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Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 7 November 2024 at 4.00 pm

Present:

Councillor Barry Wood (Chairman)
Councillor Amanda Watkins (Vice-Chairman)
Councillor Rebecca Biegel
Councillor Chris Brant
Councillor John Broad
Councillor Phil Chapman
Councillor Becky Clarke MBE
Councillor Jean Conway
Councillor Grace Conway-Murray
Councillor David Hingley
Councillor Fiona Mawson
Councillor Rob Parkinson
Councillor David Rogers
Councillor Les Sibley
Councillor Dr Kerrie Thornhill

Substitute Members:

Councillor Douglas Webb (In place of Councillor Ian Harwood)
Councillor John Willett (In place of Councillor Lesley McLean)

Apologies for absence:

Councillor Dr Isabel Creed
Councillor Ian Harwood
Councillor Lesley McLean

Also Present Virtually:

Councillor Ian Middleton, (Speaking as Ward Member on application 24/02212/F- agenda item 9 / Minute 79)

Officers:

Paul Seckington, Head of Development Management
Katherine Daniels, Principal Planning Officer
Thomas Webster, Principal Planning Officer
Karen Jordan, Deputy Principal Solicitor

Matt Swinford, Democratic and Elections Officer
Martyn Surfleet, Democratic and Elections Officer

72 **Declarations of Interest**

10. 60 Castle Quay Banbury OX16 5UW

Councillor Kerry Thornhill, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Rebecca Biegel, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor David Hingley, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Jean Conway, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Rob Parkinson, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Chris Brant, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

73 **Requests to Address the Meeting**

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

74 **Minutes**

The Minutes of the meeting held on 3 October were agreed as a correct record and signed by the Chairman.

75 **Chairman's Announcements**

There were no Chairman's announcements.

76 **Urgent Business**

There were no items of urgent business.

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

The Committee considered a proposed site visit to Land to the East of Stratfield Brake and West of Oxford Parkway Railway Station, Oxford Road, Kidlington, for application 24/00539/F, an outline application for the erection of a stadium (Use Class F2) with flexible commercial and community facilities and uses including for conferences, exhibitions, education, and other events, club shop, public restaurant, bar, health and wellbeing facility/clinic, and gym (Use Class E/Sui Generis), hotel (Use Class C1), external concourse/fan-zone, car and cycle parking, access and highway works, utilities, public realm, landscaping and all associated and ancillary works and structures.

Due to the scale and significance of the proposal, officers had requested the Committee consider whether they wished to carry out a formal site visit prior to their consideration of the application.

It was proposed by Councillor Wood and seconded by Councillor Watkins that a site visit take place before application 24/00539/F was considered by the Committee because there was high public interest in the application.

Resolved

- (1) That a formal site visit for application 24/00539/F take place prior to consideration of the application by Planning Committee.

78

Os Parcels 7685 6871 8775 1582 3675 3173 1865 0250 8545 7331 1724 And Part 0006 Adjoining Stratford Road A422 Wroxton

The Committee considered application 24/00375/F for the formation of two fishing lakes, two nursery lakes, the siting of 15 accommodation lodges, 8 pods, a management building and ancillary vehicular access, parking, and landscaping at Os Parcels 7685, 6871, 8775, 1582, 3675, 3173, 1865, 0250, 8545, 7331, 1724, And Part 0006 Adjoining Stratford Road A422 Wroxton, for ATE Farms.

John Offord, Chair of Hornton Parish Council and Dr James Hartley a Councillor on Shenington with Alkerton Parish Council, addressed the meeting in objection to the application.

Lance Wiggins, Agent, 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

That, in line with officers' recommendation, authority be delegated to the Assistant Director for Planning and Development to refuse planning permission for the reasons set out below (and make minor amendments if required).

1. The proposal is in a location that is reliant on the private car for access and no specific need for the facility has been identified to meet the requirement of paragraph 89 of the NPPF. Further, there is no identified functional need for the proposal to be located in such an inaccessible rural position. Therefore, the proposal represents an unsustainable form of development in the open countryside that is contrary to policies SLE3 and ESD1 of the Local Plan and paragraphs 88 and 89 of the NPPF.
2. By virtue of the significant mass of the proposed development, created by it is the engineering work involved, location of structures within the site, it is considered to have an unacceptable urbanising effect on the rural landscape and would appear as an isolated addition to the landscape. The harm is exacerbated by the footpaths running through the site. Taken altogether Officers consider the proposed development would therefore unacceptably harm the rural agricultural character of the area and this would be contrary to policies ESD13 and 15 of the CLP 2015, saved policies C8 and C28 of the CLP 1996 and paragraph 134 of the NPPF.
3. Insufficient information has been submitted to demonstrate the acceptability of the proposal on highway safety, therefore it is considered to be contrary to Policies SLE4, ESD15 of the CLP 2015 and paragraph 115 of the Framework.
4. In the absence of any drainage documents, it has not been demonstrated that the proposal would be adequately drained and therefore it is contrary to policies ESD6 and ESD7 of the CLP 2015.
5. Due to the absence of an appropriate protected species surveys as highlighted within the Preliminary Ecological Appraisal Report by Ramm Sanderson dated October 2023, the impact of the proposals on protected species cannot be assessed. Therefore, the Local Planning Authority cannot be certain that the proposals would not harm any protected species. As such the scheme is contrary Policy ESD10 of the CLP 2031 Part 1, advice contained in the PPG and Natural England's Standing Advice, and section 15 of the National Planning Policy Framework.
6. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018, Policy BL9 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance within the National Planning Policy Framework.

Reason for Refusal 5 and 3 may be removed/altered subject to the Local Highway Authority and Ecology removing their objection.

Kidlington Garage, 1 Bicester Road, Kidlington, OX5 2LA

The Committee considered application 24/02212/F, for the erection of two buildings, forming eighteen apartments, and associated works at Kidlington Garage, 1 Bicester Road, Kidlington, OX5 2LA for Sweetcroft Homes.

Councillor Ian Middleton, local Ward Member, addressed the meeting in objection to the application.

Henry Venners, agent, of JPPC, addressed the meeting in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the address of the Ward Member and the written updates.

Resolved

That, in line with officers' recommendation, authority be delegated the Assistant Director for Planning and Development to grant permission subject to:

1. The conditions set out below (and any amendments to those conditions as deemed necessary) and an additional condition to ensure that sustainable building methods and material are used: wording to be confirmed in the decision notice, and
2. In accordance with the heads of terms (annex to the Minutes as set out in the Minute Book), 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)
3. The amending of the sports contributions as detailed within this written update and
4. To review, discuss and determine OCC highways bus contribution
 - a) Off-site outdoor sports facilities provision at Stratfield Brake - £25,111.98
 - b) Off-site indoor sports facilities provision at Kidlington and Gosford Leisure Centre - £10,019.36
 - c) Community Hall Facilities (Exeter Hall) - £13,725.46
 - d) Waste and Recycling Facilities - £1,834
 - e) Traffic Regulation Order - £6225
 - f) Public Transport Services (for retention and/or improvement of bus services between Kidlington and the Eastern Arc (Hospitals/Brookes). - £23868
 - g) Off-site affordable housing contribution (Subject to viability review mechanism)
 - h) CDC - £1,500 towards monitoring fees

i) OCC - £730.00 towards monitoring fees

It was further resolved that if the section 106 agreement/undertaking was not completed by 12 November 2024 and the permission was not able to be issued by this date and no extension of time had been agreed between the parties, the Assistant Director for Planning and Development be given delegated authority to refuse the application for the following reason:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies PR2, PR4a, PR4b, PR5, PR8 and PR12 of the Cherwell Local Plan Partial Review, Policies BSC7, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

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.

Approved Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents:
 - 18112 -LP010 -A - Location Plan dated 30.10.2023
 - 18112 0011 C – Site Layout
 - 18112-PP0010-B – Block Plan
 - 18112-PP1030-B – Block A Floor Plans
 - 18112-PP2031- Block B Floor Plans
 - 18112-PE1011-B – Block A Elevations
 - 18112-PE2012- Block B Elevations
 - 18112-PS0013-A – Site Sections
 - Biodiversity Enhancement Plan – updated October 2024

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.

Landscape Scheme

3. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include: -
 - details of the proposed tree and shrub planting including their species, number, sizes, and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
 - 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,
 - details of the hard landscaping including hard surface areas, pavements, pedestrian areas, and steps.

Such details shall be provided prior to the development progressing above slab level, other than demolition works, or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The development shall be carried out in accordance with the approved details and the hard landscape elements shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

Materials

4. No development shall commence above slab level unless and until full details of the materials to be used in the construction of the external walls and roof of the building (including samples) as well as how these materials are to be applied on each building have been submitted to and approved by the local planning authority in writing. The relevant works

shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure and retain 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.

Doors and windows details

5. No development shall commence above slab level except for demolition unless and until full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure and retain 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.

Access

6. No development shall commence except for demolition unless and until full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting, and drainage, have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety 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.

Car Parking

7. No dwelling shall be occupied until car parking space to serve that dwelling has been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

Drainage

8. No development shall commence except for demolition unless and until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS - (in a treatment train approach to improve water quality)
- Network drainage calculations.
- Phasing
- Flood routes in exceedance.

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Contaminated Land Risk Assessment

9. Once the site has been cleared and the existing buildings demolished, 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 "Land Contamination Risk Management (LCRM)" 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Contaminated Land Risk Assessment

10. If contamination is found by undertaking the work carried out under condition 9, prior to the commencement of the development hereby permitted, other than demolition works, 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Contaminated Land Remedial Works

11. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Contaminated Land Remediation Strategy

12. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the

local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Cycle Storage Design

13. Prior to the first occupation of the dwellings hereby approved, full design details of the cycle storage area, including elevations and materials, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the approved cycle storage area shall be erected in accordance with the approved details, prior to the first occupation of those dwellings.

Reason: To encourage sustainable modes of transport, to ensure the satisfactory appearance of the completed development and to comply with Policies ESD1 and 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.

Waste Management

14. Prior to the occupation of the development hereby approved, a waste management strategy including details of how waste would be collected from the site, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

Reason: In order that proper arrangements are made for the disposal of waste, in the interests of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Boundary Treatments

15. No development shall commence above slab level except for demolition unless until details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Thereafter, boundary treatments shall be implemented prior to the occupation of any unit on the site and retained in accordance with the approved details. Any close boarded fencing shall have hedgehog holes provided.

Reason: In order that proper arrangements are made for the disposal of waste, in the interests of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Noise Levels

16. Prior to the development commencing, except for demolition, a report should be provided and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources). Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Reason: In the interests of the residential amenities of the area 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.

CEMP

17. The development shall be carried out in accordance with the approved Construction Environmental Management Plan, dated 30 April 2024

Reason: In the interests of the residential amenities of the area, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

Lighting

18. Prior to the first use of the development hereby approved details of the external lighting and security lighting including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter. No additional lighting shall be added without the approval of the Local Planning Authority.

Reason: In the interests of the residential amenities of the area, to ensure and retain the satisfactory appearance of the completed development 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.

Obscure to Eastern Windows of Block A

19. The windows at ground floor, first floor, second floor and third floor level in the eastern side elevation that serve the habitable living areas of flats 101, 201, 301, 401 and 403, as shown on 18112-PP1030-B – Block A Floor Plans, shall be permanently retained with purpose made obscure glazing and shall only have openable parts that are above 1.7m above the floor level of the room in which the window is installed.

Reason: To safeguard the amenity of the occupiers at Mulberry Court, former 3 Bicester Road, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Privacy Screen

20. Prior to the commencement of development, details of a privacy screen to be installed to the northern elevation of the balcony area, which serves flat 403, shall be submitted in writing to the Local Planning Authority for its approval, and unless the approved privacy screen is constructed prior to the first occupation of the building, the use of the balcony area shall cease until such time as the approved privacy screen is constructed. Once erected, the privacy screen shall thereafter be retained.

The details of the privacy screen shall include:

- confirmation of the height of the screen, as measured from the surface on which it is mounted. It will need to be at least 1.8 metres in height for the entire length of the screen.
- confirmation of the exact length and position of the screen, by showing it on a scaled plan.
- confirmation of the construction of the screen. Obscured glass must comply with same level of Pilkington Level 3 or higher. There should be no gaps in the screen.

Reason: To safeguard the amenity of the occupiers at Mulberry Court, former 3 Bicester Road and to comply with Policy ESD15 of the Cherwell Local Plan 2011- 2031 Part 1, Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Water Usage (110 litres) – PC

21. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part

1 and government guidance contained within the National Planning Policy Framework.

80 **60 Castle Quay Banbury OX16 5UW**

The Committee considered application 24/01980/F for the change of use from Class E to F1 Educational support at 60 Castle Quay Banbury OX16 5UW for Mr Mehdi Mohajeri.

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

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission 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 form and following approved plans and documents: site location plan, proposed floor plan, Kumon Planning Statement and information received by email on 30/09/2024 at 15:39hrs from Louise Mohajeri.

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

81 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Following questions from the Committee regarding the difference between a Public Inquiry and Informal Hearing in respect of a planning appeal, the Head of Development Management explained that at a Public Inquiry, Barristers represent the appellant and local planning authority at an Inquiry and expert witnesses are examined and cross examined by both sides. At an Informal Hearing, the parties are not cross examined, rather the discussion is more of a round table discussion between the parties.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 5.53 pm

Chairman:

Date:

24/02212/F APPENDIX 1 – Heads of Terms for Section 106 Agreement/Undertaking

Planning Obligation			
Detail	Amounts (all to be index linked)	Trigger Points	Regulation 122 Assessment
Off-site affordable housing contribution	Tbc but would be equivalent to the cost of providing 6 affordable units on site which is 35% of the total, to be delegated to Officers.	To be confirmed in the viability review mechanism	Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant to Policy BSC3 of the Cherwell Local Plan Directly Related – the affordable housing would be provided off-site due to relatively small-scale of the proposal and requirements for registered providers to take on affordable housing on site. The requirement is directly generated from the proposal, above the affordable housing threshold set out in Policy BSC3. Fairly and reasonably related in scale and kind – the contribution will be based upon the Cherwell Local Plan requirement for the percentage of affordable housing and the associated cost of providing this off-site.
Off-site outdoor sports facilities provision at Stratfield Brake	£25,111.98	Prior to the occupation of any unit on site	Necessary - the proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12,INF1 and advice in the Developer Contribution SPD. Directly Related – the future occupiers will place additional demand on existing facilities.
Off-site indoor sports facilities provision at Kidlington and Gosford Leisure Centre	£10,019.36	Prior to the occupation of any unit on site	Fairly and reasonably related in scale and kind – calculations have been based on the final mix of housing proposed and the likely number of occupants as set out in the Developer Contributions SPD.
Community Hall Facilities (Exeter Hall)	£13,725.48	Prior to the occupation of any unit on site	
Waste and Recycling Facilities	£1,834	Prior to the occupation of any unit on site	Necessary – the dwellings will require adequate recycling facilities and waste collections for future occupants and in accordance with the advice in the Developer Contributions SPD. Directly Related – the need for these comes from the provision of new residential accommodation. Fairly and reasonably related in scale and kind – costs in accordance with the advice in the Developer Contribution SPD.
Traffic Regulation Order	£6225	Likely prior to the occupation of any unit on site, to be delegated to Officers.	Necessary – the proposal will place an additional demand on street parking and further management through the provision of double yellow rules around Oxford Road/Bicester Road are required to mitigate any harm from off-site parking. Directly Related – the need for this arises from the provision of new residential accommodation and a reduction in on-site parking below OCCs standards. Fairly and reasonably related in scale and kind – the costing of this TRO is directly related to the scale of additional yellow lines that required as a result of the scale of the proposed development and reduction in parking below the standard required.
Public Transport Services (for retention and/or improvement of bus services between Kidlington and the Eastern Arc (Hospitals/Brookes).	£23868	Likely prior to the occupation of any unit on site, to be delegated to Officers.	Necessary – A financial contribution towards public transport services is required to ensure a credible and attractive bus service remains in place to provide residents with transport to the village centre, Oxford and the Eastern Src (Hospitals/Brookes) to enable:

			<ul style="list-style-type: none"> • private car journeys to be minimised to an acceptable level; and • those without access to a car to be able to reach local services. <p>Directly Related – Financial contributions are always used to maintain or improve bus services operating in the vicinity of the site so that they are directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – the cost is £1,326 per dwelling and based on the amount required to improve the bus service per average occupancy residential apartment.</p>
CDC and OCC Monitoring Fees	CDC - £1,500 OCC - £730.00	On completion of S106	The CDC charge is based upon its recently agreed Fees and Charges Schedule which set.