

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 11 July 2013 at 4.00 pm

- Present: Councillor Rose Stratford (Chairman)  
Councillor Alastair Milne Home (Vice-Chairman)
- Councillor Andrew Beere  
Councillor Colin Clarke  
Councillor Tim Emptage  
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 Gordon Ross  
Councillor Trevor Stevens  
Councillor Lawrie Stratford
- Substitute Members: Councillor Jon O'Neill (In place of Councillor Ken Atack)  
Councillor Barry Wood (In place of Councillor Fred Blackwell)
- Apologies for absence: Councillor Ken Atack  
Councillor Fred Blackwell
- 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

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### Declarations of Interest

Members declared interests in the following agenda items:

#### **7. Land at Whitelands Farm, South West of Bicester Adjoining Oxford Road and Middleton Stoney Road, Bicester.**

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

**8. Land North of Withycombe Farm and West of Edinburgh Way, Banbury.**

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

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

**9. 38A East Street, Banbury.**

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

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

**10. Former Winners Bargain Centres, Victoria Road, Bicester.**

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

**11. Land adjacent to Sub Station on Pingle Field, Priory Lane, Bicester.**

Councillor Barry Wood, Conflict of Interest, as a member of executive.

Councillor D M Pickford, Conflict of Interest, as a member of executive.

Councillor Jon O'Neill, Conflict of Interest, as National Grid are a client of his employer.

Councillor Michael Gibbard, Conflict of Interest, as a member of executive.

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

**12. 3663 Depot, Charbridge Way, Bicester.**

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

**13. Ambrosden Court, Merton Road, Ambrosden, Nr Bicester.**

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

**14. 33 St. Anne's Road, Banbury, OX16 9EA.**

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

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

47 **Requests to Address the Meeting**

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

48 **Urgent Business**

There was no urgent business.

49 **Minutes**

The Minutes of the meeting held on 13 June 2013 were agreed as a correct record and signed by the Chairman.

50 **The Malthouse, Blacksmiths Lane, Charlton on Otmoor**

The committee considered application 13/00291/F for a single storey rear extension to The Malthouse, conversion of barn to form new dwelling & rebuild of dilapidated cottage to form annexe to barn conversion with associated parking and manoeuvring area.

Councillor Pickford proposed that consideration of application 13/00291/F be deferred for a formal site visit. Councillor Milne Home seconded the proposal.

**Resolved**

That application 13/00291/F be deferred for a formal site visit.

51 **Land at Whitelands Farm, South West of Bicester Adjoining Oxford Road and Middleton Stoney Road, Bicester**

The Committee considered application 13/00433/OUT, an outline application for construction of up to an additional 100 dwellings above those permitted under 06/00967/OUT

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

**Resolved**

That application 13/00433/OUT be approved, subject to the following conditions:

- a) The delegation of the completion of a Section 106 negotiations to officers in consultation with the Chairman
- b) The completion of the Section 106 Agreement
- c) That it is resolved that in accordance with the provisions of Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, that this report is approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the ES.
- d) The following conditions
  1. No development shall commence on any phase until full details of the layout, scale, siting, height, design, external appearance, access and landscaping within the phase (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
  2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
  3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
  4. The development hereby approved shall be carried out in accordance with the Proposals Plan which was submitted to and approved by the Local Planning Authority as part of the outline application 06/00967/OUT by letter dated 13th April 2010.
  5. The development hereby approved shall be carried out in accordance with the approved Design Code dated June 2008 and approved in writing by the Local Planning Authority on 18th September 2008.
  6. The development hereby approved shall be carried out in accordance within the Sustainable Urban Drainage Opportunities Plan submitted to and approved in writing by the Local Planning Authority on 18th March 2010.

7. Prior to the first occupation of any additional dwelling on the site authorised by this permission, a final Code Certificate, certifying that the dwelling in question achieves Level 5 of the Code for Sustainable Homes shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority.
8. No development on any phase or parcel shall commence until a scheme for the disposal of surface water, including phased works and maintenance thereof, attenuation and storage and on-site balancing arrangements, reflecting current best practice for sustainable urban drainage, have been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved scheme.
9. That the development hereby approved shall be carried out in accordance with the impact studies and subsequent scheme for dealing with foul drainage from the site, including the phased works, submitted to and agreed in writing by the Local Planning Authority on 19th April 2010. The foul drainage works shall be carried out in accordance with this approved scheme prior to the first occupation of any of the buildings on the site.
10. The development hereby approved shall be carried out in accordance with the impact studies and subsequent scheme for providing an adequate water supply to serve the development as submitted and agreed in writing by the Local Planning Authority on 21st April 2010. The approved scheme shall be implemented prior to the first occupation of any of the buildings on the site.
11. Within the vicinity of Pingle Brook, a minimum finished floor level of 300mm above 1 in 100 year + 20% Pingle Brook top water level shall be provided. Elsewhere on the site slab levels shall be a minimum of 150mm above existing ground levels.
12. No buildings on the site shall exceed the heights specified on the Building Heights Plan (figure 3.3) contained within the amended Planning Statement dated November 2006.
13. That the development hereby approved shall be carried out in accordance with the staged programme of archaeological and palaeoenvironmental mitigation measures, including physical preservation in situ, and the written schemes of investigation which were submitted to and approved in writing by the Local Planning Authority on 12th January 2010.
14. No development shall commence on any phase or land parcel until a remediation scheme has been submitted to deal with the identified areas of contamination and the submitted scheme has been approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and a validation report shall thereafter be submitted confirming the works have been completed within 2 months of the works being carried out.

15. The development hereby approved shall be carried out in accordance with the measures submitted to and approved by the Local Planning Authority on 31st March 2010 for the protection of the public footpaths and the amenity of users of the public footpaths crossing the site during and after construction works. The measures shall be put in place to protect the public rights of way and retained in accordance with the approved details.
16. That before any of the dwellings are first occupied, the whole of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained to the Oxfordshire County Council's "Conditions and Specifications for the Construction of Roads".
17. 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.
18. Prior to the commencement of the development hereby approved, full details of a scheme to prevent any surface water from the development discharging onto the adjoining highway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme shall be implemented and retained in accordance with the approved details.
19. No service trenches, pipe runs or drains, or any other excavation, earth movement or mounding shall be constructed within 2 metres of the canopy spread of trees on the site, without the prior approval in writing of the Local Planning Authority.
20. No development shall take place within 8m of any water course without the prior written consent of the Local Planning Authority.
21. Prior to the commencement of the development hereby approved, the existing trees and hedges on the land to be retained shall be preserved, fenced around and properly maintained in accordance with details to be submitted and agreed in writing by the Local Planning Authority. None of the trees shall be felled, topped, lopped or uprooted without prior consent of the Local Planning Authority unless such tree has become dangerous. In the event of any tree or hedge dying or being seriously damaged or destroyed within five years of the completion of the development, a new tree or hedge of a species first approved in writing by the Local Planning Authority shall be planted and properly maintained in a position or positions first approved by the said Authority.

22. 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.
23. 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.
24. Fire hydrants shall be provided on each phase of the development in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The details of the provision of the fire hydrant shall be approved prior to the commencement of construction of each phase and thereafter shall be implemented in accordance with the approval details.
25. Notwithstanding the requirement of Condition 11, prior to the commencement of the development on any phase, a plan showing full details of the finished floor levels in relation to existing and proposed site levels for the phase 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.
26. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.
27. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

28. Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.
29. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
30. Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.
31. Local Areas of Play (LAPs) shall be provided in each phase or sub phase in accordance with the Council's adopted policy. Details of the siting and design of the LAPs shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in any phase or sub phase and shall thereafter be provided in accordance with the approved details prior to the occupation of any dwelling situated within 30m of the perimeter of the local play area.
32. The Local Centre shall include one retail unit of a suitable size to accommodate a convenience store of between 200m<sup>2</sup> and 400m<sup>2</sup> gross floorspace and a minimum of 2 and maximum of 6 other retail units of no more than 150m<sup>2</sup> each gross floor space. The units shall not be amalgamated without the prior consent of the Local Planning Authority.
33. The employment floor space shall be provided in accordance with the Approved Proposals Plan and Design Codes in units suitable to accommodate small businesses with an individual floor area of no more than 500m<sup>2</sup>. No units shall be amalgamated or mezzanine floors inserted to create a unit with floor space exceeding 500m<sup>2</sup> unless first agreed in writing by the Local Planning Authority.
34. Employment space within the Local Centre shall be used for B1a purposes only of the schedule of the Town and Country Planning (use classes) (Amendment) (England) Order 2005,



35. The development hereby approved shall be carried out in accordance with the Construction Environment Management Plan (CEMP) as submitted to and approved by the Local Planning Authority under application number 10/0015/DISC.
36. No imported waste materials whatsoever shall be imported and deposited on the site.
37. No minerals shall be dug from or exported from the site.
38. The development hereby approved shall be carried out in accordance with the details and programme of works of excavation and raising of ground levels submitted to and approved in writing by the Local Planning Authority on 31st March 2010.
39. Prior to the commencement of any development on any phase or sub phase, measures shall be put in place to ensure that vehicle wheel washing is carried out to prevent any material being carried on to the public highway.
40. Prior to the commencement of development of any phase or sub phase, details of the location of all site compounds and the associated areas for plant storage and access thereto, as well as a scheme for their subsequent removal and restoration of the land shall be submitted to and approved in writing by the Local Planning Authority. The compounds and accesses shall be located and subsequently removed in accordance with the approved details.
41. All chemicals, oils, fuels and other potential contaminants shall be stored in bunded tanks or structures with a minimum of 110% of the maximum volume stored. The location of any tanks or structures shall be submitted to and approved in writing by the Local Planning Authority prior to their establishment.
42. Construction dust mitigation measures shall be carried out in accordance with figure 12.14 of the Environment Statement during all construction works on the site.
43. The development shall be designed and constructed in accordance with recommendations in the Flood Risk Assessment Rev 4 produced by WSP dated January 2007 reference 11011546.
44. The development hereby approved shall be carried out in accordance with the drainage strategy which was submitted in writing and approved by the Local Planning Authority on 31st March 2010.
45. 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.

46. No development shall commence on any phase until the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.
47. Prior to the commencement of any phase of the development hereby approved, full details of a scheme for the location of bat and bird boxes on that phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any building on that phase of the development, the bat and bird boxes shall be installed in accordance with the approved details.

52 **Land North of Withycombe Farm and West of Edinburgh Way, Banbury**

The Committee considered application 13/00444/OUT for the construction of up to 400 residential dwellings including 60 sheltered housing/extra care accommodation, 500sq m of small scale employment and training premises, open space, new vehicular junction and access and associated infrastructure.

Councillor Webb addressed the committee as Ward Member.

Steve MacPherson, the applicant, spoke in support to the application.

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

**Resolved**

That application 13/00444/OUT be approved, subject to the following:

- a) The delegation of the completion of the S106 negotiations as detailed in paragraph 5.130 – 5.131 of the report to Officers in consultation with the Chairman of the Planning Committee
- b) The completion of the S106 legal agreement .
- c) The application to be taken back to Planning Committee to report on the Edinburgh Way highways issues.
- d) The following conditions:
  1. That no development shall be commenced until full details of the layout, scale, 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 eighteen months 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 one year 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 and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with the following documents and drawings:

Environmental Impact Assessment (incorporating reports on: Historic Environment; Landscape and Visual; Biodiversity; Ground Conditions; Soil and Agricultural Resources; Water Resources; Human Beings; Economics; Transport and Accessibility; Noise; Air Quality; Arboriculture; Construction; and Cumulative Impacts); a Transport Assessment, a Design and Access Statement, a Planning Statement, Regeneration Strategy and a Statement of Community Engagement.

Site Location Plan 10.815/001

Topographical Survey Plan 10.815/142

Proposed Site Access - Edinburgh Way 794-04

Proposed Site Access - Bretch Hill 794-06 A

6. That the site shall be developed with a mix of housing types/sizes to meet the local housing needs in accordance with the requirements of Policy BSC4 of the Proposed Submission Local Plan, details of the mix shall be submitted to and approved in writing to the local planning authority, prior to the commencement of the development.
7. No reserved matters applications shall be made or development commenced until Design Codes for the site have been submitted to and approved in writing by the Local Planning Authority. This shall include a density plan for the site, design influences / character area study, form of buildings, street frontage, materials, servicing, parking, sustainability features and design parameters. Thereafter, the development shall be carried out in accordance with the approved Design Code.
8. Prior to the commencement of development hereby approved, a phasing plan covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.
9. Prior to the first occupation of any dwellings on the site, a final Code Certificate, certifying that the dwellings in question achieves Level 4 of the Code for Sustainable Homes shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority.

10. No more than 400 dwellings shall be accommodated on the site and these shall be in accordance with drawing number 4970/Figure 8.4 indicating the agreed area for built development (excluding strategic landscaping, potential strategic footpath and SUDs as appropriate)

**Land contamination and mitigation**

11. 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.
12. If contamination is found by undertaking the work carried out under condition 10, 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.
13. If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. 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.
14. 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.

**Landscape, Trees, Maintenance, Public Open Space and Play**

15. 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 (which shall be native species of UK provenance), number, sizes and positions, together with grass seeded/turfed areas,

- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- 16. Prior to the commencement of the development hereby approved, a schedule of landscape maintenance for a minimum period of 3 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.
- 17. Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, 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.
- 18. All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.
- 19. (a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.  
  
(b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the 11 July 2013.

20. Prior to the commencement of the development and notwithstanding the submitted details, an arboricultural survey, undertaken in accordance with BS: 5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority.
21. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
22. Except to allow for the means of access and vision splays the existing hedgerow along the eastern (Bretch Hill) boundary of the site shall be retained and properly maintained at a height of not less than 3 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.
23. The existing hedgerow along the eastern (Bretch Hill) boundary of the site shall be retained and properly maintained at a height of not less than 3 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.
24. The existing hedgerow along the northern (Stratford Road) boundary of the site 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.
25. The existing hedgerow along the southern (north of Withycombe Farm) boundary of the site shall be retained and properly maintained at a height of not less than 3 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.
26. The existing hedgerow on the site, not referred to in previous conditions, 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.
27. Within the first available planting season following the occupation of the building, or on the completion of the development, whichever is the sooner, the existing hedgerow along the eastern (Bretch Hill) boundary shall be reinforced by additional planting in accordance with a detailed scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority. Thereafter, any plant/tree within the hedgerow which, within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or

diseased shall be replaced in the current/next planting season with others of similar size and species 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). Thereafter the new planting shall be properly maintained in accordance with this condition.

28. 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.
29. Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.
  - a) 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/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)
30. All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.
31. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the

installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, 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 and specifications.

32. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, 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 and specifications.

### **Archaeology**

33. Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
34. Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 32, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

### **Ecology/Biodiversity**

35. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.
36. 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.
37. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation



strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, 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.

38. Prior to the commencement of the development hereby approved, including any any works of site clearance, a method statement for enhancing both within green spaces and the built environment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
39. Prior to the commencement of the 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.
40. All species used in the planting proposals associated with the development shall be native species of local provenance.

#### **Drainage**

41. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water (to include sustainable urban drainage systems) 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".

#### **Highway/Access**

42. Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of a new position for the means of access shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the access shall be constructed and retained in accordance with the approved details.
43. Prior to the commencement of the development hereby approved, full details of traffic calming measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.
44. No development shall commence on site for the development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to

include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

45. Prior to the commencement of the development, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

### **Rights of Way**

46. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.
47. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.
48. No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team.
49. No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior permission and appropriate safety and surfacing measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants, their contractors, or the occupier to put right / make good to a standard required by the Countryside Access Team.
50. Any gates provided shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

### **Other Matters**

51. Prior to the commencement of the development, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once

installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.

52. Measures for the control of construction dust and emissions shall be implemented in accordance with those recommended in section A17.5 of chapter 17 of the approved Environmental Statement.
53. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details
54. That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority
55. No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.
56. 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 biodiversity or 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.
57. Prior to the commencement of the development full design details of the proposed footpaths and their routes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath(s) shall be constructed to adoptable standards unless otherwise agreed in writing by the Local Planning Authority.
58. Prior to the commencement of the development, details (including the siting) of the public art scheme 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.
59. That prior to the commencement of the development hereby approved, full design details of the equipment and layout of the Local Areas of Play (LAPs) and the Local Equipped Area of Plan (LEAP) shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter the LAPs and LEAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

60. 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.

53

### **38A East Street, Banbury**

The Committee considered application 13/00473/F for the addition of a first floor to create 2 one-bedroom maisonettes.

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

#### **Resolved**

That application 13/00473/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 built strictly in accordance with the following plans and documents: Drawings 1 and 2 submitted with the application.
3. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a revised schedule of the materials and finishes for the external walls and roof(s) of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.
4. Prior to the first occupation of the development hereby approved, the first floor bathroom windows in the north elevation of the building shall be fixed shut, other than the top hung opening element, and shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter
5. Prior to the commencement of the development hereby approved, 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 the dwellings, the refuse bin storage area and appropriate number of refuse bins required in relation to the dwellings

shall be provided in accordance with the approved details and, other than on the day of refuse collection, the refuse bins shall be stored at all times in the approved location.

6. Prior to the first of the occupation of the maisonettes hereby approved, the existing means of access between the land and the highway shall be improved, formed, laid out and constructed strictly in accordance with Oxfordshire County Council's guidance available at <http://www.oxfordshire.gov.uk/cms/content/dropped-kerbs>.

Reason DR1

7. 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.

54

**Former Winners Bargain Centres, Victoria Road, Bicester**

The Committee considered application 13/00484/OUT for the demolition of existing structures and the construction of a 36 unit assisted living home (Class C2) together with ancillary accommodation.

Councillor Pickford proposed that application 13/00484/OUT be refused. Councillor O'Neill seconded the proposal. The proposal was voted on and subsequently lost.

Councillor Lawrie Stratford proposed that the application be approved. Councillor Hughes seconded the proposal.

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

**Resolved**

That application 13/00484/OUT be approved, subject to the following conditions:

- a) the completion of a Section 106 obligation prior to 31 July to the satisfaction of the Head of Public Protection and Development Management, and
- b) the following conditions:
  1. No development shall commence until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms and drawing number L01.
5. The premises shall be used only for purposes falling within Class C2 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.
6. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
7. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
8. If during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a Method Statement detailing to how to deal with this contamination.
9. No removal of hedgerows, trees or shrubs not works to or demolition of buildings or structures that may be used by breeding birds, 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.
10. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a plan for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity

enhancement measures shall be carried out and retained in accordance with the approved details.

11. No external lights shall be erected on the land without the prior express consent of the local planning authority.
  12. Prior to the first occupation of any dwelling on the site, a final Code Certificate, certifying that the dwelling in question achieves 'very good' level of the BREEAM standards shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority.
  13. That details (including the siting) of the public art scheme 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 details so approved.
- c) If the Section 106 was not completed by 31 July 2013 the application be delegated to officers to proceed to a refusal of the application on the following grounds:
1. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to Policies OA1 and TR4, of the Non-Statutory Cherwell Local Plan 201, Policy INF 1 of the Proposed Cherwell Local Plan Proposed Submission Draft March 2013 and government guidance contained within the National Planning Policy Framework.

55 **Land adjacent to Sub Station on Pingle Field, Priory Lane, Bicester**

The Committee considered application 13/00566/F for the construction of a new switch house, access road, compound extension, attenuation pond and associated landscaping.

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

**Resolved**

That application 13/00566/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 retained for the use described and strictly in accordance with the following plans and documents: BS8110859\_SK03 Rev PA1; 102 Rev PA1; 01 Rev PA1, 02 Rev PA1 and 03 Rev PA1 submitted with the application.

3. The landscaping scheme shall be carried out strictly in accordance with the details shown on drawing no. BS8110859\_102 Rev PA1 unless otherwise agreed in writing by the Local Planning Authority.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
5. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
6. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
7. Prior to any demolition on the site and the commencement of the development and following the approval of the Written Scheme of Investigation referred to in condition 6, a staged programme of 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.
8. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (v3, 16 April 2013, Ref. BS8110859/DB/LR/004) and the following mitigation measures detailed within the FRA:
  1. Provision of fenced voids with ongoing maintenance so voids remain clear (Sections 5.2, 5.3, 5.4)
  2. Provision of permeable compound fencing (Section 2.10)
  3. Finished floor levels are set no lower than 67.04m above Ordnance Datum (AOD) plus 300mm. (Section 5.1)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any



other period as may subsequently be agreed, in writing, by the local planning authority.

9. If during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a Method Statement as to how to deal with this contamination
10. The development hereby approved shall be carried out strictly in accordance with the recommendations with regards to minimising the impact on the adjacent watercourse set out in page 11 of the Ecological Assessment submitted with the application, which was prepared by ADAS dated November 2012.
11. 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.
12. No works, digging or storage of materials shall take place within 5m of the watercourse bank.
13. Prior to any other works commencing all clearance of ground vegetation shall be carried out methodically from one side of the site to the other at a time when reptiles are active (not winter).

56

### **3663 Depot, Charbridge Way, Bicester**

The Committee considered application 13/00579/F for alterations to distribution warehouse comprising additional loading docks and reduced external plant compound.

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

#### **Resolved**

That application 13/00579/F be approved, subject to the following conditions:

1. Time – 3 years
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents and the materials and finishing details included therein: Application forms, Design and Access Statement, Flood Risk Assessment, 3663 traffic letter and vehicle photographs dated 28.06.13, vehicle and site location plan drawing

4130-100, drawing 4130-105B received 28.06.13, 4130-106A received 29.05.13, 4130-107, 4130-108A received 29.05.13 and 4130-SK15 received 28.06.13.

3. That the covered cycle parking and reconfigured parking and manoeuvring areas shall be constructed and laid out in accordance with approved drawing no. 4130-105B received 28.06.13, prior to the use of the building by 3663 and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
4. If during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the applicant has submitted, and obtained written approval from the Local Planning Authority for, a Method Statement as to how to deal with this contamination. Thereafter the development should be carried out in accordance with those approved details.
5. Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 and its subsequent amendments, the building shall not be extended or altered without the prior express planning consent of the Local Planning Authority.
6. The building shall be used only for purposes falling within Class B8 with associated B1 offices specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.
7. Notwithstanding the provisions of section 55 (2) (a) (i) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act) and Article 2A of the Town and Country Planning (General Development Procedure) Order 1995 and Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 and its subsequent amendments, no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the prior express planning consent of the Local Planning Authority.

57

**Ambrosden Court, Merton Road, Ambrosden, Nr Bicester**

The committee considered application 13/00621/OUT for the demolition of Ambrosden Court and erection of 45 No. residential units with access off Merton Road.

Malcolm Cossens, local resident and Mark Longworth, on behalf of Ambrosden Parish Council spoke in objection to the application.

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

**Resolved**

That application 13/00621/OUT be refused for the following reasons:

1. The proposal represents development beyond the built up limits of Ambrosden where there is no proven need for agriculture or other existing undertaking and the application has not been made on the basis that it is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need it represents sporadic development in the countryside which fails to maintain its rural character and appearance and which fails to conserve and enhance the environment. The application is, therefore, contrary to Policies H6, H12, H13, H18 and C8 of the adopted Cherwell Local Plan, Policy for Village 2 of the Proposed Submission Local Plan Incorporating Changes March 2013 and Government guidance contained in the National Planning Policy Framework.
2. The layout of the site and number of units proposed together with the access arrangement onto the public highway fails to respect the established settlement pattern resulting in an incongruous, prominent, urbanising and discordant built form in a backland position to the serious detriment of the established character and layout of the village and detracting from its rural setting and open countryside adversely affecting the visual amenities of the area contrary to Policies C7, C27, C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
3. The proposed access is inadequate in terms of its visibility and proximity to another junction. Together with the narrowness of Merton Road and provision for pedestrians the proposed development would be detrimental to the safety and convenience of highway users, contrary to Government guidance contained within the National Planning Policy Framework.
4. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policies OA1, TR4, R8 and R10A of the Non-Statutory Cherwell Local Plan 2011, Policy INF 1 of the Proposed Cherwell Local Plan Proposed Submission Draft March 2013 and government guidance contained within the National Planning Policy Framework.

58

**33 St. Anne's Road, Banbury, OX16 9EA**

The Committee considered application 13/00709/F for a retrospective - change of use of amenity land to create vehicular access.

Councillor Kieron Mallon addressed the committee as Ward Member. Heather Johnson, a neighbour, spoke in objection to the application.

Councillor Pickford proposed that application 13/00709/F be refused. Councillor Emptage seconded the proposal.

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

**Resolved**

That application 13/00709/F be refused for the following reason:

The formation of an access way across this area of amenity land will cause harm to the character and appearance of the area. As such it will be contrary to Policies C28 and C30 of the Cherwell Local Plan and to the guidance contained in the National Planning Policy Framework.

59

**Former Rosemary, Main Street, Fringford**

The committee considered application 13/00718/F, a retrospective application for a variation of condition 2 of 11/01160/F – re-submission of 13/00097/F.

John Fargin, Chairman of Fringford Parish Council spoke in objection to the application.

Robin Ward, the applicant, spoke in support to the application.

Councillor Wood proposed that application 13/00718/F be refused. Councillor Pickford seconded the proposal.

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

**Resolved**

That application 13/00718/F be refused, for the following reasons:

The proposed variation to the unauthorised dwellings does not overcome the impact of the forward positioning of these two houses which are 1.2 metres further towards the road than authorised, and would therefore continue to be harmful to the residential amenity of adjacent properties and to the character and appearance of the street scene, contrary to Policies C28 and C30 of the Cherwell Local Plan and to the guidance contained in the National Planning Policy Framework.

60

**Use of Emergency Powers**

The Committee considered a report of the Chief Executive which advised Members of the use of emergency powers to issue the planning application reference 13/00372/OUT, Care Home at Skimmingdish Lane Bicester.

**Resolved**

(1) That the report be noted.

61 **Decisions Subject to Various Requirements**

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

**Resolved**

- (1) That the position statement be accepted

62 **Appeals Progress Report**

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

**Resolved**

- (1) That the position statement be accepted

The meeting ended at 7.28 pm

Chairman:

Date: