

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 20 June 2019 at 4.00 pm

Present: Councillor James Macnamara (Chairman)

Councillor Andrew Beere
Councillor John Broad
Councillor Phil Chapman
Councillor Colin Clarke
Councillor David Hughes
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor G A Reynolds

Substitute Members: Councillor Surinder Dhesi (In place of Councillor Barry Richards)
Councillor Tony Ilott (In place of Councillor Ian Corkin)
Councillor Barry Wood (In place of Councillor Hugo Brown)

Also Present: Councillor Dan Sames – Ward Member speaking on item 11

Apologies for absence: Councillor Maurice Billington
Councillor Hugo Brown
Councillor Ian Corkin
Councillor Chris Heath
Councillor Simon Holland
Councillor Barry Richards
Councillor Les Sibley
Councillor Katherine Tyson

Officers: Robert Jolley, Assistant Director: Planning & Economy
Bob Duxbury, Joint Majors Manager
Linda Griffiths, Principal Planning Officer
Aaron Hetherington, Democratic and Elections Officer
Matt Chadwick, Senior Planning Officer
Michael Sackey, Assistant Planning Officer
Nat Stock, Minors Team Leader
Aaron Hetherington, Democratic and Elections Officer
Jennifer Crouch, Solicitor

19 **Declarations of Interest**

10. Land For Proposed Development At Drayton Lodge Farmhouse, Warwick Road, Banbury.

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

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

Councillor G A Reynolds, Declaration, as he is Parish Clerk to Drayton Parish Council, but did not make any comment during the consultation of this item.

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

20 **Requests to Address the Meeting**

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

21 **Minutes**

The Minutes of the meeting held on 30 May 2019 were agreed as a correct record and signed by the Chairman.

22 **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.

23 **Urgent Business**

The Chairman reported that he had agreed to add one item of exempt urgent business to the agenda, application 18/02056/OUT - Land North of Merton Road, Ambrosden. The matter had arisen after agenda publication and a decision was required before the next scheduled meeting of the Committee. The item would be taken after the Appeals Progress report and as the item was exempt, Members would be requested to agree to exclude the press and public.

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

There were no pre-Committee site visits proposed.

Land At Network Railway Embankment Between Piddington And Blackthorn, Marsh Gibbon Road, Piddington

The Committee considered application 18/00211/F for a railway embankment stabilisation scheme, including earthwork re-grading, construction of access route and ecological mitigation measures (resubmission of 13/01805/F) at Land at Network Railway Embankment Between Piddington And Blackthorn, Marsh Gibbon Road, Piddington for Network Rail Infrastructure Ltd.

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

Resolved

That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 18/00211/F, subject to the conditions set out below (and any amendments to those conditions as deemed necessary).

CONDITIONS

Time Limits

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.

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: [to be confirmed at the planning committee]

Noise Mitigation

3. Prior to the commencement of the development, full details of the proposed acoustic barriers, including their position and materials of construction, required as part of the noise mitigation identified in the ES and the Construction Noise Assessment Report dated July 2018 shall be submitted to and approved in writing by the Local Planning Authority. The acoustic barriers shall be installed as approved prior to the works commencing and retained in situ until construction works are complete. Upon completion of the works hereby approved the acoustic barrier shall be removed from the site.

Temporary Obstructions

4. No materials, plant, temporary structures or excavations of any kind should be deposited/undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes

place.

Route Alterations/Public Right of Way

5. The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior permission by Oxfordshire County Council.
6. No construction/demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire county Council
7. No vehicle access may be taken along or across the public right of way to residential or commercial sites without prior written permission and appropriate safety and surfacing measures approved by Oxfordshire county Council.
8. Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

Archaeology

9. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area which shall be submitted to and approved in writing by the Local Planning Authority.
10. Following the approval of the Written Scheme of Investigation referred to in condition 6, and prior to any demolition on the site and the commencement of the development (other than in accordance with the Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Drainage

11. Development shall not begin until a revised surface water drainage scheme, based on the drainage principles listed below have 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 drainage must include but not be limited to:

- Evidence that the proposed flows from the site will be restricted to greenfield run-off rates for all events up to and including the 1 in 100 year event+ allowance for climate change (currently 40%)
 - Evidence that the proposed run-off volume will not increase the existing greenfield volume for the corresponding event
 - Details of how the drainage scheme has been designed to incorporate SuDS techniques to manage water quantity and maintain water quality in accordance with best practice guidance including the latest SuDS manual C753
 - Detailed drainage plan showing the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified
 - Detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change event to demonstrate that all SuDS features and the drainage network can cater for the critical storm event for its lifetime
 - Details of how the scheme shall be maintained and managed after completion. Construction phase surface water management plan including details of how water quality shall be maintained during and after construction
 - The submission of evidence relating to accepted outfalls from the site, particularly from any third party riparian or network owners
12. The development shall be implemented in accordance with the approved Habitat Creation and Restoration Scheme (NLG Ecology 24th May 2018) and illustrated on drawing numbers 151661-NWR-DRG-ECV-HCR.1-3 inclusive. Any variation to the approved plan shall be agreed in writing with the Local Planning Authority before such change is made.
13. Prior to the commencement of the development hereby approved, a report on the hydrological impact of the drainage works on Meadow farm Local Wildlife Site shall be submitted to and approved in writing by the Local Planning Authority. The report is to detail appropriate mitigation measures should they be considered necessary, including any amendments to the approved scheme. Thereafter the development shall be carried out in accordance with the approved details.
14. The development shall be carried out in accordance with the FRA (Blackthorn and Piddington Rail Embankment Stabilisation, Revision 2.1, Atkins March 2019) and the following mitigation measures detailed within the FRA
- A minimum of 1,909m³ of compensatory flood plain storage is provided as shown in Table 5-2, section 5.1.4 of the FRA
 - Where the access track is located within the floodplain, it will be set at existing ground level as per section 5.1.2 of the FRA
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed in writing by the local planning authority.
15. No development shall take place until the Blackthorn and Piddington Railway Embankment Stabilisation Habitat Creation and Restoration

Scheme and Blackthorn and Piddington Biodiversity Monitoring and Maintenance Scheme documents are updated to reflect the changes to the scheme as detailed in the Technical Memo 100454-NWR-MEM-ECV-000005 dated 18/12/18. The updates should include details of the location and number of coir rolls being installed, species list for any new planting or seeding and monitoring and management prescriptions for the new features being created.

16. Contamination report
17. Verification of contamination report
18. Contamination not previously identified
19. 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 shall include details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass/turfed areas, details of the existing trees 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 and the details of hard surfaced areas, reduced dig areas, crossing points etc
20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces) or the most up to date British Standard, in the first planting and seeding seasons following the line being first brought back into use, or completion of the development, whichever is sooner. Any trees, herbaceous planting and shrubs, which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

26 **Dewey Sports Centre, Barley Close, Bloxham, Banbury, OX15 4NJ**

The Chairman advised that application 18/01852/F had been withdrawn by the applicant.

27 **Land For Proposed Development At Drayton Lodge Farmhouse, Warwick Road, Banbury**

The Committee considered application 18/01882/OUT, an outline application for a residential development, comprising the erection of up to 320 dwellings including affordable housing, together with a local centre of 0.5ha (providing retail and community facilities), landscaping, public open space, playing fields, allotments, access and associated infrastructure land for a proposed development at, Drayton Lodge Farmhouse, Warwick Road, Banbury for Trinity College (Bursar).

Chris Ferguson, the agent, addressed the committee in support of the application.

In reaching their decision, the Committee considered the case officer's report and presentation, the comments from the public speaker and the written update.

Resolved

That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 18/01882/OUT, subject to:

- i. the conditions set out below (and any amendments to those as deemed necessary)

CONDITIONS

Time Limit

1. Time limit relating to outline

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: to be inserted]
3. Standard condition 1.9
4. Standard condition 3.7 tree survey
5. Standard condition 3.8 protection of trees
6. Standard condition 3.10 soil levels around trees
7. Thames Water recommended conditions
8. Standard contamination conditions
9. Archaeological conditions re Written Scheme of Investigation
10. OCC transport and drainage conditions as recommended
11. Ecological conditions as recommended by ecologist
12. Design code
13. Levels
14. Soli management plan
15. Management/storage and disposal of spoil

16. Lighting details
 17. Scheme for public art
 18. Provision of waste and recycling bins
 19. Energy efficiency at 19% above building regulations
 20. Water efficiency limit of 110 litres per dwelling
 21. All utilities to be provided underground
 22. Protection of existing trees and hedges except where new access to Warwick road
 23. Non-residential buildings to meet BREAM very good
 24. Housing mix in accordance with Policy BSC4
 25. Noise mitigation measures in respect of Warwick Road
 26. Not more than 320 dwellings
- ii. the receipt of a satisfactory amended design and access statement and parameter plans
 - iii. 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) Provision of 30% affordable housing on site
 - b) Provision of and commuted sum for open space/habitat management
provision of and commuted sum for on-site sports pitches
 - c) Provision of and commuted sum for on-site allotments
commuted sum for maintenance of existing trees and hedgerows on site
commuted sum for SuDS maintenance
provision of and commuted sum for on site play areas and equipment
contribution of £267,182.98 toward off-site indoor sports facilities
provision of on-site community building/retail facility and commuted sum for maintenance contribution towards community worker on site
provision of on-site public art financial contribution to TVP financial contribution of £276,480 to support local primary care infrastructure
additional land to south west to be kept clear of built development
 - d) Payment of a financial contribution of £3,552,751 towards educational infrastructure serving the development
 - e) Payment of £16,942 public transport infrastructure
 - f) Payment of £2,600 traffic regulation order
 - g) Payment of a financial contribution towards public transport service of £457,142.57
fire payment of £113,409 strategic

- transport contribution
- h) Payment of the Council's monitoring costs of £1,240. Section 278 Agreement to secure highway works

28

Meadow Barn, Merton Road, Ambrosden, Bicester, OX25 2LZ

The Committee considered application 19/00055/F for 2 new semi-detached dwellings and 1 detached dwelling with associated parking and gardens at Meadow Barn, Merton Road, Ambrosden, Bicester, OX25 2LZ for Mr Rhys Oliver

Councillor Sames addressed the committee as Ward Member.

Dr Mark Johnson, neighbour to the application site, addressed the committee in objection to the application.

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

Resolved

That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 19/00055/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.

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 form;
 - Design and Access Statement by Richard Court Designs submitted with the application;
 - Drawing Numbers: 974-5A; 974-6A; 974-7A; 974-8B; 974-9B and 974-10A submitted with the application;
3. 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.

Material Samples

4. Prior to the commencement of the development above slab level, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size), shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shown on the approved plans to be brick shall be constructed in strict accordance with the approved brick sample panel and shall be retained as such thereafter.

Material Samples

5. Prior to the commencement of the development above slab level, the tiles to be used in the construction of the roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the samples so approved and shall be retained as such thereafter.

Windows, Doors and Rooflights

6. Prior to their installation, full details of the doors, windows and roof lights hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows and their surrounds shall be installed within the buildings in accordance with the approved details and shall be retained as such thereafter.

Parking and Manoeuvring Areas

7. Prior to the first use of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning and manoeuvring area which shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, the turning and manoeuvring area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

Archaeology (Written Scheme of Investigation)

8. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall first have been submitted to and approved in writing by the Local Planning Authority.

Archaeology (Staged Programme of Archaeological Evaluation and Mitigation)

9. Following the approval of the Written Scheme of Investigation referred to in condition 8, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Landscape Scheme

10. Prior to the first occupation of the development hereby approved, a hard landscape scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the development hereby approved and retained as such thereafter.

Permitted Development Rights (Restrictions)

11. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwellings shall not be extended or enlarged, nor shall any structures be erected within the curtilage of the said dwelling, without the grant of further specific planning permission from the Local Planning Authority.

Waste Water Network Upgrades/Housing and Infrastructure Phasing Plan

12. No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Land Contamination: Desk Study/Site Walk Over

13. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be 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 shall be 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.

Land Contamination: Intrusive Investigation

14. If a potential risk from contamination is identified as a result of the work carried out under condition (13), 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.

Land Contamination: Remediation Scheme

15. If Contamination is found by undertaking the work carried out under condition (13), 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 prepare by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 1, 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.

Land Contamination: Carry out Remediation

16. If remedial works have been identified in condition (13), the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition (13). 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.

Land Contamination not Previously Found

17. If, during development, contamination not previously identified is found to be present at the site, no further development shall be out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Waste storage and collection

18. Prior to the first use or occupation of the development hereby permitted, details of the waste storage and collection location for the site shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the waste storage and collection facilities shall be permanently retained and maintained in connection with the development.

Obscure glazing

19. Before the respective dwelling is first occupied the first floor openings on the south-western elevation of the southern-most of the three dwellings shall be glazed with obscure glass (at least Level 3) only and, unless fixed shut, fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, and must be permanently maintained as such at all times thereafter.

29

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

The Committee considered application 19/00596/OUT for a residential development of up to 18 dwellings with associated access, internal roads, car parking, public open space, landscaping, drainage and other associated infrastructure Land North of Southfield Farm, North Lane, Weston-on-the Green, Greystoke Land Limited.

Diane Bohm, Chairman of Weston-on-the-Green Parish Council addressed the committee in objection.

Anthony Crean QC, the applicant, addressed the committee in support of the application.

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

Resolved

That application 19/00596/OUT be refused for the following reasons:

1. The development proposed, by reason of its scale and siting beyond the built up limits of the village, encroachment into the open countryside, and taking account of the Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable new development that would harm the rural character and setting of the village. The proposal

is therefore unacceptable in principle and contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

2. The development proposed, by reason of its poor connectivity and links to the existing village and position adjacent to the busy Northampton Road, and the relative lack of facilities within the village, would represent an unsustainable form of development, that would not give future occupiers a realistic choice of travel means. The proposed development would therefore be contrary to Policies SLE4, ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework which seeks to ensure that new development facilitates sustainable modes of transport and provides opportunities for the use of public transport, walking and cycling.
3. 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 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.
4. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. The proposal therefore conflicts with Policies BSC3 and INF1 of the adopted Cherwell Local Plan 2011-2031 Part 1 and Government advice within the National Planning Policy Framework.

30 **Appeals Progress Report**

The Assistant Director for Planning Policy 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.

31 **Exclusion of Press and Public**

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 paragraph 5 of Schedule 12A of that Act

32

18/02056/OUT - Land North Of Merton Road, Ambrosden

The Interim Senior Manager, Development Management submitted an exempt urgent report relating to application 18/02056/OUT - Land North of Merton Road, Ambrosden.

Resolved

- (1) As set out in the exempt minute

The meeting ended at 6.24 pm

Chairman:

Date: