

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House,  
Bodicote, Banbury, OX15 4AA, on 11 June 2015 at 4.00 pm

Present: Councillor Fred Blackwell (Vice-Chairman, in the Chair)

Councillor Michael Gibbard  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Matt Johnstone  
Councillor James Macnamara  
Councillor Alastair Milne Home  
Councillor Richard Mould  
Councillor Lynn Pratt  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Trevor Stevens

Substitute Members: Councillor Andrew Beere (In place of Councillor Barry Richards)  
Councillor D M Pickford (In place of Councillor Colin Clarke)  
Councillor Nicholas Turner (In place of Councillor Rose Stratford)  
Councillor Barry Wood (In place of Councillor Mike Kerford-Byrnes)

Apologies for absence: Councillor Colin Clarke  
Councillor Mike Kerford-Byrnes  
Councillor Barry Richards  
Councillor Lawrie Stratford  
Councillor Rose Stratford

Officers: Jon Westerman, Development Services Manager  
Bob Duxbury, Development Control Team Leader  
Ross Chambers, Solicitor  
Aaron Hetherington, Team Leader Democratic and Elections

19 **Declarations of Interest**

Members declared interests in the following agenda items:

**10. Former Winner's Bargain Centres, Victoria Road, Bicester, OX26 6QD.**

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

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

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

**14. 55 Winchelsea Close, 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 Nicholas Turner, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

20 **Requests to Address the Meeting**

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

21 **Urgent Business**

There were no items of urgent business.

22 **Minutes**

The Minutes of the meeting held on 21 May 2015 were agreed as a correct record and signed by the Chairman.

23 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

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

The Committee considered application 14/01816/F for the erection of 1 no. detached dwelling and detached garage.

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

**Resolved**

That application 14/01816/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 development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered: 14-21-05 rev D, 14-21-06, 14-21-07 rev C and 14-21-08 rev A.
3. Prior to the construction of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
4. Prior to the construction of the development hereby approved, samples of the slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
5. Prior to the construction of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and material and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
6. Prior to the construction of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling and thereafter maintain in accordance with the approved details.
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.

8. Prior to the commencement of the development hereby approved, including any works of site clearance, any ground vegetation to be affected by the works should be cut to a height of approximately 15cm on the first cut and thereafter maintained at a height of approximately 7cm or less up until the commencement of building works. Any piles of rubble or debris on site should not be removed between 1<sup>ST</sup> November and 31<sup>st</sup> March and thereafter removed carefully by hand to allow any reptiles to escape.
9. Prior to the construction of the development hereby approved, details of the location of two bat roosting opportunities on or in the proposed building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the bat roosting opportunities shall be installed on site in accordance with the approved details and thereafter maintain in accordance with the approved details.
10. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed on the site without the prior express planning consent of the Local Planning Authority.
11. 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.
12. 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.

25 **Land adj to Cotswold Country Club and South of Properties on Bunkers Hill Kidlington**

The Committee considered application 14/02132/OUT for an outline application for the development of eight houses and access improvements.

Councillor Simon Holland addressed the committee as Ward member.

Councillor Pickford proposed that application 14/02132/OUT be approved subject to appropriate conditions, with authority for the exact wording delegated to the Head of Development Management. Councillor Hurle seconded the proposal.

In reaching their decision, the Committee considered the officers report, written update and the address of the ward member.

### **Resolved**

That application 14/02132/OUT be approved subject to the following conditions:

1. No development shall commence until full details of the appearance, landscaping, layout and scale (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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form and drawing nos. 1320 002F and 003
5. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing and proposed site levels for the proposed dwellings and community building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.
7. Prior to the commencement of the development 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. 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 the consent.

10. 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.
11. 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)
12. 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.
13. 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.
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. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.
16. 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.

17. The surfacing to the parking areas should be permeable paving and a condition should be applied to any permission to ensure that prior to occupation the parking area is constructed SUDS compliant.
18. Prior to the first occupation of the development hereby approved car parking spaces shall be provided within the curtilage of the dwellings so that motor vehicles may park off the highway. The car parking spaces shall be retained unobstructed except for the parking of motor vehicles at all times.
19. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved CTMP shall be implemented prior to any works being carried out on site, and shall be maintained throughout the course of the development.
20. Before any of the dwellings hereby permitted 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 and if required temporary or permanent traffic calming shall be put in place in accordance with Oxfordshire County Council's Specifications.
21. Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat, bird, owl and invertebrate boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building, the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.
22. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
23. If a potential risk from contamination is identified as a result of the work carried out under condition 22 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.

24. If contamination is found by undertaking the work carried out under condition 23 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.
25. If remedial works have been identified in condition 24 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 24. 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.
26. 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.
27. Prior to the first occupation of the development hereby approved, the appropriate number of refuse bins required in relation to the dwellings shall be provided.

26

### **The Roebuck, Banbury Road, North Newington**

The Committee considered application 15/00307/F for the erection of detached single storey dwelling.

Louise Steele, agent for applicant, addressed the Committee in support of the application.

Councillor Turner proposed that the application be approved, subject to appropriate conditions, with authority for the exact wording delegated to the Head of Development Management. Councillor Heath seconded the proposal.

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

### **Resolved**

That application 15/00307/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 development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered: 5173.01; 02A; 03A
- 3 Prior to the commencement of the development hereby approved, samples of the slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
- 4 Prior to the commencement of the development hereby approved, a stone sample panel (minimum "1 sq m" in size) shall be constructed on site in natural ironstone to match the stonework on the existing building, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
- 5 Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
- 6 Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.
- 7 Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.
- 8 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 shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

- 9 The existing hedgerow along the Banbury Road 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.
- 10 Prior to the construction of the dwelling hereby approved, the existing means of access between the land and the highway shall be improved with geometry as plan, formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
- 11 Prior to the commencement of the development hereby approved, full specification details of the access driveway including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwelling the development shall be constructed in accordance with the approved details.
- 12 Prior to the construction of the dwelling any undergrowth protruding beyond the stone wall forming the boundary between the site and the public highway shall be cut back so that it no longer overhangs the highway verge.
- 13 The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any ground-works taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

27 **Former Winner's Bargain Centres, Victoria Road, Bicester, OX26 6QD**

The Committee considered application 15/00412/F for the redevelopment to form 42 sheltered apartments for the elderly, communal facilities, access, car parking and landscaping.

Chris Geddes, agent for the applicant, addressed the committee in support of the application.

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

**Resolved**

That application 15/00412/F be approved, subject to

- a) the completion of a Section 106 agreement to secure Affordable Housing provision and a contribution towards day care facilities to the satisfaction of the Head of Development Management, and

b) 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, Design & Access Statement, drawing nos. "P01 A", "P02 A", "P03 B", "P04 B", "P05 A", "P06 A", "P07 A", "P08 B", and the Site Location Plan.
3. Prior to the commencement of the development hereby approved, samples of the brick and the render to be used in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
4. Prior to the commencement of the development hereby approved, samples of the slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
5. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.
6. 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 shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.
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, 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.
10. Prior to the first use of the accesses hereby approved, the existing access onto Linden Road shall be permanently stopped up in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the means of access shall not be used by any vehicular traffic whatsoever.
11. 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.
12. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
13. Provision shall be made within the layout for pedestrian access to serve the land adjoining to Victoria Road West.
14. 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.

15. Prior to the commencement of development, a construction traffic management plan must be submitted to, and approved in writing by, the District Planning Authority. The construction works must be carried out in accordance with the details approved in the construction traffic management plan.
16. 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".
17. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
18. If a potential risk from contamination is identified as a result of the work carried out under condition 19, 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.
19. If contamination is found by undertaking the work carried out under condition 20, 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.

20. If remedial works have been identified in condition 21, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 21. 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.
21. 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.
22. Within three months of the date of this planning permission, 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.
23. No external lights shall be erected on the land without the prior express consent of the Local Planning Authority.

28

### **Land Parcel 6927 Adjacent To The Hale, Chesterton**

The Committee considered application 15/00454/OUT an outline application for the erection of up to 51 dwellings with vehicular access from The Hale together with public open space and surface water retention pond and associated infrastructure.

Clare O'Hanlon, agent to the application addressed the committee in support of the application.

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

### **Resolved**

That application 15/00454/OUT be refused for the following reasons:

1. As a result of its location on the edge of a village in open countryside in combination with its scale and housing developments already planned in Chesterton, the proposed development would result in an unnecessary and undesirable new housing development in an unsustainable location with residents overly reliant on the private car that would prejudice a more balanced distribution of housing growth across villages in the District as planned for in the Cherwell Submission Local Plan. Consequently the proposal is considered to be

unacceptable in principle and contrary to the requirements of Policies H12, H13 and C7 of the adopted Cherwell Local Plan, emerging Policies ESD13, ESD16, Villages 1 and Villages 2 of the Cherwell Submission Local Plan in addition to the National Planning Policy Framework.

2. In combination with planned development to the north and having regard to the open nature of the site and its setting alongside narrow country lanes in a vernacular rural landscape, the proposals would result in the clear suburbanisation of a country lane that would fundamentally and unacceptably diminish appreciation of the characteristic rural setting of Chesterton and the intrinsic natural beauty of the countryside. Consequently the proposals fail to amount to environmentally sustainable development contrary to the requirements of Policies C7 and C8 of the adopted Cherwell Local Plan, Policies ESD13 as well as the core planning principles set out in paragraph 17 of the National Planning Policy Framework.
3. By reason of a lack of a satisfactory completed S106 legal agreement to ensure that the development adequately mitigates its impact on community infrastructure and secures the provision of affordable housing, the local planning authority cannot be satisfied that the impacts of the development in this respect can be made acceptable. Consequently the proposals conflict with the requirements of Policy H5 of the adopted Cherwell Local Plan, Policies BSC3 and INF1 of the Cherwell Submission Local Plan as well as paragraphs 17, 203 and 204 of the National Planning Policy Framework.

29

### **Land South Of Leycroft Barn, Somerton Road, Souldern**

The Committee considered application 15/00541/F for the erection of a livestock building for the rearing and finishing of pigs.

In introducing the report, the Development Control Team Leader advised the Committee that the officer recommendation had changed from approval to deferral to allow submission of the Odour Management Plan referred to in paragraphs 3.3, 3.4 and 5.31 of the report and a waste management plan.

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

### **Resolved**

That application 15/00541/F be deferred to allow submission of the Odour Management Plan referred to in paragraphs 3.3, 3.4 and 5.31 of the report and a waste management plan



30 **Land To Rear Of Crab Tree Close And Adj To Ells Lane, Bloxham**

The Chairman advised the Committee that application 15/00604/OUT had been withdrawn by the applicant and would therefore not be considered at the meeting.

31 **55 Winchelsea Close, Banbury**

The Committee considered application 15/00628/F for the change of use of land to residential garden curtilage and erection of a 1.8m fence.

Councillor Turner proposed that the application be refused due to the impact on the street scene. Councillor Milne Home seconded the proposal. The motion was voted on and subsequently fell.

Councillor Hughes proposed that the application be approved. Councillor Blackwell seconded the proposal.

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

**Resolved**

That application 15/00628/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 development shall be carried out strictly in accordance with the following plans and documents: Plan 1.1.
3. Notwithstanding the provisions of Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no structure shall be erected on the land without the prior express planning consent of the Local Planning Authority.

32 **Decisions Subject to Various Requirements**

The Head of Development Management submitted a report which informed Members upon applications which they had authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

**Resolved**

- (1) That the position statement be accepted.

### **Appeals Progress Report**

The Head of Development Management submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

#### **Resolved**

- (1) That the position statement be accepted.

The meeting ended at 6.10 pm

Chairman:

Date: