

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held as a virtual meeting, on  
15 April 2021 at 4.00 pm

Present:

Councillor James Macnamara (Chairman)

Councillor Andrew Beere  
Councillor John Broad  
Councillor Hugo Brown  
Councillor Phil Chapman  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Chris Heath  
Councillor Simon Holland  
Councillor David Hughes  
Councillor Mike Kerford-Byrnes  
Councillor Cassi Perry  
Councillor Lynn Pratt  
Councillor George Reynolds  
Councillor Barry Richards  
Councillor Les Sibley  
Councillor Katherine Tyson

Substitute Members:

Councillor Barry Wood (In place of Councillor Maurice Billington)

Apologies for absence:

Councillor Maurice Billington

Officers:

Alex Chrusciak, Senior Manager - Development Management  
Wayne Campbell, Principal Planning Officer  
Matt Chadwick, Senior Planning Officer  
John Gale, Planning Officer  
David Lowin, Principal Planning Officer (Major Projects Team)  
Nat Stock, Minors Team Leader  
Karen Jordan, Deputy Principal Solicitor  
Matthew Barrett, Solicitor  
Lesley Farrell, Democratic and Elections Officer

145 **Declarations of Interest**

There were no declarations of interest.

146 **Requests to Address the Meeting**

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

147 **Minutes**

The Minutes of the meeting held on 11 March 2021 were agreed as a correct record and would be signed by the Chairman in due course.

148 **Chairman's Announcements**

**Passing of Prince Philip, Duke of Edinburgh**

The Chairman referred to the current period of national mourning following the passing of Prince Philip, Duke of Edinburgh on 9 April 2021 and explained it would be appropriate for the Committee to observe a minute's silence to reflect on his life of service to our country and our sovereign.

The Committee duly observed a minutes silence.

**Councillor Macnamara, Chairman of Planning Committee**

At the discretion of the Chairman, Councillor Colin Clarke – Lead Member for Planning, addressed the Committee and reported that as Councillor James Macnamara, Chairman of Planning Committee was not re-standing for election, his term of office would end in May and, by consequence, his Chairmanship of Planning Committee. Members and Officers paid tribute and thanks to Councillor Macnamara for his expertise and valuable contributions to the Committee.

Councillor Barry Wood, Leader of the Council, thanked Councillor James Macnamara for his 20 years' service to the council, commended him for his public service and wished him well.

Councillor Barry Wood also noted that Councillor Chris Heath was not standing for re-election and thanked her for 11 years' service to the council and contribution to the Planning Committee.

149 **Urgent Business**

There were no items of business.

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

There were no pre-Committee Site visits proposed.

151 **Land West of Cotefield Business Park, Oxford Road, Bodicote**

The Committee considered application 20/03353/OUT an outline application for a food store, including access and scale (resubmission of 20/00123/OUT) at Land West of Cotefield Business Park, Oxford Road, Bodicote for Cotefield Holdings Limited.

Sebastian Tibenham of Pegasus Consultants addressed the meeting in support of the application.

It was proposed by Councillor Chris Heath and seconded by Councillor Lynn Pratt that application 20/03353/OUT be refused contrary to the officer recommendation, due to the impact it would have on local small shops, the possibility of no shop opening on Longford Park and the possible closure of local post office facilities.

On being put to the vote the proposal was lost and the motion subsequently fell.

It was proposed by Councillor Colin Clarke and seconded by Councillor Phil Chapman that application 20/03353/OUT be approved in line with the officers' recommendation.

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

**Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/03353/OUT subject to:
  - 1) the 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, to secure the following (and any amendments as deemed necessary):
    - a) £153,780 - Highway Works Contribution towards conversion of the existing footway to shared use for pedestrians and cyclists, along the western side of the A4260 between Cotefield Drive and Broad Gap.
    - b) £1,426 - Travel Plan Monitoring Fee
    - c) S278 Agreement will be required to secure mitigation/improvement works.
  - 2) The following conditions (and any amendments to those conditions

as deemed necessary:

## CONDITIONS

### **Time Limit**

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, appearance, and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

### **Compliance with Plans**

3. The development shall not be carried out otherwise than in complete accordance with the approved plans 01 Rev C, 700, and 15 received 24/11/2020 and plan 0001 Rev P02 received 28/11/2020 and other details Tree survey Methodology & TCP Interpretation, Tree Survey Data, Archaeology report, Cotefield Farm Transport Assessment, Cotefield Farm Land Contamination Phase 1 Parts 1, 2, 3. Retail Statement with Appendices, Drainage Strategy, Preliminary Ecology Assessment all received 24/11/2020 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason : To clarify the permission and for the avoidance of doubt..

### **Floor Area**

4. The floor area of the proposed store shall not exceed 1235 sq m net as determined by internal measurement.

Reason: In order to avoid overdevelopment, to achieve a satisfactory form development and to comply with Policy ESD15 of the Cherwell

Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Section 12 of the National Planning Policy Framework.

**Restrictions on sales**

5. No more than 90% of the nett internal area of the retail unit shall be used for the sale of convenience goods.

Reason: In order to safeguard the vitality and viability of the Town Centre and to comply with Government guidance contained within the National Planning Policy Framework.

**Transport**

6. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

7. No development shall take place in respect of the development until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority. The development shall not be carried out other than in accordance with the CTMP.

The CTMP shall provide for:

- i). The routing of construction vehicles and Construction Plan Directional signage (on and off site)
- ii). The parking of vehicles of site operatives and visitors
- iii). Loading and unloading of plant and materials
- iv). Storage of plant and materials used in constructing the development
- v). Operating hours and details of deliveries
- vi). The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vii). Wheel washing facilities
- viii). Measures to control the emission of dust and dirt during construction
- ix). A scheme for recycling/disposing of waste resulting from demolition and construction works
- x). Overall strategy for managing environmental impacts which arise during construction
- xi). Procedures for maintaining good public relations including complaint management, public consultation and liaison
- xii). Control of noise emanating from the site during the construction period

- xiii). Details of construction access(s)
- xiv). Provision for emergency vehicles

Reason: In the interests of highway safety, convenience of highway users and to protect the amenities of residents and safeguard the visual amenities of the locality and to comply with Government guidance contained within the National Planning Policy Framework.

### **Drainage**

8. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
  - Full micro-drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive infiltration testing across the site to BRE DG 365;
  - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
  - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element.

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

9. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans in both .pdf and .shp file format;
  - b) Photographs to document each key stage of the drainage system when installed on site;
  - c) Photographs to document the completed installation of the drainage structures on site;
  - d) The name and contact details of any appointed management company information.

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

10. No construction shall take place within 5m of the water main.

Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

11. No development shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

152

**Plot 37 Land adj to 7 Henge Close, Adderbury, OX17 3GA**

The Committee considered application 20/03687/F for the erection of a three-bedroom house, with 2no parking spaces at Plot 37 Land adjacent to 7 Henge Close, Adderbury, OX17 3GA for Nicholas King Homes.

Councillor Andrew McHugh, local ward member, addressed the meeting in objection to the application.

Anthony Hartwell, local resident, addressed the meeting in objection to the application.

Wesley McCarthy, agent for the applicant, addressed the meeting in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the addresses of the public speakers and the written updates.

**Resolved**

(1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/03687/F subject to:

1. The 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, to secure the following (and any amendments as deemed necessary):

- a) Refuse bins contribution
- b) Indoor sports contribution
- c) Outdoor sports contribution
- d) Primary education contribution
- e) Secondary education contribution
- f) Public transport contribution
- g) Transport contribution

2. The following conditions (and any amendments to those conditions as deemed necessary):

#### 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.

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.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: NK - PLOT 37 B; MDL-1271-PL21 and MDL-1271-PL22.

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.

3. The development hereby approved shall be constructed in accordance with the stone and slate samples approved under 17/00543/DISC.

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 Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved



above slab level, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surrounding and to comply 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.

5. Notwithstanding the details submitted, no development shall commence above slab level until and unless a plan detailing the proposed parking provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), has been submitted to and approved in writing by the Local Planning Authority. The approved parking facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking spaces shall be retained for the parking [turning/loading/unloading] of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods and that no construction related parking (temporary or otherwise) shall occur within the adopted public highway. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and to mitigate the impact

of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply 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.

9. A method statement for enhancing biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This scheme should include a baseline assessment of the land, a scheme to show how the biodiversity net gain would be achieved and an implementation plan. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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 Section 15 of the National Planning Policy Framework.

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 shall be erected, constructed or placed between the dwelling and the highway, within the curtilage or forward of the principle elevation/on the site without the prior express planning consent of the Local Planning Authority.

Reason - To retain the open character of the development and the

area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby approved, the first floor bathroom window in the south elevation of the dwelling shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

153

### **Amare Cottage, Roundhill Road, Mollington, OX17 1AY**

The Committee considered application 21/00767/F for replacement roof dormers and replacement cladding at Amare Cottage, Roundhill Road, Mollington, OX17 1AY for Mr & Mrs Kaye.

In reaching its decision the Committee considered the officer's report and presentation.

#### **Resolved**

- (1) That permission be granted for application 21/00767/F subject to the following conditions:

#### 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: WG1036 001; WG1036 002; WG1036 003; WG1036 004; WG1036 005 Rev A & WG1036 006 Rev B.

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.

154 **Appeals Progress Report**

The Assistant Director Planning 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.

155 **Planning Enforcement Report**

The Assistant Director Planning and Development submitted a report which updated Members on current planning enforcement activity following the last report in January 2021.

**Resolved**

- (1) That the contents of the report be noted.

156 **Exclusion of Public and Press**

**Resolved**

That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Schedule 12A of that Act.

### **Planning Inquiry Options Appraisal**

The Committee considered an exempt report of the Assistant Director Planning and Development in relation to a planning inquiry options appraisal.

#### **Resolved**

- (1) As set out in the exempt minutes.
- (2) As set out in the exempt minutes.

The meeting ended at 7.15 pm

Chairman:

Date: