

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 13 December 2018 at 4.00 pm

Present:

Councillor James Macnamara (Vice-Chairman)

Councillor Andrew Beere  
Councillor Maurice Billington  
Councillor Phil Chapman  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Surinder Dhesi  
Councillor Simon Holland  
Councillor Mike Kerford-Byrnes  
Councillor Alan MacKenzie-Wintle  
Councillor Richard Mould  
Councillor Cassi Perry  
Councillor D M Pickford  
Councillor Lynn Pratt  
Councillor G A Reynolds  
Councillor Les Sibley

Apologies for absence: Councillor David Hughes  
Councillor Chris Heath

Officers: Jim Newton, Assistant Director: Planning and Economy (SNC)  
Paul Seckington, Senior Manager Development Management  
Bob Duxbury, Joint Majors Manager  
Nat Stock, Minors Team Leader  
Paul Ihringer, Householder Team Leader  
Caroline Ford, Principal Planning Officer  
Matt Chadwick, Senior Planning Officer  
Michael Sackey, Assistant Planning Officer  
George Smith, Planning Officer  
Nigel Bell, Team Leader Planning and Litigation  
Aaron Hetherington, Democratic and Elections Officer

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### Declarations of Interest

#### **7. Bicester Heritage, Buckingham Road, Bicester.**

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

Councillor Les Sibley, 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.

**11. Land East Of Grimsbury Reservoir, Water Works Road, Banbury.**

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

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

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

**12. Land Adjacent Railway Lines East Of Reservoir, Grimsbury Green, Banbury.**

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

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

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

**14. Heyford Manor, 18 Church Lane, Lower Heyford, Bicester, OX25 5NZ.**

Councillor James Macnamara, Declaration, as it was his application and would therefore leave the Chamber for the duration of the item.

**15. Cherwell District Council, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA.**

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Richard Mould, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

**16. Woodpiece Road, Upper Arccott.**

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Richard Mould, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

**17. Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury.**

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

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would therefore leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Richard Mould, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

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

**18. Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury.**

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would therefore leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Richard Mould, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

**19. Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury.**  
Councillor Colin Clarke, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would therefore leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Richard Mould, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

116 **Requests to Address the Meeting**

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

117 **Urgent Business**

There were no items of urgent business.

118 **Minutes**

The Minutes of the meeting held on 22 November 2018 were agreed as a correct record and signed by the Chairman.

119 **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.

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### **Bicester Heritage, Buckingham Road, Bicester**

The Committee considered application 18/01333/F for an extension to an existing Technical Site to provide new employment units comprising flexible B1(c) light industrial, B2 (general industrial), B8 (storage or distribution) uses with ancillary offices, storage, display and sales, together with associated access, parking and landscaping at Bicester Heritage, Buckingham Road, Bicester at Bicester Heritage Ltd.

Dan Geoghegan, the applicant, addressed the committee in support of the application.

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

### **Resolved**

That authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

1. continuing negotiations in respect of the highways infrastructure, in particular the strategic transport contribution and other public transport and pedestrian/cycling infrastructure;
2. in the event that the highways infrastructure contributions are not resolved satisfactorily then the application will be reported back to committee with a revised recommendation;
3. no further objections are received from OCC Highways, OCC Drainage, CDC Ecology, CDC Heritage and Urban Design and the Bicester Delivery Team in respect of the amended plans and revised information submitted;
4. in the event that objections are still maintained relating to the application and these cannot be adequately resolved, the application will be reported back to committee with a revised recommendation;
5. Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).
6. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set out below;

- Strategic Transport Contribution in connection with Policy BIC 1 of the Local Transport Plan 4 in respect of the dualling of the eastern perimeter route and Skimmingdish Lane section (amount to be agreed);
- £24,284 for Public Transport Infrastructure – for a north bound bus shelter and 2 x real-time information systems (to be agreed);
- £2,600 for an amendment to the Traffic Regulation Order for a reduction in the speed limit on Buckingham Road;
- £2,040 for Travel Plan monitoring
- An obligation to enter into a S278 agreement with Highways
- S106 Monitoring fees

### **Conditions:**

#### **General**

1. Time limit – 3 years
2. Approved plans
3. Amount of uses approved – with flexibility

#### **Design**

4. \*Finish floor levels (on grounds of visual impact and surface water flooding mitigation)
5. \*Schedule of materials (including samples)
6. \*Architectural detailing
7. Boundary treatment (if required) details to be submitted
8. Lighting strategy which also must take into account the recommendations in the ecology assessment and to minimise light pollution
9. Signage strategy

#### **Trees and Landscaping**

10. Landscaping scheme – hard and soft details – evergreen species, tree pit detailing
11. Further details of grasscrete
12. Landscape Management and Maintenance Plan
13. \*Tree removal plan
14. Replacement tree planting plan

#### **Highways:**

15. No building to be occupied until access improvements (shared footway and pedestrian crossing) have been carried out
16. \*Construction Travel Management Plan (CTMP)
17. Car parking – related to breakdown of uses
18. Cycle parking – secure and covered – amount to be increased
19. Amendments to Travel Plan – including Car Parking Management Plan
20. Secondary access emergency use only

#### **Drainage**

21. \*Surface Water Drainage Strategy and SUDs management and maintenance
22. Water network upgrades or Infrastructure Phasing Plan – for water

### **Contamination**

23. \*Contamination – including a preliminary risk assessment, site investigation, remediation strategy and verification plan
24. Verification report and long-term monitoring and maintenance plan – no occupation
25. Unexpected contamination not previously identified, require development to stop and submit a remediation strategy

### **Energy Efficiency**

26. The development should meet BREEAM 'Very Good' rating
27. Use of photovoltaic panels – details to be submitted if proposed

### **Noise:**

28. \*Plant and machinery
29. \*Noise – acoustic enclosure
30. \*Construction Environment Management Plan (CEMP)

### **Economic:**

31. Employment and Skills and Training Plan
32. Construction apprenticeships

### **Ecology**

33. Accord with survey – Section 5
34. Mitigation Strategy for Great Crested Newt
35. \*Landscape and Ecological Management Plan

### **Archaeology**

36. \*Written Scheme of Investigation
37. \*Archaeological evaluation and mitigation

(\* Approval will be required from the applicant for the conditions shown with an asterisk which at the time of writing the report are anticipated likely to need to be pre-commencement conditions)

## 121 **The Land East Of Jersey Cottages, Station Road, Ardley**

The Committee considered application 18/01881/F for the erection of 13 affordable dwellings together with associated external works, car parking and landscaping at Land East of Jersey Cottages, Station Road, Ardley for Waterloo Housing Group Ltd.

Dr Peter Stoddart, on behalf of Mid-Cherwell Neighbourhood Plan addressed the committee in objection to the application.

Matthew Topping, on behalf of the applicant, addressed the committee in support of the application.

Councillor Corkin proposed that application 18/01881/F be deferred to allow further investigation on pedestrian safety and to allow further consultation on the application. Councillor Macnamara seconded the proposal.

### **Resolved**

That consideration of application 18/01881/F be deferred to allow further investigation on pedestrian safety and to allow further consultation on the application.

122 **Land North West Of Fabis House, Rattlecombe Road, Shenington**

The Committee considered application 18/01114/F for the conversion of a barn to form new dwelling Land North West of Fabis House, Rattlecombe Road, Shenington for The Magpie Partnership Ltd.

Ann Grant, a neighbour, addressed the committee in objection to the application. This address also covered the subsequent application 18/01115/LB.

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

**Resolved**

That application 18/01114/F be refused for the following reason:

1. The alterations to the building, in particular the addition of the new casement windows on the Rattlecombe Road frontage, would appear as overly domestic features that would cause harm to the simple appearance of the curtilage listed agricultural building and its contribution to the character and appearance of the Shenington with Alkerton Conservation Area, and to the setting of the Grade II listed building Longworth. The harm caused would be less than substantial. The public benefits created by the development would not outweigh this harm. This would be contrary to Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies H21, C21, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

123 **Land North West Of Fabis House, Rattlecombe Road, Shenington**

The Committee considered application 18/01115/LB for listed building consent for the conversion of a barn to form new dwelling at Land North West Of Fabis House, Rattlecombe Road, Shenington for The Magpie Partnership Ltd.

Ann Grant, a neighbour, addressed the committee in objection to the application. This address also covered the previous application 18/01114/F.

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

**Resolved**

That application 18/01115/LB be refused for the following reason:

1. The alterations to the building, in particular the addition of the new casement windows on the Rattlecombe Road frontage, would appear as overly domestic features that would cause harm to the simple appearance of the curtilage listed agricultural building and to the setting of the Grade II listed building Longworth. The harm caused would be less than substantial. The public benefits created by the development would not outweigh this harm. This would be contrary to Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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### **Land East Of Grimsbury Reservoir, Water Works Road, Banbury**

The Committee considered application 18/01814/CM for the temporary use of a site as a rail unloading and aggregate storage and distribution facility, including use of existing rail link and the development of new storage and lorry loading/unloading area incorporating offices, two weighbridges, lorry loading and parking areas, maintenance shed, aggregate storage bays and conveyors linking the storage bays to the rail unloading area to the north and the creation of a new vehicular access into Waterworks Road. (OCC Ref.: MW.0116/18) at Land East Of Grimsbury Reservoir, Water Works Road, Banbury for Tarmac Trading Ltd for Tarmac Trading Ltd. Cherwell District Council was a consultee on the application which would be determined by Oxfordshire County Council.

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

### **Resolved**

That Oxfordshire County Council be advised that Cherwell District Council raises objections to the application for the following reasons:

#### Green Infrastructure

- The site sits within a recognised existing green space as shown within the Key Policies Map for Banbury within the Cherwell Local Plan Part 1 (2011-2031) and it is not allocated for employment or other uses. The site is considered to be an environmentally sensitive location close to the River Cherwell and Local Wildlife site at Grimsbury Reservoir and partially within an area of high flood risk. The green space in this area links through to Spiceball Park creating a green space that helps to improve access to the town centre and links through to the canal and river and new public spaces.
- Policy C5 of the Cherwell Local Plan 1996 indicates that the Council will seek to protect the ecological value and rural character of specific key features within the District, including the River Cherwell and its setting.
- The aim of conserving and enhancing the natural environment including the green infrastructure network and ecology are also policy requirements

within the Cherwell Local Plan Part 1 (ESD10, ESD13 and ESD17). This also includes improving sustainable connectivity between sites.

- Policy Banbury 11 also looks to support the need for open space, sport and recreation and this includes 'retaining the long term objective of seeking to establish a series of open spaces based on the Oxford Canal and River Cherwell linked by public footpaths/ cycleways with the intention of creating a linear park and thoroughfare from the north of the town and Grimsbury Reservoir to the new park to be provided as part of the committed development south of Bankside. Development that would prejudice this objective will not be permitted.'
- The Banbury Vision and Masterplan SPD (December 2016) also identifies the green space and it identifies the north-south 'green lung' improving access, opening up the canal and river, connecting places together and creating a richer, more diverse bio-environment. The Masterplan confirms that the green space network within and around Banbury should be maintained, managed and enhanced as a unified multifunctional resource to deliver the true environmental, social and economic benefits required by the residents of Banbury.
- The proposal would undermine the District Council's ambitions with regard to the protection of existing green infrastructure networks through the town and the consequent benefits that these would bring as described by the Policy/ Masterplan. The restoration works would take time following the use of the land ceasing and it is possible that there could be pressure for the retention of the development at the end of the five year period should demand for aggregates continue that would benefit the applicant retaining a larger facility.

#### Landscape Impact

- Visual receptors on the public right of way to the south of the site will be affected by the intrusion and harm of the proposal. The Southern boundary should be planted with native trees and understorey for the benefit of users of the PRoW.
- For the benefit of the landscape and ecological receptors, the existing hedgerows should be retained and protected during the use of the site. This should include developing native structural vegetation on the northern and western boundaries. It is also recommended that root protection zones must also be identified and robust protective fencing erected to protect these zones against the storage of material and site vehicles.

#### Environmental Impact

- Policy ENV1 of the Cherwell Local Plan 1996 confirms that development that is likely to cause materially detrimental levels of noise, vibration, smell, smoke; fumes or other types of environmental pollution should not normally be permitted.

- In addition, Policy SLE5 of the Cherwell Local Plan Part 1, relating to HS2, requires that the design and construction of the HS2 Rail Link must minimise adverse links on the environment, local economy and communities. Policy SLE5 also requires the construction of HS2 to be managed to minimise the impacts on communities and the environment.
- The District Council's Environmental Protection Officer has requested further information with regard to the proposed direction of travel of the trains, where the locomotive will be when the unloading is carried out and whether the engine needs to be running or whether it can be turned off. The concern is that if the locomotive is idling to the south of the drop off site, then this will increase noise levels for residents near the line south of Hennef Way.
- Cherwell District Council considers that a planning condition should be imposed to restrict working hours at the site and for there to be a safeguard in place to deal with any potential noise complaints. This should align with conditions relating to working on hours on the existing adjacent site (to which CDC object to the removal of the condition relating to working hours and the removal of the safeguards regarding what should happen if there are noise complaints as set out in the response to OCC reference MW.0117/18 - CDC reference 18/01826/CM)
- It is also recommended that a condition is imposed to control HGV movements - this should restrict HGV movements to between 06:00 - 20:00 Monday - Friday, between 06:00 - 15:00 Saturdays and 08:00 - 15:00 Sundays and Bank Holidays - it is noted the start time on Sundays and Bank Holidays is later than proposed, but this is preferable.
- In respect of matters relating to light, odour and contaminated land, no comments are made by the District Council's Environmental Protection Officer.
- Cherwell District Council has serious concerns regarding the impact of the development upon air quality.
- Planning conditions should be imposed with regard to noise mitigation as recommended within the Noise report, including the use of Bottom Discharge Units for the unloading of trains. This mitigation should be in place before any overnight working begins and it is suggested that if there is any failure of the mitigation, then overnight work should cease until the issue is resolved. Cherwell District Council considers there could be conflict with Policies ENV1 of the Cherwell Local Plan 1996 and SLE5 of the Cherwell Local Plan Part 1 if sufficient safeguards are not in place.

### Ecology

- In respect of Ecology, the District Council's Ecologist considers that the Banbury Ornithological Society make some valid and important points on Ecology. The importance of retaining habitat and green infrastructure close to rivers and waterways raises its value.

- Protection of the watercourse is not specifically mentioned and needs to be considered with buffer zones clearly in place during operation. Records show Otter recorded 445m to the north and less than 200m to the West. The impacts on otters and other fauna passing through the land should be accounted for in the lighting strategy and construction hours even where there is no suitable habitat on site. An unobstructed route should be maintained.
- In addition, it is noted that there is no calculation provided regarding whether a net biodiversity gain can be achieved. Cherwell District Council would suggest that to understand whether the requirements of Policy BSC10 of the Cherwell Local Plan Part 1 can be met, a calculation, undertaken in accordance with a recognised biodiversity metric should be provided. This can then be used to aid the production of a fully agreed and funded restoration plan with management for when the use of the site for this proposal is completed.
- CDC notes that objections have been received from the Environment Agency and OCC Highways. CDC has serious concerns regarding the increase in movements along Hennef Way both in respect of air quality (upon the designated Air Quality Management Area) and noise but also the impact of additional traffic on this already congested route. CDC acknowledges that the proposal is related to national infrastructure projects, including HS2 and that there would be some contribution to the local economy. The site's position adjacent to the existing Tarmac facility and the rail infrastructure is also recognised. However CDC has serious concerns regarding the suitability of this particular site given the site constraints and impacts that are likely to arise and these matters need to be fully considered by OCC.

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### **Land Adjacent Railway Lines East Of Reservoir, Grimsbury Green, Banbury**

The Committee considered application 18/01826/CM, as a consultee for an application to continue the development permitted by CHN.45/90 (permanent consent for coated Roadstone) without complying with conditions 2, 3, 4, 5, 8, 12, 13 and 16 (to remove hours of working for asphalt plant to allow operations at any time of day or night and to update plans to relocate existing office, canteen and WC). (OCC Ref.: MW.0117/18) at Land Adjacent Railway Lines East Of Reservoir, Grimsbury Green, Banbury for Tarmac Trading Ltd. Cherwell District Council was a consultee on the application which would be determined by Oxfordshire County Council.

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

### **Resolved**

That Oxfordshire County Council be advised that Cherwell District Council raises concerns with the proposal for the following reasons:

#### Impact on Residents

- Policy ENV1 of the Cherwell Local Plan 1996 confirms that development that is likely to cause materially detrimental levels of noise, vibration, smell, smoke; fumes or other types of environmental pollution should not normally be permitted. In addition, Policy SLE5 of the Cherwell Local Plan Part 1, relating to HS2, requires that the design and construction of the HS2 Rail Link must minimise adverse links on the environment, local economy and communities. Policy SLE5 also requires the construction of HS2 to be managed to minimise the impacts on communities and the environment. In respect of operating hours, CDC object to removing conditions controlling working hours which would allow 24/7 operating. This is due to the potential for objections to be raised by local residents in respect of environmental matters. The District Council's Environmental Protection Officer has requested further information with regard to the proposed direction of travel of the trains, where the locomotive will be when the unloading is carried out and whether the engine needs to be running or whether it can be turned off. The concern is that if the locomotive is idling to the south of the drop off site, then this will increase noise levels for residents near the line south of Hennef Way.
- It is requested that the recommendations of the noise report must be followed and should be secured by the imposition of conditions. In this regard, it is noted that a 6m barrier is recommended, however this does not appear on the proposed plans and it should be so that the visual impact of this significant height feature can be assessed.
- CDC object to the removal of condition 5 and would recommend that there must be a process in place to deal with any complaints received. This should involve overnight operations ceasing during night time hours until the mitigation is put in place. It is recommended that condition 5 be retained in its current form, or an alternative be imposed with similar wording to the current planning condition 5 to achieve the same safeguards.
- The CDC Environmental Protection Officer has recommended that a condition is imposed to control HGV movements - this should restrict HGV movements to between 06:00 - 20:00 Monday - Friday, between 06:00 - 15:00 Saturdays and 08:00 - 15:00 Sundays and Bank Holidays - it is noted the start time on Sundays and Bank Holidays is later than proposed, but this is preferable.
- Without sufficient safeguards in place, Cherwell District Council considers there could be conflict with Policy ENV1 of the Cherwell Local Plan 1996 and SLE5 of the Cherwell Local Plan Part 1 in respect of harm to the environment and local communities.
- CDC raises no objections to the removal of condition 4 because this was a time limited condition up to the end of December 2003 so this is redundant anyway.

- With regard to other amendments, the proposal seeks to relocate the existing office, canteen and WC to different positions to the south of the site adjacent to the existing car park, the provision of an additional office and the enlargement of the existing car park. CDC would question whether this should be agreed by a S73 application and would ask that the visual impact of this be fully assessed, including the loss of any existing trees/ vegetation on the embankment. A re-worded condition 2 should be explicit regarding any plans that are approved.
- If OCC agree to the rearrangement of development on the site, then CDC raise no objection to the removal of conditions 13 and 16.

#### Legal Agreement

- It is noted that there is a S106 attached to CHN.45/90 which included routing for HGV traffic. The S73 application should be linked to this agreement with any updates included as necessary.

126 **Hethecote, 6 Hardwick Road, Hethe, Bicester, OX27 8EY**

The Chairman advised the meeting that application 18/01651/F had been withdrawn by the applicant.

127 **Heyford Manor, 18 Church Lane, Lower Heyford, Bicester, OX25 5NZ**

The Committee considered application 18/01857/F for the removal of two rotted plain modern wooden gateposts either side of the entrance. Replacement with simple stone pillars made from local stone sourced on site. Wrought iron gates at Heyford Manor, 18 Church Lane, Lower Heyford, Bicester, OX25 5NZ for Mr James Macnamara.

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

#### **Resolved**

That application 18/01857/F be approved, subject to the following conditions:

##### Time Limit

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.

##### Approved Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Design and Access Statement, Location Plan, Block Plan, Drawing Illustrating Proposed Gates and Posts, Materials, Photos

##### Stonework

3. The stonework shall be laid, dressed, coursed and pointed to match that of the existing end of wall as shown on Materials: Photos of stone submitted with the application.

Gates

4. The gates shall be inward opening only.

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**Cherwell District Council, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA**

The Committee considered application 18/01589/F for the addition of 2 metre high powder-coated green palisade fencing and double gates to enclose the waste disposal area next to the garages with the fence posts to be set in concreted foundations, not attached to existing building or fencing at Cherwell District Council, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA for Cherwell District Council.

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

**Resolved**

That application 18/01589/F be approved, subject to the following conditions:

Time Limit

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.

Approved Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form, Design and Access Statement, Drawing No's: Location plan 1:1250, Block plan 1:200, Site plan 1:500 and layout plan (Plan Elevation & Front Elevation) 1:100.

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**Woodpiece Road, Upper Arccott**

The Committee considered application 18/00434/DISC for the discharge of Conditions 3 (means of access), 4 (parking and manoeuvring areas) and 5 (landscaping scheme) of 17/02569/F at Woodpiece Road, Upper Arccott for Cherwell District Council.

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

**Resolved**

That the following conditions for application 18/00434/DISC be discharged in accordance with the following plans and documents:

Condition 3: The details shown on drawings no: '01 rev 03' and '02 rev 03' (received 29/11/18) and specification of works document (January 2018).

Condition 4: The details shown on drawings no: '01 rev 03' and '02 rev 03' (received 29/11/18) and specification of works document (January 2018).

Condition 5: The details shown on drawings no: '01 rev 03' and '02 rev 03' (received 29/11/18) and specification of works document (January 2018).

130 **Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 18/00453/DISC for the discharge of conditions 13 (ecological avoidance and mitigation), 14 (ecological enhancement), 15 (landscaping), 18 (Arboricultural method statement), 26 (parking specification details) and 32 (construction traffic management and phasing plan) of 16/02366/OUT Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

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

**Resolved**

That application 18/00453/DISC be approved subject to:

- a) That Condition 26 be discharged in accordance with the submitted drawings
- b) That delegated authority be given to the Assistant Director of Planning Policy and Development to discharge conditions 13,14,15,18 and 32 following receipt of responses from consultees

131 **Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 18/00454/DISC for the discharge of conditions 2 (materials) and 4 (levels) of 17/00284/REM at Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

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

**Resolved**

That delegated authority be given to the Assistant Director of Planning Policy and Development to discharge conditions 2 and 4 subject to the conclusion of discussions on cladding colouration and the receipt of comments from OCC

132 **Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 18/00142/NMA for a Non-Material amendment to 16/02366/OUT and 17/00284/REM - Block B canopy

amendments at Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

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

**Resolved**

That the proposed Non Material Amendment be granted in accordance with the following wording:

“Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendment described in application ref.no.18/00142/NMA in accordance with the application form and drawing numbers set out in the agent's letter dated 15 November 2018. The non-material amendment application, hereby approved, does not nullify the conditions imposed in respect of planning permission 17/00573/CDC. These conditions must be adhered to so as to ensure that the development is lawful.”

This approval is subject to an additional condition as follows;

In relation to the installation of the external screen no associated sound amplifying equipment shall be installed or operated without the prior consent of the Local Planning Authority.

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**Appeals Progress Report**

The Assistant Director for Planning Policy and Development 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 6.37 pm

Chairman:

Date: