

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 7 August 2014 at 4.00 pm

Present: Councillor Colin Clarke (Vice-Chairman, in the Chair)

Councillor Andrew Beere  
Councillor Fred Blackwell  
Councillor Michael Gibbard  
Councillor Chris Heath  
Councillor Russell Hurle  
Councillor Matt Johnstone  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor Alastair Milne Home  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Douglas Williamson

Substitute Members: Councillor Ken Atack (In place of Councillor Rose Stratford)  
Councillor D M Pickford (In place of Councillor Trevor Stevens)  
Councillor Barry Wood (In place of Councillor Lawrie Stratford)

Apologies for absence: Councillor Rose Stratford  
Councillor David Hughes  
Councillor Trevor Stevens  
Councillor Lawrie Stratford

Officers: Bob Duxbury, Development Control Team Leader  
Linda Griffiths, Principal Planning Officer  
Rebekah Morgan, Planning Officer  
Ross Chambers, Solicitor  
Natasha Clark, Team Leader, Democratic and Elections  
Aaron Hetherington, Team Leader Democratic and Elections

48

### Declarations of Interest

Members declared interests in the following agenda items:

#### **7. Phase 2 SW Bicester Parcel 7849 North of Whitelands Farm Adjoining Middleton Stoney Road, Bicester.**

Councillor D M Pickford, Non Statutory Interest, as a member of Bicester Town Council which had been consulted by the applicant.

Councillor Ken Atack, Conflict of Interest, as a member of the Executive but would remain in the meeting for the item.

**8. Land adjacent to Oxford Canal, Banbury, Spiceball Park.**

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

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

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

Councillor Barry Wood, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Ken Atack, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Colin Clarke, Non Statutory Interest, as Cherwell District Council's appointed outside body representative to The Mill Community Education and Arts Centre and Vice-Chairman of its Executive Committee and would leave the meeting for the duration of the item.

**13. Unit A5 and A6, Pioneer Square, Bure Place, Bicester.**

Councillor Barry Wood, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Ken Atack, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

**14. Unit A5 and A6, Pioneer Square, Bure Place, Bicester.**

Councillor Barry Wood, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Ken Atack, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

49 **Requests to Address the Meeting**

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

50 **Urgent Business**

There was no urgent business.

51 **Minutes**

The Minutes of the meeting held on 10 July 2014 were agreed as a correct record and signed by the Chairman.

52 **Chairman's Announcements**

The Chairman made the following announcements.

1. The Chairman apologised for the meeting room being little warm, which was due to maintenance work being undertaken on the air conditioning system. All efforts had been made to make the meeting room as comfortable as possible.
2. The meeting was being webcast and meeting may also be recorded. Under Government legislation that had recently been introduced, Members of the public and press were now able to record the proceedings of any public meeting of the Council. Anyone intending to record the meeting must not act in a way that was disruptive to the meeting and did not focus on the public gallery. Should recording disrupt the meeting at any point, the Chairman had discretion to suspend the meeting until recording is terminated.

53 **Phase 2 SW Bicester Parcel 7849 North of Whitelands Farm Adjoining Middleton Stoney Road, Bicester**

The Committee considered application 13/00847/OUT, an outline application for a residential development within Use Class C3, Extra Care facility, Primary

School, retail, formal and informal public open space, play facilities, sports pitches, allotments and associated infrastructure including landscaping, highways, footpaths/cycleways, drainage utilities and parking.

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

### **Resolved**

That application 13/00847/OUT be approved, subject to:

- a) the completion of the section 106 agreement
- b) it being resolved that in accordance with the provisions of Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, that this report be approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the ES.
- c) authority being delegated to the Head of Development Management, in consultation with the Chairman, in respect of any minor amendments to the wording of the conditions or the section 106 agreement that may be necessary following further detailed discussions with the applicants.
- d) The following conditions
  1. No development shall commence within any phase until full details of the layout, scale, appearance, access 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 the first residential reserved matters application for approval shall be made not later than the expiration of two years beginning with the date of this permission. The remaining reserved matters shall be made not later than five years beginning with the date of this permission.
  3. The development to which this permission relates shall be commenced not later than the expiration of two years from the approval of the first reserved matter and the remainder of the development shall be begun not later than;
    - (i) the expiration of five years from the date of the grant of Outline Planning permission or
    - (ii) within two years of the approval of the reserved matters for the phase 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 plans and documents: Application forms, and drawings, with authority delegated to the Head

of Development Management to determine the exact documents and plans.

5. 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.
6. No reserved matters applications shall be made or development commenced until a Design Code for the site has been produced in accordance with Condition 7 and following consultation with the Local Planning Authority and other stakeholders, and has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Design Codes.
7. The Design Codes shall include,
  - a. the character, mix of uses and density of each character area identified on the Phasing Plan to include the layout of blocks and the structure of public spaces
  - b. the character and treatment of the structure planting to the development areas
  - c. guidance of surface water control including design standards and methodology for sustainable drainage systems, detail of specific features and constraints, including appropriate options for SUDs features, considerations for implementing during construction, and adoption requirements
  - d. the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel
  - e. the street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture
  - f. the approach to car parking and cycle parking within the phases, sub-phases and parcels and the level of car and cycle parking within each phase to be provided to serve the proposed uses
  - g. the materials to be used within each character area
  - h. the treatment of any hedge or footpath corridors and retained trees and woodlands and local areas of play within each phase, sub phase or parcel
  - i. the measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site
  - j. measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins
  - k. lighting proposals
8. A strategy for public consultation in respect of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The public consultation strategy shall include details of the consultation process to be

undertaken during all construction and other works on the site including provision of infrastructure and mitigation as well as in respect of design codes, reserved matters applications and construction management plan.

9. A sustainable Urban Drainage Opportunities Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with the approved plan.
10. Full details of the locations and facilities to be provided at each bus stop including Real Time Information and a programme of delivery shall be submitted to and approved in writing by the Local Planning Authority prior to the first residential reserved matters submission. Thereafter the bus stops and facilities approved within each phase of the development shall be provided on site in advance of the provision of any bus service and thereafter retained in accordance with the approved details.
11. That not more than 709 dwellings shall be accommodated on the site.
12. Prior to the commencement of the development a method statement – outlining measures to ensure safe and unhindered exercise of the public's right of way along Chesterton Footpath No. 1 during construction - shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented to ensure no obstruction to the right of way during development.
13. Within two months prior to 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.
14. No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
15. 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, including full details of a scheme for the location of bat, bird and invertebrate boxes, and the relocation of calcareous grassland, or other on site biodiversity enhancement measures. Thereafter, the LEMP shall be

carried out in accordance with the approved details, with measures for that parcel of development installed on the site prior to occupation in accordance with the approved details. Thereafter, the LEMP shall be carried out in accordance with the approved details.

16. If, during development, contamination not previously identified 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
17. No phase or parcel of development shall take place until a surface water drainage scheme for that phase of development, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The drainage design must be implemented in line with:
  - Kingsmere Bicester Design Code dated July 2008
  - Sustainable drainage principles outlined in WSP Flood Risk Assessment Project ref 50400018 file ref 130531 Kingsmere FRA r5 revision 2 dated 3/6/13
  - Indicative Surface Water drainage corridor and buffer zone 0018/D/02 rev F
  - Indicative Surface water sewer network 0018/03 rev C
  - Surface water exceedence conveyance routes 0018/D/04 rev F and should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
18. That prior to the first occupation of the development the proposed means of accesses onto Middleton Stoney Road (B4030) and Vendee Drive (A4095) are to be formed, laid out to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken.
19. Prior to the commencement of the development on each phase hereby approved, full details of the access vision splays, including layout and construction, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Prior to the first occupation of each residential phase the access and vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or other material.
20. Prior to the first occupation or use of any phase all the proposed formal pedestrian and cyclist crossing points, new footways/cycleways and

public transport infrastructure to serve the phase shall be laid out, constructed, lit (if appropriate) and drained to Oxfordshire County Council's Specifications.

21. No development shall commence on site until a Construction Traffic Management Plan providing 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 for construction vehicles to and from the development site. The Construction Traffic Management Plan will be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.
22. Prior to the commencement of work on site a Framework Travel Plan is to be first submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Individual Travel Plans for each land use category (residential, non-residential and education) shall first be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building for that use.
23. Details of any works to the public right of way (including any gates adjacent to, or storage/excavation adjacent to) shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of any development adjacent to the public right of way. No construction/demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by the local planning authority in consultation with Oxfordshire County Council. Any damage to the surface of the public right of way shall be made good to the satisfaction of the Local Planning Authority.
24. That all living rooms and bedrooms of dwellings constructed on the site shall be acoustically insulated in such a manner to achieve the standards as set out in Table 10.7 'suitable internal ambient noise levels in dwellings' contained within British Standard BS 8233:2014 Guidance on Sound insulation and noise reduction for buildings. It is envisaged that compliance will be demonstrated by a combination of design layout and the installation of up-rated double glazing and acoustic ventilation to dwellings that are predicted to be exposed elevated levels of road traffic noise.
25. The private outdoor spaces of all dwellings shall be protected against noise in order that a sound level of 55 LAeq dB is not exceeded unless otherwise agreed in writing by the Local Planning Authority. It is envisaged that compliance will be achieved by the use of good design and the use of upgraded acoustic timber fences or brick or masonry walls to form the boundaries to individual private garden spaces.
26. 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.

27. Except to allow for the means of access and vision splays the existing hedgerow along the Middleton Stoney 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.
28. Within the first available planting season following the first occupation of a dwelling within 20m of the Middleton Stoney Road hedge the existing hedgerow along the Middleton Stoney Road 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.
29. 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.
30. Prior to the commencement of the development on each phase hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits in hard and soft areas and associated above ground features, to include specifications for the installation of below ground, loadbearing '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 within 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 details and specifications.
31. Prior to the commencement of development within any phase, a plan showing full details of the finished floor levels in relation to existing ground levels on the site and proposed ground levels for the proposed development shall be submitted to and approved in writing by the Local Planning authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels.

32. Prior to the occupation of each dwelling, that dwelling shall be provided with the necessary services to enable the provision of high speed broadband (no less than 100mbs).
33. Prior to the commencement of each phase of the development, evidence that the development is registered with an accreditation body under the Code for Sustainable homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 4 (or the equivalent level of the relevant superseding scheme) for all dwellings shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the submitted details.
34. Within 3 months of the first occupation of any dwelling hereby approved, a post construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a code for Sustainable homes rating of Code Level 4 shall have been submitted to the Local planning Authority.
35. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.
36. 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.
37. The Pocket Parks shall be provided in accordance with the submission and shall not be less than the minimum areas specified on the strategic landscape and open space parameter plan 180601U-PP-SLOSP rev D.
38. The formal tree planting of avenue trees shown on the Strategic Landscape and Open Space Parameter plan, drawing no. 180601U-PP-SLOSP rev D shall be contained in a continuous verge of no less than X m in width.
39. Prior to the commencement of any phase of the development hereby approved, details of provision, landscaping (including tree planting, tree works, hard and soft landscaping) and treatment of open space, landscaped areas and play spaces within the phase shall be submitted to and approved in writing by the Local planning authority. Thereafter the open space, landscaped areas and play spaces for each phase, once approved shall be landscaped, laid out and completed in

accordance with the details approved and within a time period to be first approved in writing by the Local planning authority and thereafter retained as open space, landscaped areas and play space.

40. 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.

54 **Land at South West Bicester**

The Head of Development Management submitted a report relating to an outline application for the construction of up to an additional 100 dwellings above those permitted under 06/00967/OUT – Land at South West Bicester.

At the July 2013 Planning Committee meeting. Members had considered and resolved to approve the application subject to the completion of a legal agreement. Members had also resolved to amend a recommended condition relating to code levels from Code Level 4 to Code Level 5. The applicants had objected to Code Level 5 and the report sought to address the issue. The decision remained outstanding as the legal agreement had not yet been completed.

**Resolved**

- (1) That it be agreed that the permission be granted as previously resolved subject to the suggested conditions and the completion of a legal agreement as set out in the report to committee in July 2013, with the condition relating to code levels to remain as Code Level 4.

55 **Appointment of Chairman for the Next Agenda Item**

**Resolved**

That Councillor Blackwell be appointed Chairman for the following Agenda Item

56 **Land adjacent to Oxford Canal, Banbury, Spiceball Park**

The Committee considered application 13/01601/OUT, for outline planning permission for for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and associated canal footbridge and General Foods Sports and Social

Club band practice room; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail food store (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses, alterations to the rear of the Castle Quay Shopping Centre landscaping, construction of infrastructure, car parking and associated works, including the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road | Land Adjacent to the Oxford Canal Spiceball Park Road.

At the 6 February 2014 Planning Committee meeting, Member had resolved to approve outline planning permission for a development of a similar description subject to overcoming issues raised by Oxfordshire County Council as local highway authority, resolving car park supply and needs assessment, securing an appropriate legal agreement to secure financial contributions to road junction and towpath improvements and other matters, and referral of the application to the Secretary of State.

The current description differed significantly from the previously approved application in that it omitted reference to the demolition of the General Foods Sports and Social Club, omitted reference to the glazed canopy over the Oxford Canal, but included the undertaking of alterations to the rear of the existing Castle Quay shopping centre. The redline defining the site had been amended to suit these changes.

Mrs Thelma Jones, a local resident, addressed the Committee in objection to the application.

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

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

### **Resolved**

That application 13/01601/OUT be approved, subject to the following:

- a) That delegated authority be given to the Head of Development Management (in consultation with the Chairman on the Planning Committee) to approve the application subject to (i) the applicant reaching agreement with the County Council over the highways impacts of the proposals and the consequent need for appropriate contributions to mitigate those impacts, and (ii) reaching agreement with this Council with regards to the impact of the proposal upon the adequacy of town centre car parking. In the event that agreement is not reached, after reasonable efforts to do so to the satisfaction of the Head of Development Management (in consultation with the Chairman on the Planning Committee), this application shall be returned to a future meeting of this Committee for further consideration and determination.

- b) The completion of a s106 legal obligation to the satisfaction of the Council
- c) Referral to the Secretary of State.
- d) The following conditions (as necessarily amended to take into account late representations from OCC/CRT/and others).

**TIME**

- 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.

**PLANS**

- 4. 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:
  - OP-00 P2 Site Location
  - OP-01 P1 Site boundary
  - OP-02 P2 Demolition
  - OP-03 P1 Excavation
  - OP-04 P2 Land use (Level 0)
  - OP-05 P2 Land use (Level 1)
  - OP-06 P2 Land use (Level 2)
  - OP-07 P3 Land use (Level 3-6)
  - OP-08 P4 Areas schedule
  - OP-09 P2 Deviations in plan level 0
  - OP-10 P3 Deviations in plan level 1
  - OP-11 P4 Deviations in plan level 2
  - OP-12 P4 Deviations in plan level 3-6
  - OP-13 P2 Canopies
  - OP-14 P4 Deviations in height sheet 1
  - OP-15 P2 Deviations in height sheet 2
  - OP-16 P1 Bridges
  - OP-17 P2 Active frontages
  - OP-18 P2 Pedestrian site circulation
  - OP-20 P2 Landscape
  - OP-21 P3 Vehicle access and circulation

**ENVIRONMENT AGENCY**

- 5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) BMW/388/FRA rev A undertaken by BWB Consulting dated 11<sup>th</sup>

October 2013 and the following mitigation measures detailed within the FRA:

- The operational areas of the ground floor food store set be set above the 1 in 100 year plus 20% flood level
  - Flood resilient construction techniques to be included for all development up to the 1 in 1000 year undefended flood level
6. 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.
7. Prior to approval of Reserved Matters a final flood management and level for level floodplain compensation scheme shall be submitted to and approved by the Local Authority. Level or level floodplain compensation shall be implemented in line with the scheme proposed on plan Floodplain Compensation Analysis at Former Leisure Centre BMW/388/WSK12 P1
8. No development shall take place until a scheme for the enhancement of the River Cherwell is submitted and agreed to in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The schemes shall include:
- The creation of meanders within the channel of the River Cherwell to the North and South of the site
  - The removal of young sycamore trees aligning the bank and replace with native shrubs and larger native trees set back from the top of the bank
  - The placement of grave within the channel.
  - The creation of small backwaters, joining the River Cherwell
9. If, during development, contamination not previously identified 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, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

## **ARCHAEOLOGY**

10. Prior to any demolition on the site and the commencement of the development a professional archaeological organisation acceptable to the local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.
11. Prior to any intrusive works taking place on the site and following the approval of the first stage Written Scheme of Investigation referred to in condition 10, a programme of archaeological evaluation, investigation

and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

12. Prior to any intrusive works taking place on the site and following the completion of the archaeological evaluation, investigation and recording referred to in condition 11, a report of the archaeological evidence found on the application site and full details of a second stage Written Scheme of Investigation based on the findings, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the Local Planning Authority.
13. Prior to any intrusive works taking place on the site (other than in accordance with the second stage Written Scheme of Investigation) and prior to the commencement of the development the further programme of archaeological investigation shall be carried out and fully completed in accordance with the second stage Written Scheme of Investigation approved under condition 12 All post excavation work including all processing, research and analysis necessary to produce an accessible and useable archive and its deposition, and a full report for publication, shall be submitted to the Local Planning Authority in accordance with the second stage Written Scheme of Investigation approved under condition 12 as soon as practically possible after the completion of the on-site investigation.

#### **ECOLOGY**

14. An avoidance and mitigation scheme for nesting birds and reptiles, based on the measures detailed in the 2013 WSP ecological survey report shall be submitted to and approved by the Local Planning Authority before development commences. All works to proceed in accordance with the approved scheme.
15. An ecological enhancement scheme, based on the measures detailed in the 2013 WSP ecological survey report and including nesting provision for swifts and enhancement of the river channel shall be submitted to and approved by the Local Planning Authority before development commences. All works to proceed in accordance with the approved scheme.

#### **ABORICULTURAL**

16. **Submit Landscaping Scheme**  
Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

17. **Retained Tree**

- a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
- b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

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

18. **Arboricultural Method Statement (AMS)**

Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837 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.

19. **Planting Pits (hard landscaped areas)**

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.

20. **Planting Pits (soft landscaped areas)**

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.

**NOISE**



21. Prior to the commencement of the development hereby approved, full details of on-site noise measurements and agreed environmental noise limits for the development shall be submitted to and approved by the Local Planning Authority. Thereafter, and prior to the first occupation of the buildings hereby approved, the buildings shall be insulated and maintained in accordance with the approved details.

#### **DRAINAGE**

22. 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".

#### **USE**

23. Where applicable, the premises shall be used only for purposes falling within Class A3 and A4 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

#### **PHASING**

24. Prior to commencement of development hereby approved and with each reserved matters submission thereafter, details of the proposed phasing of works shall be submitted to the local planning authority for approval. Development shall be undertaken in accordance with the approval details.

(Councillor Colin Clarke retook the Chair at the conclusion of this item)

57

#### **Orchard Way, The Paddock, Heyford Road, Somerton**

The Committee considered application 14/00067/F for the conversion of an existing building into a self-contained dwelling with associated highway safety access improvement works.

Neil Good, Somerton Parish Council, addressed the Committee on behalf of Somerton Parish Council in objection to the application.

Councillor Pickford proposed that application 14/00067/F be approved. Councillor Gibbard seconded the proposal. The motion was duly voted on and subsequently fell.

Councillor Macnamara proposed that application 14/00067/F be refused as it would be setting an undesirable precedence, the Conservation Officer had raised objections and it was contrary to policy C28 of the adopted Cherwell Local Plan. Councillor Kerford Byrnes seconded the proposal.

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

**Resolved**

That application 14/00067/F be refused for the reasons set out above with detailed wording to be delegated to the Head of Development Management, in consultation with the Chairman.

58 **British Bakels, Granville Way, Bicester**

The Committee considered application 14/00465/F for a single storey extension to create an entrance lobby along with a new Clovis canopy to the side door.

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

**Resolved**

That application 14/00465/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents listed below:

Drawings: Site location plan (1/1250), 2125/4B, 2125/6B, 2125/7A

3. That the materials to be used for the development hereby permitted shall match in terms of colour, type and texture those used on the existing building.

59 **Land Parcel 9827, South East of Yarnton and North of Woodstock Road, Yarnton**

The Committee considered application 14/00786/F for a solar farm and associated works.

Chris Akrill, agent for the applicant, addressed the Committee in support of the application.

Councillor Gibbard proposed that application 14/00786/F be refused as the site was not suitable for the proposed development. Councillor Heath seconded the proposal. The motion was duly voted on and subsequently lost.

Councillor Clarke proposed that the application be approved, as per the officers' recommendation. Councillor Pickford seconded the proposal.

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

**Resolved**

That application 14/00786/F be approved, subject to:

- a) The applicant successfully addressing the objection raised by the Environment Agency.
- b) Referral to the Secretary of State.
- c) The following conditions and any additional conditions required by the Environment Agency:
  - 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 planning application forms and the following plans and documents:

13214/SLP01  
ROC1004-1001v1.5  
ROC1004-1003v1  
ROC1004-1004v1.1  
ROC1004-1005v1.2  
ROC1004-1006v1.1  
ROC1004-1010v1.1  
312/P1

Planning Statement produced by Town Planning Services Limited (dated May 2014)  
Design and Access Statement produced by Town Planning Services Limited (dated May 2014)  
Extended Phase 1 Habitat Assessment - produced by Enims Environmental Excellence (dated July 2013)  
Bat Survey Report - produced by Enims Environmental Excellence (dated November 2013)  
Bat Tree Assessment Survey Report - produced by Enims Environmental Excellence (dated October 2013)  
Desk-based Heritage Assessment produced by Thames Valley Archaeological Services (dated August 2013)  
Flood Risk Assessment Revision B (produced by Gyoury Self (dated July 2014)

- 3 The permission shall expire no later than 25 years from the date when electricity is first exported from any part of the array to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
- 4 Not later than 24 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and approved by the Local Planning Authority, such scheme to include the management and timing of any works and traffic management plan to address likely traffic impact issues during the decommissioning period. The approved scheme shall be fully implemented within 12 months of the expiry of this permission
- 5 That full details of the cctv system shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the detail agreed.
- 6 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.
- 7 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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. 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.
9. Prior to the commencement of the development hereby approved, a schedule of landscape maintenance for a minimum period of 5 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.
10. Except to allow for the means of access and vision splays the existing hedgerow along the south west boundary of the site shall be retained and properly maintained at mature height, not less than 3.5 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.
11. The existing hedgerows along all boundaries of the site other than the south west boundary shall be retained and properly maintained at mature heights, not less than [3.5] 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.
12.
  - 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 completion of the development.

13. 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.
14. 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.
15. A Construction Traffic Management Plan shall be submitted and approved in writing by the Local Planning Authority once contractors are appointed, and prior to commencement of development.
16. 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.
17. Prior to the commencement of the development, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.
18. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), 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.
19. No external lighting shall be installed within the site area unless agreed in writing with the Local Planning Authority.

**1 Hardwick Road, Hethe, OX27 8EZ**

The Committee considered application 14/00810/F, a resubmission of application 13/00273/F for a single storey front extension.

Mrs Beukes, the applicant, addressed the Committee in support of the application.

Councillor Wood proposed that application 14/00810/F be approved as the proposal represented an acceptable form of development and was in line with the provisions of policies C28 and C30 of the Cherwell Local Plan. Councillor Kerford Byrnes seconded the proposal.

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

**Resolved**

That application 14/00810/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, Block Plan and Drawing No's: HARDWICK/01 C and HARDWICK/03 C submitted with the application.
3. The materials to be used for the external walls, roof and windows of the extension hereby approved shall match in terms of colour, type and texture those used on the existing building.

61

**Unit A5 and A6, Pioneer Square, Bure Place, Bicester**

The Committee considered application 14/00889/ADV for 1 No. illuminated fascia sign and 2 No. illuminated hanging signs.

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

**Resolved**

That application 14/00889/ADV be approved, subject to the following conditions:

1. At the end of a period of five years from the date of this decision, this consent for the display of advertisements will lapse.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Drawing nos. 1184/B (signage location); 1184/B (A-fascia sign) received with the application and 1184/B (B – Projecting sign x 2) received on 8 July 2014.
3. (a) No advertisement shall be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

- (b) No advertisement shall be sited or displayed so as to:-
    - (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
    - (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
    - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
  - (c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  - (d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  - (e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
4. Only the Anytime Fitness lettering shall be illuminated within any of the signs and the maximum luminance of the fascia signs hereby approved shall not exceed 300 candelas per sqm and the maximum luminance of the projecting signs hereby approved shall not exceed 200 candelas per sqm.
5. That the projecting sign shall be wholly contained within the area between the face of the building and the bollards along the frontage.

62

### **Unit A5 and A6, Pioneer Square, Bure Place, Bicester**

The Committee considered application 14/00890/F for the change of use from retail (A1 use class) to a gymnasium (D2 use class).

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

#### **Resolved**

That application 14/00890/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, Planning Statement and drawings numbered: D11448-N and D11501-B submitted with the application.



3. The ventilation system shall be installed, brought into use and retained in accordance with the Mitsubishi Electric Air Conditioning Systems details (reference PLA-RP60BA) and sited in accordance with drawing number D11501-B submitted with the application, unless otherwise agreed in writing by the Local Planning Authority prior to the system being installed.
4. The units (A5 and A6) shall be used only for the purpose of a gymnasium and for no other purpose whatsoever, including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

63 **Heath Barn, Sibford Gower, Banbury**

The Committee considered application 14/00892/F, which sought retrospective consent for amendments to the previously approved planning consent 13/01552/F.

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

**Resolved**

That application 14/00892/F be approved, subject to the following conditions:

1. The car parking area within the garage shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.
2. The building hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house as such and shall not be used for any trade, industry, business or other use whatsoever.

64 **Quarterly Enforcement Report**

The Committee considered a report which informed Members of the overall performance and level of activity in the Development Management service and of the progress of outstanding formal enforcement cases.

**Resolved**

- (1) That the report be noted

65 **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 report be noted

66

**Appeals Progress Report**

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

**Resolved**

- (1) That the report be noted

The meeting ended at 7.40 pm

Chairman:

Date: