drainage works to serve it shall be completed and operational and the development connected thereto.
- (15) No removal of hedgerows, trees or shrubs, shall take place between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

**OS Parcel 3431 Adjoining and North East of Blackthorn Road, Launton**

The Committee considered application 12/01293/F for the change of use of land to a private gypsy and traveller caravan site comprising 2 No. pitches, each pitch accommodating 1 No. mobile home, 1 No. touring caravan, 1 No. dayroom and associated hardstanding, retention of existing stable and septic tank – re-submission of 12/00287/F.

Consideration of the application had been deferred from the meeting held on 8 November 2012 to allow for a formal site visit.

In considering the application, some Members raised concerns regarding access to the site and highway issues, in particular, relating to vehicles speeding in the vicinity.

In response to Members concerns regarding flooding that has occurred on the site, the Development Control Team Leader clarified that recent flooding issues were caused by extreme and rare rainfall conditions, therefore this was not an accurate reflection of the usual condition of the site.

The Committee was advised that there was an outstanding piece of work regarding gypsy and traveller sites across the district. Data for the work was still outstanding. This would form part of the Local Development Framework evidence base. Members stressed the importance of this work as it was important to ensure the provision of sites for gypsy and travellers in the district on appropriate sites and requested an update on the work.

Councillor Pickford proposed that application 12/01293/F be refused. Councillor Hughes seconded the proposal.

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

### **Resolved**

That application 12/01293/F is refused for the following reason:

The application fails to appropriately demonstrate vision splay details sufficient to overcome the likely detrimental effect on highway safety as a result of the increased use of the access point into the site contrary to Policy T1 of the South East Plan 2009 and the National Planning Policy Framework.

117

### **Nell Cottage, Nell Bridge House, Aynho Road, Adderbury**

The Committee considered application 12/01330/CLUE for the use of Nell Cottage as a separate dwelling.

The Committee was satisfied with the evidence presented.

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

### **Resolved**

That application 12/01330/CLUE be approved, subject to:

First Schedule: Use of Nell Cottage as a separate dwelling

Second Schedule: Nell Cottage, Nell Bridge House, Aynho Road, Adderbury

Third Schedule: Having regard to the information submitted by the applicant and information held by the Local Planning Authority, it has been demonstrated that on the balance of probabilities the Cottage, known as Nell

Cottage, has been used continuously as a separate dwelling for a period of more than four years prior to the date of the application.

118

**2 South View, Church Road, Ardley, Bicester, Oxfordshire, OX27 7NR**

The Committee considered application 12/01353/OUT for a 1 No. two bedroom dwelling. The application was in outline form with only access, layout and scale for consideration.

David Padmore, the applicant, spoke in support of the application.

In considering the application, some members raised concerns regarding parking and the highways. However it was noted that county council highways raised no objections.

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

**Resolved**

That application 12/01353/OUT be approved subject to the following conditions:

- (1) That no development shall be commenced until full details of the appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
- (2) That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
- (3) That 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) Except where otherwise stipulated by conditions attached to this permission, the two storey side extension only shall be carried out strictly in accordance with the following plans and documents: Drawing No. 03, 04, 05, 06, 07 and 08 all dated 21 September 2012
- (5) That all the means of access between the land and the highway shall be formed, laid out, constructed and drained in such position(s) and with such vision splays as shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- (6) That a plan showing a car-parking provision for four spaces to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and that such parking facilities shall be laid out, surfaced,

drained and completed in accordance with the approved plan before the first occupation of the premises. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

- (7) That no surface water from the development shall be discharged onto the adjoining highway, and a scheme to prevent this occurrence shall be submitted to and approved in writing by the Local Planning Authority and constructed prior to the commencement of building operations.
- (8) No development shall take place within the area of archaeological interest until the applicant(s), or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation and timetable of investigation which has first been submitted by the applicant(s) and approved in writing by the Local Planning Authority.
- (9) Prior to any development on the site and following the approval of the Written Scheme of Investigation referred to in condition 8, a staged archaeological evaluation and mitigation shall be carried out by the commissioned 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.

119

**Land Parcel KM21, South West Bicester Development Site, Middleton Stoney Road, Bicester**

The Committee considered application 12/01388/REM for reserved matters (Outline application 06/00967/OUT) construction of 21 affordable units.

In response to Members' concerns regarding flooding, the Development Control Team Leader confirmed that comments from the Environment Agency had now been received and no objections raised.

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

**Resolved**

That application 12/01388/REM be approved subject to the following:

- (i) the receipt of satisfactory amended plans and information as requested by letter dated 13 November;
- (ii) the following conditions:
  - (1) That except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in strict accordance with the plans and documents accompanying the application; Design and Access Statement dated October 2012, Drainage Assessment; Site Investigation Report; Site Location Plan; Topographical Survey; Site

Masterplan 231601/AL/P100; Drainage Strategy drawing number 12-1072-01; Landscape Management Plan 231601/AL/P106; Site Ground Floor and Levels Plan 231601/AL/P101; Site First Floor Plan 231601/AL/P102; Landscape Proposals Softworks Arrangement 231601/AL/P104; Landscape Proposals Hardworks 231601/AL/P103; Landscape Proposals Boundaries 231601/AL/P152; Landscape Proposals Hard Materials 231601/AL/P151; Proposed House Types Materials Palette 231601/AL/P150; House Type A2 231601/AL/P121 Rev A; House Type A3 231601/AL/P122; House Type B 231601/AL/P122; House Type C 231601/AL/P124; House Type D 231601/AL/P125; Cycle Store/Car Ports 231601/AL/P153; Car Ports Type 3 231601/AL/P155; Car Ports/Cycle Stores 231601/AL/P154; Street elevations 1 231601/AL/P110; Street Elevations 2 231601/AL/P111; Site Sections 231601/AL/P112; Drainage Strategy drawing number 12-1072-01; Vehicle Tracking drawing number 12-1072-05.

- (2) SC2.2AA 'paviours to be used in the construction of the roads, driveways, parking courts, private drives and footpaths'
- (3) That notwithstanding the samples submitted prior to the commencement of the development further samples of bricks and tiles to be used in the construction of the walls and roofs of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the samples so approved.
- (4) (RC4A)
- (5) SC2.8A 'render'
- (6) SC2.3EE 'sample panel of artificial stone'
- (7) SC3.0(a)
- (8) SC3.1
- (9) That notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or any other means of enclosures, other than those agreed in accordance with this submission, shall be erected within the curtilage of any dwelling hereby approved without the prior express planning consent of the Local Planning Authority.
- (10) Tree Pit details for hard and soft landscaped areas.
- (11) Existing trees and hedgerows adjacent to the site to be maintained and protected during development.
- (12) SC4.3(AB)
- (13) SC4.6AA

- (14) SC4.8AA 'new hedge planting'
- (15) SC4.9AB
- (16) SC6.6AB 'garages/car parks'
- (17) Prior to the commencement of any works on site or the carrying out of any operations relating to the provision of services, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- (18) (RC73A)
- (19) All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of any trees on the site shall be undertaken in accordance with National Joint Utility Group (NJUG) 'Guidelines for the Planning, Installation and maintenance of Utility Apparatus in Proximity to Trees – Volume 4 and all subsequent revisions and amendments of.
- (20) (RC73A)
- (21) That prior to the commencement of any development on the site, full details shall be submitted to and approved in writing by the Local Planning Authority, a scheme to prevent vehicles from being able to enter the Pingle Brook Open Space from KM21. The scheme shall be carried out in accordance with the approved details prior to the first occupation of any dwelling within KM21 and thereafter maintained in accordance with those details.
- (22) That prior to the commencement of development, a scheme relating to the incorporation of Swift boxes into the built scheme shall be submitted to and approved in writing to the Local Planning Authority. The development shall be carried out in accordance with the scheme approved.
- (23) Window and door details to be submitted prior to the commencement of development.

(Councillor Pickford left the meeting for the duration of this item and did not participate in the debate or vote)

120 **Roselyn, School Lane, North Newington**

The Committee considered application 12/01389/F for the removal of a garage and erection of 1 No. dwelling.

In considering the application, some members commented on potential parking problems in the vicinity.

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

**Resolved**

That application 12/01389/F be approved, subject to:

- (1) That the works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, site plan and drawing nos. 5110.01 and 02.
- (3) Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
- (4) Prior to the commencement of the development hereby approved, a sample of the tile to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
- (5) Prior to the commencement of the development hereby approved, a plan showing the details of the finished floor levels of the proposed dwelling in relation to existing ground levels on the site 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) That the boundary wall to the eastern and southern boundaries shall be retained and maintained except to allow for the means of access hereby approved and that all works of making good the existing boundary wall shall be carried out in materials and detailed to match the existing wall unless otherwise approved in writing by the Local Planning Authority.
- (7) Prior to the commencement of the development full design details of the windows and external doors 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) Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development 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".
- (9) Prior to the construction of the dwelling hereby approved, the existing means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification.
- (10) 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.
- (11) No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include the details and positions of the Tree Protection Barriers and the Tree Protection Barriers must be erected prior to the commencement of the development and remain in place and undamaged for the duration of the development works and that all proposed groundworks within the root protection zone of the Eucalyptus tree should be carried out using 'no dig' techniques.
- (12) Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 and its subsequent amendments, the approved dwelling shall not be extended (nor shall any structures be erected within the curtilage of the said dwelling without the prior express planning consent of the Local Planning Authority.
- (13) Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the dwelling without the prior express planning consent of the Local Planning Authority.



121 **Adjournment of Meeting**

The meeting adjourned at 3.45pm.

122 **Reconvening of Meeting**

The meeting reconvened at 4pm

123 **OS Parcel 5413, South of Manor Farm, Heyford Road, Somerton, Oxfordshire, OX25 6LW**

The Committee considered application 12/01390/F for the construction of agricultural dwelling.

Douglas Simon and Ian Corner, the applicant, spoke in support of the application.

In considering the application, some members commented that it was essential for farm workers to be resident on site to provide emergency care for farm animals due to the complexities of modern procedures. Members also commented that a farmhouse was a vital part of farming, as it provided many functions needed to maintain a farming business.

Councillor Macnamara proposed that application 12/01390/F be approved. Councillor Kerford-Byrnes seconded the proposal.

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

**Resolved**

That application 12/01390/F approved subject to:

- (1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing No. SA/062012/08, SA/062012/09, SA/062012/10, SA/062012/11, SA/062012/12, SA/062012/13, SA/062012/14 and SA/062012/15.
- (3) That samples of the stone to be used in the construction of the walls of the dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.

- (4) That samples of the slate to be used in the covering of the roof of the dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.
- (5) That 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 prior to the commencement of the development, and such means of enclosure, in respect of those dwellings which it is intended shall be screened, shall be erected prior to the first occupation of those dwellings.
- (6) That before any development is carried out, 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 and boundary treatments;
  - (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,
- (7) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- (8) The windows and doors shall be constructed from timber and details, at a scale of 1:20 including a cross section and colour/finish, shall be submitted to and approved in writing to the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details and retained thereafter.
- (9) That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 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) That the dwelling shall be occupied only by a person solely or mainly employed, or last solely or mainly employed, in the locality in agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of such a person residing with him or her or a widow or widower of such a person.

124

**Land Adjoining and South of St Christophers Lodge, Barford Road, Bloxham**

The Committee considered application 12/00926/OUT for the proposed development of up to 75 residential dwellings, landscape, open space, highway improvement and associated works.

Councillor Lynda Thirzie Smart addressed the committee as ward member.

Councillor Jenny Yates, member of Bloxham Parish Council, spoke in opposition to the application.

In considering the application, some Members commented on the sustainability of the proposed development. Members further commented that it did not comply with the emerging Local Plan. The Local Plan sought to ensure that new housing was spread across the district rather than being located in one particular area.

Members raised concerns regarding flooding and sewage issues that were known to the development site as there had been many problems with flooding on the site in recent years.

Some Members also raised concerns regarding the levels of primary school places as schools within the Bloxham area were at full capacity.

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

**Resolved**

That application 12/00926/OUT be refused for the following reasons:

- (1) The proposal represents development beyond the built up limits of Bloxham within open countryside contrary to Policies H12, H13 and H18 of the adopted Cherwell Local Plan and Policies H15 and H19 of the Non-Statutory Cherwell Local Plan and Policy SP3 of the South East Plan. It is considered that the development of this site will cause harm to the character and appearance of the countryside on the southern edge of Bloxham contrary to Policy C7 of the adopted Cherwell Local Plan and Policy EN34 of the Non-Statutory Cherwell Local Plan and Policy ESD 13 of the Cherwell Local Plan Proposed Submission Draft August 2012 and Policy CC6 of the South East Plan and to the core principles of the NPPF. Notwithstanding the Council's present inability to demonstrate that it has a five year supply of housing land required by paragraph 47 of the NPPF, the development of this

site cannot be justified on the basis of the temporary land supply deficiency alone and that significant harm will result.

- (2) Having regard to the level of new development recently accommodated in Bloxham, the fact the site is not identified for development by existing or emerging Policy, and is not supported by the local community, the proposal is considered to go beyond that which would reasonably be expected to be accommodated in the village during the proposed Cherwell Local Plan period.

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

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

125

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

The Committee considered application 12/01139/OUT for the residential development comprising up to 85 dwellings with access and associated infrastructure.

In considering the application, Members raised concerns about the lack of suitable schooling to meet the needs of the proposed development. Members commented that the proposal represented development beyond the built up limits of Bloxham and was not sustainable.

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

**Resolved**

That application 12/01139/OUT refused for the following reasons:

- (1) The proposal represents development beyond the built up limits of Bloxham contrary to Policies H12, H13 and H18 of the adopted Cherwell Local Plan and Policy SP3 of the South East Plan. It is considered that the development of this site will cause significant harm to the character and appearance of the countryside on the south eastern edge of Bloxham contrary to Policy C7 of the adopted Cherwell Local plan and the core principles of the NPPF. It is also considered that the submitted and revised indicative layout fails to demonstrate that the development of the site will result in a high quality and inclusive design contrary to Policy C28 of the adopted Cherwell Local plan and the NPPF. Notwithstanding the Council's short term inability to demonstrate that it has a five year supply of housing land required by paragraph 47 of the NPPF the development of this site cannot be justified on the basis of the temporary land supply deficiency alone.
- (2) In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development will be provided, thus adding to the pressures on local infrastructure and services, contrary to Policy CC7 of the South east Plan, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

126

**Old Bodicote House, White Post Road, Bodicote**

The Committee considered application 12/01475/LB for the replacement guttering and downpipes.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 12/01475/LB be approved, subject to:

- (i) Referral of the application to the secretary of state and;
- (ii) the following conditions;
  - (1) SC 1\_5A (Time for implementation of Listed Building Consents)
  - (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application, including the material and finishing details set out therein.

(3) SC 5\_7B (Making good in materials to match)

(Councillors Wood, Pickford, Reynolds and Gibbard left the meeting for the duration of this item and did not participate in the debate or vote)

127 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were Decisions Subject to Various Requirements.

**Resolved**

(1) That the position statement be accepted.

128 **Appeals Progress Report**

The Committee considered a report which aims to keep members informed upon applications which have 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 6.35 pm

Chairman:

Date: