

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 18 February 2016 at 2.00 pm

Present: Councillor Colin Clarke (Chairman)
Councillor Fred Blackwell (Vice-Chairman)

Councillor Andrew Beere
Councillor Michael Gibbard
Councillor Chris Heath
Councillor Russell Hurle
Councillor Matt Johnstone
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Alastair Milne Home
Councillor Richard Mould
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Lawrie Stratford
Councillor Rose Stratford

Substitute Members: Councillor Barry Wood (In place of Councillor David Hughes)

Also Present: Councillor Les Sibley, ward member for Bicester West, for agenda item 7
Joy White, Oxfordshire County Council Highways Department for items 7 and 8
Jackie Cox, Oxfordshire County Council Highways Department for items 7 and 8

Apologies for absence: Councillor David Hughes
Councillor Sean Woodcock

Officers: Jon Westerman, Development Services Manager
Bob Duxbury, Development Control Team Leader
Jenny Barker, Bicester Delivery Manager
Caroline Ford, Principal Planning Officer
James Kirkham, Senior Planning Officer
Matt Parry, Principal Planning Officer
Alex Keen, Team Leader (Minors)
Emily Shaw, Principal Planning Officer
Paul Ihringer, Team Leader (Enforcement)
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer
Natasha Clark, Team Leader, Democratic and Elections
Lesley Farrell, Democratic and Elections Officer

164 **Declarations of Interest**

7. Twenty Ha Of Land Proposal Of New Highway Aligned With Howes Lane, Bicester.

Councillor Lawrie Stratford, 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.

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

8. Proposed Himley Village North West Bicester Middleton Stoney Road Bicester Oxfordshire.

Councillor Lawrie Stratford, 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.

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

13. Former Lear Corporation, Bessemer Close, Bicester.

Councillor Lawrie Stratford, 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.

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

165 **Requests to Address the Meeting**

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

166 **Urgent Business**

There were no items of urgent business.

167 **Minutes**

Subject to the following amendments, the Minutes of the meeting held on 21 January 2016 were agreed as a correct record and signed by the Chairman.

Minute 160 – Orchard Way, Heyford Road, Somerton, Bicester, OX25 6LL

Prior to the final paragraph before 'Resolved' add the following text:

Councillor Macnamara proposed that the application be refused as it was not in accordance with policy. Councillor Kerford-Byrnes seconded the proposal.

After 'Resolved', delete the resolution to approve and all conditions and replace with the following:

That application 15/01895/F be approved subject to the following conditions: and the conditions be amended to:

That application 15/01895/F be refused for the following reason:

1. By virtue of its scale, form, massing and materials, the proposed development would fail to preserve the character and appearance of the Mollington Conservation Area. The proposal would therefore fail to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031, Policies C28 and C30 of the Cherwell Local Plan 1996 and paragraphs 14, 17, 132 and 134 of the National Planning Policy Framework, and it is considered that this identified harm significantly and demonstrably outweighs the proposal's benefits.

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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.
2. The Chairman introduced Joy White and Jackie Cox from Oxfordshire County Council Highways, who were in attendance for agenda items 7 and 8.
3. There would be a Highways Workshop before the next meeting of the Planning Committee. Members were requested to email the Chairman or Development Services Manager in advance of the workshop.
4. The Chairman advised the Committee that it was anticipated application 15/02052, Beanacre Cottage would be submitted to the next meeting of the Committee. As it was an unusual application, The Chairman proposed that a site visit be held as it would be advantageous for committee members to visit the site. Councillor Blackwell seconded the proposal.

Councillor Richards proposed that a recorded vote be taken. Councillor Lawrie Stratford seconded the proposal. A recorded vote was duly taken and Members voted as follows:

Councillor Beere - Abstain
Councillor Gibbard - For

Councillor Heath - For
Councillor Hurle - For
Councillor Kerford-Byrnes - For
Councillor Macnamara - Abstain
Councillor Milne-Home - Abstain
Councillor Mould - Abstain
Councillor Randal - For
Councillor Reynolds - For
Councillor Richards - For
Councillor Lawrie Stratford - Abstain
Councillor Rose Stratford - Abstain
Councillor Wood - Abstain

(at the conclusion of the Chairman's Announcements, the meeting adjourned between 2.10pm and 2.20pm to allow Members to read the written updates that had been published earlier that day)

169 **Twenty Ha Of Land Proposal Of New Highway Aligned With Howes Lane, Bicester**

The Committee considered application 14/01968/F for the construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and associated infrastructure for A2 Dominion South Limited.

Councillor Les Sibley addressed the committee as ward member.

Ms Louise Caves address the committee on behalf of the Planning Consultant in support of the application.

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

Resolved

That application 14/10968/F be approved subject to:

- a) The end of the 21 day consultation period and the resolution of any further objections received, including any minor alterations to the design of the road to accommodate this and to the satisfaction of the Development Services Manager;
- b) OCC confirming that updated tracking is acceptable including any minor alterations to the design of the road to accommodate this;
- c) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure apprenticeships, the closure

of Howes Lane to vehicular traffic, and the reduction in speed along the retained Howes Lane, the partial closure of Bucknell Road and to secure a contribution towards offsite farmland bird mitigation if this not secured through other means and delegation to Officers to finalise this;

- d) And the following conditions with delegation to Officers to finalise conditions following any ongoing negotiation, in consultation with the Chairman of the Planning Committee.
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: To be confirmed
 3. Prior to the commencement of the development hereby approved, a phasing plan covering the entire site the subject of this application, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved phasing plan.
 4. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the existing 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.
 5. Notwithstanding the submitted details and prior to the commencement of the development hereby approved, full details of the access vision splays for each junction, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the road the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.
 6. Prior to the commencement of the development hereby approved, full specification details of the road infrastructure including construction, surfacing, layout, drainage, lighting, signage, traffic signals and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the road, the development shall be constructed in accordance with the approved details.

**Proposed Himley Village North West Bicester Middleton Stoney Road
Bicester Oxfordshire**

The Committee considered application 14/02121/OUT an outline application for a Development to provide up to 1,700 residential dwellings (Class C3), a

retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1 and C1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road) for Portfolio Property Partners Limited.

Councillor Les Sibley addressed the committee in objection to the application as a member of the public as the application was outside of his ward.

Mr Michael Lowndes and Mr Malcolm Turner address the committee in support of the application.

Councillor Barry Wood proposed that consideration of the application be deferred for further negotiations to take place. Councillor Milne Home seconded the proposal.

Resolved

That consideration of application 14/02121/OUT be deferred, for further negotiations and to allow for responses to be given to Members comments/queries in relation to the following matters:

- Transport and the deliverability of the proposal;
- Affordable Housing;
- Clarification over matters relating to bus stops, play areas, the response from Network Rail and the proposed sports pitches and associated facilities.

(4.10pm – 4.20pm: Adjournment of meeting)

171 Muddle Barn Farm, Colony Road, Sibford Gower, Banbury, OX15 5RY

The Chairman advised the Committee that application 15/01693/F had been withdrawn by the applicant and would therefore not be considered at the meeting.

172 Land North Of Southfield Farm North Lane Weston On The Green

The Committee considered application 15/01953/OUT for the erection of up to 26 dwellings including creation of a new access, associated landscaping, open space and drainage infrastructure at land north of Southfield Farm, North Lane, Weston on the Green for Mr Clive Tredwell.

Susan Davis, on behalf of the Parish Council and Roger Evans, a local resident, addressed the meeting in objection to the application

Councillor Randall proposed that the application be refused as it was not compatible with the Local Plan, was in open countryside and was outside of

the village boundaries, with the exact wording of the refusal reasons to be delegated to officers, in consultation with the Chairman, prior to the decision being issued. Councillor Macnamara seconded the proposal.

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

Resolved

That application 15/01953/OUT be refused for the following reasons:

1. That the proposal constituted an unjustified and unnecessary intrusion of built development into the open countryside, with harm to the character, quality and appearance of the countryside and the rural landscape setting of the village.

173 **Proposed Equestrian West Of Homestead Church Lane Epwell**

The Chairman advised the Committee that application 15/02033/F had been withdrawn by the applicant and would therefore not be considered at the meeting.

174 **Land North of The Green and adj. Oak Farm Drive, Milcombe**

The Committee considered application 15/02068/F for the erection of 40 no. dwellings with means of access to be assessed and all other matters reserved at land north of the Green and adj. Oak Farm Drive, Milcombe - for Trustees of the estate of JW Tustian (deceased).

Councillor Heath proposed that consideration of the application be deferred to allow a site visit. Councillor Randal seconded the proposal.

Councillor Lawrie Stratford proposed that a recorded vote be taken. Councillor Rose Stratford seconded the proposal. A recorded vote was duly taken and the Members voted as follows:

Councillor Blackwell - For
Councillor Gibbard – For
Councillor Heath – Abstain
Councillor Hurle – Abstain
Councillor Johnston – For
Councillor Kerford-Byrnes – For
Councillor Macnamara – Abstain
Councillor Milne Home – For
Councillor Mould – Abstain
Councillor Randal – For
Councillor Reynolds – Abstain
Councillor Richards – For
Councillor Lawrie Stratford – Abstain
Councillor Rose Stratford – Abstain
Councillor Wood – For

Resolved

1. That consideration of application 15/02068/F be deferred to allow for a site visit.

175

Former Lear Corporation, Bessemer Close, Bicester

The Committee considered application 15/02074/OUT for the demolition of existing industrial buildings and the erection of 21 affordable dwellings and 49 open market dwellings, with associated new access, open space and landscaping at the Former Lear Corporation, Bessemer Close, Bicester for Vanderbilt Homes and International Wood Agency.

Mr John Broad, CPRE, Cherwell South District addressed the Committee in objection to the application.

Mr Ken Dijkstra, agent for the application, addressed the Committee in support of the application

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

Resolved

That application 15/02074/OUT be refused for the following reasons:

1. The development of this site for residential purposes, having regards to its proximity and relationship with adjacent industrial/commercial units, Launton Road and main railway line, and lack of integration with existing residential areas to the south and west, would result in an unacceptably poor living environment for the occupiers thereof, contrary to saved Policy C30 of the adopted Cherwell Local Plan 1996, Policy SLE1 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework
2. The development proposed, by reason of its scale, form, layout and design, taking into account Cherwell District's ability to demonstrate an up to date five year housing land supply is considered to be an overdevelopment of the site which would be detrimental to the visual amenities of the street scene and provide an unacceptable living environment for the occupiers thereof, contrary to saved Policies C28 and C30 of the adopted Cherwell local Plan 1996 and policies SLE1 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and the advice within the National Planning Policy Framework.
3. In the absence of a satisfactory planning obligation, the local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this scheme will be delivered. This would be contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

4. And authority be delegated to officers, in consultation with the Chairman, to include the following additional reason for refusal, subject to the outcome of consultation with Environmental Protection:

On the basis of the information available the Local Planning Authority is not convinced that the noise climate produced by surrounding commercial uses, when added to that from road and rail noise, is compatible with creating an acceptable residential living environment for future residents and that therefore the development would be contrary to Policies ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C30 of the Cherwell Local Plan 1996

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The Oxfordshire Inn, Heathfield, Kidlington, OX5 3DX

The Committee considered application 15/02077/F for a change of use of existing hotel accommodation to form 8 No. dwellings, at The Oxfordshire Inn, Heathfield, Kidlington, OX5 3DX for Investfront Limited. The application was a re-submission of 13/01278/F

In reaching its decision, the Committee considered the Officers' report and presentation.

Resolved

That application 15/02077/F be approved, subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms Design and Access Statement and drawings numbered: SK.12-536-16C, SK.12-536-16 C17B, SK.12-536-11, SK.12-536-24A, SK.12-536-09B, SK.12-536-15B, SK.12-536-11, SK.12-536-25 A, SK.14-622-117A, SK.14-622-116A, SK.14-622-114A and SK-14-622-115A.
- 3 The materials to be used for the works to the external walls hereby approved shall match in terms of colour, type, texture and appearance those used on the existing building.
- 4 Prior to the first occupation of any dwelling hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved means of enclosure, in respect of those dwellings which they are intended to screen, shall be erected in accordance with the approved details, prior to the first occupation of those dwellings.
- 5 Prior to the first occupation 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.

- 6 Prior to the occupation of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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

- 7 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.
- 8 Prior to the commencement of the development hereby approved, a plan showing a car parking provision for 18 spaces to be accommodated within the site to include layout, surface details, and drainage, 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 spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.
- 9 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

- 10 Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence wall or other means of enclosure (except for those approved by this consent) shall be erected on the application site unless planning permission has first been granted by the Local Planning Authority.
- 11 Prior to the installation of any external lighting full details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

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By Ingleby, Station Road, Bletchingdon, Kidlington, OX5 3AX

The Committee considered application 15/02264/OUT, an outline application for 10 No dwellings with revised access and the demolition of existing dwelling at By Ingleby, Station Road, Bletchingdon, Kidlington, OX5 3AX for Lexham Stone Limited.

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

Resolved

That application 15/02264/OUT be refused for the following reasons:

- 1 The proposals seek to create new residential properties in a wholly unsustainable location on the edge of a settlement that contains almost no facilities, services or amenities and to which there is no meaningful alternative to use of the private car for access to employment nor higher or lower order services. To compound matters the site is very poorly integrated with the existing settlement given that it is divorced from it by the A4095 with the result that it would not even enable safe, attractive or convenient pedestrian or cycle access to the limited facilities available within Enslow. As a consequence the proposals would give rise to a heavily car dependent development that conflicts with the environmental sustainability objectives inherent within the requirements of Policies ESD1, BSC1, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 as well as the sustainability objectives set out in the National Planning Policy Framework.
- 2 The proposals would result in inappropriate encroachment of built development into what is visibly open countryside that would, by its very nature, scale and size, introduce an inappropriate suburbanisation to the rural landscape and in turn detract from and erode the inherent natural beauty of the countryside. The proposals therefore fail to accord with Policy C8 of the Cherwell Local Plan 1996 and Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 that together seek to protect the countryside from encroachment in the interests of preserving this irreplaceable natural resource,

- 3 Having regard to the location of the site and its position such that it is fundamentally divorced from the core built-up areas of Enslow, the proposals represent development that would both functionally as well as visibly fail to integrate successfully with the existing settlement and thus fail to respect the established grain and layout of the settlement to the detriment of its character and appearance as well as that of the surrounding countryside. Consequently the proposals fail to accord with the requirements of Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Policy C28 of the Cherwell Local Plan 1996.
- 4 The proposal represents an under-development of the site given that, due to its size and layout, it evidently has the capacity to accommodate more dwellings. Such an alternative scheme would generate a requirement to contribute towards off-site delivery of affordable housing. In the absence of any commitment to provide such a financial contribution or any viability appraisal to justify otherwise, it can only be concluded that the proposed development would be contrary to the requirements of Policy BSC3 of the Cherwell Local Plan 2011-2031 Part 1 which seeks to create mixed and balanced communities.
- 5 The proposals would result in the creation of a replacement and more heavily used vehicular access from a national speed limit road that due to traffic speeds, landscaping and road alignment would have inadequate visibility splays. As a result both ingress and egress from the site would be inherently dangerous and detrimental to the safety of all road users. Consequently the proposals fail to provide safe and suitable access for all contrary to the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and national policy set out in the National Planning Policy Framework.
- 6 As a result of the lack of detail provided of the new footway and the absence of sufficient information to demonstrate that it can be satisfactorily delivered as well as the wholly inadequate visibility splays at the proposed pedestrian crossing of the A4095, the proposed development would fail to provide safe and suitable pedestrian connectivity with Enslow village and in turn would fail to prioritise sustainable modes of transport above the private car contrary to the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and national policy set out in the National Planning Policy Framework.
- 7 In the absence of the completion of a satisfactory legal agreement the local planning authority cannot be content that both the on and off-site impacts of the development can be appropriately mitigated in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities and securing suitable on-site future maintenance arrangements. Consequently, in this respect, the proposals are contrary to the requirements of Policy INF1, BSC3, BSC9, BSC11 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

178 **Draft Local Enforcement Plan**

The Head of Development Management submitted a report which presented the Draft Local Enforcement Plan (LEP), prior to it being reported to the Council's Executive on 7 March 2016 for adoption.

The Committee welcomed the report and recommended its approval by Executive.

Resolved

- (1) That the Draft Local Enforcement Plan (LEP) be noted.

179 **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.

180 **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 6.25 pm

Chairman:

Date: