

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 15 August 2019 at 4.00 pm

- Present: Councillor James Macnamara (Chairman)  
Councillor Maurice Billington (Vice-Chairman)
- Councillor Andrew Beere  
Councillor John Broad  
Councillor Phil Chapman  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Chris Heath  
Councillor David Hughes  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Les Sibley  
Councillor Katherine Tyson
- Substitute Members: Councillor Surinder Dhesi (In place of Councillor Cassi Perry)  
Councillor Richard Mould (In place of Councillor Lynn Pratt)  
Councillor Barry Wood (In place of Councillor Mike Kerford-Byrnes)
- Apologies for absence: Councillor Hugo Brown  
Councillor Simon Holland  
Councillor Mike Kerford-Byrnes  
Councillor Cassi Perry  
Councillor Lynn Pratt
- Officers: Sarah Stevens, Interim Senior Manager – Development Management  
James Kirkham, Principal Planning Officer  
George Smith, Planning Officer  
Matthew Barrett, Solicitor  
Lesley Farrell, Democratic and Elections Officer

### Declarations of Interest

#### **8. Appleyard Alchester Road, Chesterton, OX26 1UW.**

Councillor Les Sibley, 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.

**9. Land at Skimmingdish Lane and Land and Roundabout at Bicester Road, Launton.**

Councillor Les Sibley, 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 To Rear of No. 23 To 29 Crouch Street, Banbury.**

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

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

Councillor 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.

54 **Requests to Address the Meeting**

There were no requests to address the Committee. / The Chairman advised that requests to address the meeting would be dealt with at each item.

55 **Minutes**

The Minutes of the meeting held on 18 July 2019 were agreed as a correct record and signed by the Chairman.

56 **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. Application 19/00644/F, OS Parcel 330 North of Railway line adjoining Palmer Avenue, Lower Arncott had been withdrawn from the planning process by the applicant and would therefore not be considered at the meeting.

57 **Urgent Business**

There were no items of urgent business.

58 **Proposed Pre-Committee Site Visits (if any)**

The Assistant Director of Planning and Economy submitted a report, which recommended that Planning Committee agree to hold a pre-Committee site visit for the following application. It was anticipated that this application would be brought before the Committee for determination at its next meeting

**Application No.:** 19/01160/F

**Proposal:** Change of use to Exham House from D1 to D1/A3 to allow public use of a café, and associated works

**Location:** Exham House, Bloxham School, Banbury Road, Bloxham.

**Reason for the visit:** Requested by the local Ward Member.

**Resolved**

- (1) That a site visit be arranged for application 19/01160/F prior to the relevant Planning Committee meeting.

59 **Land at Skimmingdish Lane and Land and Roundabout at Bicester Road Launton**

The Chairman referred to the written update and highlighted that the officer recommendation for application 19/00607/F had changed to deferral to enable the consideration of additional information and consultation responses and therefore proposed the amended recommendation which was duly seconded by Councillor Clarke. On being put to the vote, Members voted in favour of deferring consideration of the application.

60 **Appleyard Alchester Road Chesterton OX26 1UW**

The Committee considered application 19/00597/F for the Erection of 1no. dwelling at Appleyard, Alchester Road, Chesterton, OX26 1UW for Mr & Mrs G&S Ashdown.

Caroline Roche, the applicant's agent addressed the committee in support of the application

It was proposed by Councillor Corkin and seconded by Councillor Wood that application 19/00597/F be approved contrary to officer recommendations subject to suitable conditions (the exact wording to be delegated to officers) but they should include planting and the construction of the access track, as they believed the application would cause no significant harm.

In reaching its decision the committee considered the officer's report and presentation and the address of the public speaker.

**Resolved**

That authority be delegated to the the Assistant Director of Planning and Economy to grant permission for application 19/00597/F, subject to conditions (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning and Economy).

61 **OS Parcel 3300 North of Railway Line Adjoining Palmer Avenue Lower Arncott**

The Chairman reminded the Committee, as advised under the Chairman's Announcements, that application 19/00644F had been withdrawn from the planning process by the applicant.

62 **Land To Rear Of No. 23 To 29 Crouch Street Banbury**

The Committee considered application 19/00777/F for the erection of three new dwellings at land to the rear of No. 23 to 29 Crouch Street, Banbury for Jane Sands.

Clive Madeiros addressed the committee in objection to the application and Roger Cummings, the applicant's agent, addressed the committee in support of the application.

In reaching its decision the committee considered the officer's report and presentation, the written update and the address of the public speakers.

**Resolved**

That authority be delegated to the Assistant Director of Planning and Economy to grant permission for application 19/00777/F subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

**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.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Compliance with 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 forms and drawing numbers 001 E, 002 E, 201 E, 212 D, 220 D, 210 D, 221 D, 222 Rev D and 226

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

### **Levels**

3. No development shall take place until details of all finished floor levels of the building and finished levels of the site in relation to existing site levels and levels of adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be constructed other than in strict accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Construction Traffic Management Plan**

4. Prior to the commencement of development, a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall not be carried out other than in accordance with the approved details.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework

### **Access**

5. Prior to the commencement of the development hereby approved, details of the means of access between the land and the adopted highway, including position, layout and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the occupation of the development hereby approved, the means of access between the land and the adopted highway shall be constructed in accordance with the approved details and shall be retained thereafter for the use of the development hereby permitted in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework Parking provision

6. The proposed parking and turning areas shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The access, parking and turning facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking to comply with Government guidance in Section 12 of the National Planning Policy Framework.

**Land Contamination Desk Study / Site Walkover**

7. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been 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 has been 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.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**Land Contamination Intrusive Investigation**

8. If a potential risk from contamination is identified as a result of the work carried out under condition 7, 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.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**Land Contamination Remediation Scheme**

9. If contamination is found by undertaking the work carried out under condition 8, 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.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **Land Contamination Remediation Works**

10. If remedial works have been identified in condition 9, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. 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.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

#### **Landscape and Ecological Management Plan**

11. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate a net gain in biodiversity and shall include the provision of integrated swift nest bricks and a range of bat and bird boxes. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP including the provision of the enhancements prior to the first occupation of any dwelling.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Ecological Survey Compliance**

12. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 5 of the Ecological Impact Assessment carried out by Swift Ecology on 6th December 2017.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Retained Trees**

13. 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. 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 occupation of the first dwelling.

Reason: To protect the existing trees on and adjacent to the site in accordance with Policies BSC10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Tree Survey**

14. Prior to the commencement of the development and notwithstanding the submitted details, an arboricultural survey, undertaken in accordance with BS:5837:2012 (and all subsequent amendments and revisions) and a tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. Therefore, the development shall not be carried out other than in strict accordance with the approved tree protection measures.

Reason: To protect the existing trees on and adjacent to the site in accordance with Policies BSC10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Arboricultural Method Statement (AMS)**

15. 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 to include a tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall not be carried out other than in strict accordance with the approved AMS.

Reason: To protect the existing trees on and adjacent to the site in accordance with Policies BSC10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Hard landscaping**

16. Unless an alternative time frame is agreed in writing by the developer and the Local Planning Authority, no development shall commence above slab level unless a scheme for the landscaping the site has been submitted to and approved in writing by the Local Planning Authority, which shall include details of the soft and hard landscaping including

planting, hard surface areas, pavements, pedestrian areas and steps. The approved scheme shall be implemented prior to the first occupation of the development and shall be retained as such thereafter.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **Bin store**

17. Prior to the first occupation of the dwellings, the bin collection store as shown on the approved plans to the front of Plot 1 shall be provided for the use for all residents of the development hereby permitted. It shall thereafter be permanently retained as ancillary to development and used for no other purpose.

Reason : In the interest of well planned development and visual amenity of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **Architectural detailing**

18. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the development, including eaves and verge details/treatment and details of the timber boarding details shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **Brick Sample Panel**

19. The external walls of the building shall be constructed in brickwork, of a type, colour, texture, face bond and pointing which is in accordance with sample panels (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the commencement of the brickwork. The sample panels shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development and to preserve the significance of the heritage

asset and in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Sample of roof materials**

20. Samples of the slates to be used in the covering of the roof of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above eaves level. The development shall be carried out in accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Window and door details**

21. Notwithstanding the details on the submitted plans, details of the construction, including cross sections, cill, headers, reveal and colour / finish of the proposed windows and doors to a scale of not less than 1:10 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Boundary treatments**

22. Notwithstanding the details on the approved plan 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 prior to the commencement of those works. Such approved means of enclosure shall be erected prior to the first occupation of any of the buildings and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Roof lights**

23. All rooflights shall be conservation grade rooflights and shall fit flush with the plane of the roof and shall not project forward of the roof slope into which they are inserted.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Cycle Parking Provision**

24. Notwithstanding the provisions of Classes A-E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no extension, alteration or outbuilding shall be provided without the grant of further specific planning permission from the Local Planning Authority with the exception of outbuilding/structures approved under condition 24 of this permission.

Reason: The protect the character and appearance of the Conservation Area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

**Rainwater goods**

25. All rainwater goods, including all rainwater gutters and downpipes, shall be cast iron or aluminium manufacture and painted black unless alternative details are otherwise first approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

**PD withdrawal**

26. Notwithstanding the provisions of Classes A-E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no extension, alteration or outbuilding shall be provided without the grant of further specific planning permission from the Local Planning Authority with the exception of outbuilding/structures approved under condition 24 of this permission

Reason: The protect the character and appearance of the Conservation Area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

The Committee considered application 19/00831/OUT, an outline application for a Residential development of up to 15 dwellings at Land South of Home Farm House, Clifton Road, Deddington for Harcourt Deddington Limited.

In reaching its decision the Committee considered the Officer's report and presentation and the written update.

## **Resolved**

That application 19/00831/OUT be refused for the following reasons:

1. By virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village and its scale and location, the proposed development would cause significant and demonstrable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. For the same reasons the proposal would also result in 'less than substantial' harm to the setting of the nearby Scheduled Ancient Monument and Conservation Area and the harm stemming from the proposals are not considered to be outweighed by any public benefits. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C28 and C33 of the Cherwell Local Plan 1996, Cherwell Residential Design Guide SPD (2018) and Government guidance contained within the National Planning Policy Framework.
2. The development proposed, by reason of its relationship and poor pedestrian connections to the centre of the village and service and facilities (including bus stop) and taking into account Cherwell District Council's ability to demonstrate an up-to-date housing land supply, would not provide good access to services and facilities and public transport in the interests of reducing the need to travel and promoting sustainable transport options. Therefore, the proposal is contrary to Policies ESD1, SLE4 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, and Government guidance contained within the National Planning Policy Framework.
3. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, and in the absence of a detailed and adequate archaeological field evaluation, the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Thus, the proposal conflicts with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
4. The application submission fails to demonstrate that suitable and safe access to the site can be provided in the interests of highway safety given the lack of information regarding the vehicle speeds near the site. The proposed development therefore conflicts with Policy SLE4 of the Cherwell Local Plan (2011-2031) Part 1 and advice in the National Planning Policy Framework.

5. The submitted Drainage Strategy is inadequate and does not provide sufficient information to demonstrate that a drainage strategy based on Sustainable Urban Drainage Systems has been explored for the site. The proposal is therefore contrary to Policy ESD7 of the Cherwell Local Plan and advice in the Written Ministerial Statement on Sustainable Drainage Systems (Dec 2014).
6. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure (including education, open space, sports facilities, community facilities, highway infrastructure and affordable housing) directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, mix and balanced communities, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10 and BSC11 of the Cherwell Local Plan (2011-2031) Part 1, the Developer Contributions SPD (2018) and Government guidance contained within the National Planning Policy Framework.

64 **Appeals Progress Report**

The Assistant Director for Planning and Economy 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 5.20 pm

Chairman:

Date: