

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held as a Virtual meeting, on 5 November 2020 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 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)

Also Present: Joy White, Transport Development Control Lead – Cherwell,
West Oxfordshire and Oxford Communities, Oxfordshire
County Council
Amrik Manku, Growth Manager Cherwell and West at
Oxfordshire County Council.

Apologies for absence:

Councillor Maurice Billington
Councillor Simon Holland

Officers:

Sarah Stevens, Interim Senior Manager – Development Management
Nat Stock, Minors Team Leader
Matt Chadwick, Principal Planning Officer
Andrew Lewis, Principal Planning Officer
Rebekah Morgan, Principal Planning Officer
Bob Neville, Senior Planning Officer
Karen Jordan, Deputy Principal Solicitor

Lesley Farrell, Democratic and Elections Officer

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Declarations of Interest

7. Heyford Park, Camp Road, Upper Heyford, OX25 5HD.

Councillor James Macnamara, Non Statutory Interest, as a member of Lower Heyford Parish Council which had been consulted on the application.

8. Proposed Roundabout Access to Graven Hill and Wretchwick Green, London Road, Bicester.

Councillor Ian Corkin, Declaration, as a Cherwell District Council appointed non-executive director of Graven Hill Development Company and Graven Hill Holding Company and would leave the meeting for the duration of the item.

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

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

10. The Beeches, Heyford Road, Steeple Aston, OX25 4SN.

Councillor Andrew Beere, Declaration, as the applicant was known to him and he would not take part in the debate or vote.

Councillor Barry Wood, Declaration, as the applicant was known to him and he would not take part in the debate or vote.

Councillor Hugo Brown, Conflict of Interest, as he personally knew the applicant and would leave the meeting for the duration of the item.

Councillor James Macnamara, Declaration, as the applicant was known to him and he would not take part in the debate or vote.

Councillor John Broad, Declaration, as he was known to the applicant as a trustee of the National Transport Trust.

Councillor Lynn Pratt, Declaration, as the applicant was known to her and she would not take part in the debate or vote.

Councillor Mike Kerford-Byrnes, Conflict of Interest, as he had discussed the application with the applicant and would leave the meeting for the duration of the item.

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Requests to Address the Meeting

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

90 **Minutes**

The Minutes of the meeting held on 8 October 2020 were agreed as a correct record and signed by the Chairman.

91 **Chairman's Announcements**

There were no Chairman's announcements.

92 **Urgent Business**

There were no items of urgent business.

93 **Heyford Park, Camp Road, Upper Heyford, OX25 5HD**

The Committee considered application 18/00825/HYBRID, a hybrid planning application consisting of the demolition of buildings and structures and outline planning permission for up to:

- o 1,175 new dwellings (Class C3);
- o 60 close care dwellings (Class C2/C3);
- o 929 m2 of retail (Class A1);
- o 670 m2 comprising a new medical centre (Class D1);
- o 35,175 m2 of new employment buildings, (comprising up to 6,330 m2 Class B1a, 13,635 m2 B1b/c, 9,250 m2 Class B2, and 5,960 m2 B8);
- o 2,415 m2 of new school building on 2.45 ha site for a new school (Class D1);
- o 925 m2 of community use buildings (Class D2); and 515 m2 of indoor sports, if provided on-site (Class D2);
- o 30m in height observation tower with zip-wire with ancillary visitor facilities of up to 100 m2 (Class D1/A1/A3);
- o 1,000 m2 energy facility/infrastructure (sui generis);
- o 2,520 m2 additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use (Class D1);
- o creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure.

- The change of use of the following buildings and areas:

- o Buildings 3036, 3037, 3038, 3039, 3040, 3041, and 3042 for employment use (Class B1b/c, B2, B8);
- o Buildings 217, 3052, 3053, 3054, 3055, 3102, and 3136 for employment use (Class B8);
- o Buildings 2010 and 3009 for filming and heritage activities (Sui Generis/Class D1);
- o Buildings 73 and 2004 (Class D1);

- o Buildings 391, 1368, 1443, 2005, 2006, 2007, 2008 and 2009 (Class /D2 with ancillary A1-A5 use);
- o Building 340 (Class D1, D2, A3);
- o 20.3ha of hardstanding for car processing (Sui Generis); and
- o 76.6ha for filming activities, including 2.1 ha for filming set construction and event parking (Sui Generis);
- The continuation of use of areas, buildings and structures already benefiting from previous planning permissions, as specified in Sched.2.
- Associated infrastructure works, including surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road.

at Heyford Park, Camp Road, Upper Heyford. OX25 5HD for Dorchester Living Limited.

Jonathan Rees, Chairman of Middleton Stoney Parish Council addressed the Committee in objection to the application.

Gavin Angell, Development Director of Dorchester Living, (the applicant) addressed the Committee in support of the application

It was proposed by Councillor Ian Corkin and seconded by Councillor Barry Wood that application 8/00825/HYBRID be approved subject to various amendments to the conditions and the Section 106 agreement, the agreement of which to be delegated to the Assistant Director Planning and Development, in consultation with the Planning Committee Chairman and the Lead Member for Planning.

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 18/00825/HYBRID subject to:
 1. The following conditions (and any amendments to those conditions deemed necessary to be agreed in consultation with the Planning Committee Chairman and the Lead Member for Planning):
 1. Statutory Time Limit (outline) – TL
 2. Phased Reserved Matters – PC
 3. Change of Use
 4. Compliance with Plans
 5. Phasing Plan – PC
 6. Reserved Matters (affordable housing)
 7. Design Codes – CON
 8. Levels – PC
 9. 1175-dwellings max

10. Landscaping per phase
11. Tree Protection
12. Landscaping
13. LEMP
14. CEMP-biodiversity
15. Protected Species Check/Updated surveys – CON
16. Cat/Dog Proof fence
17. Site Clearance (nesting season) – TL
18. Habitat Boxes – CON
19. Demolition (prior contractual commitment) – TL
20. Demolition
21. Building Recording – PC
22. Archaeology
23. School
24. Construction traffic
25. Green Travel Plan
26. Parking Strategy
27. Wheel Washing
28. CEMP-general
29. Working Hours
30. Noise 1
31. Noise 2
32. Lighting Strategy
33. Waste Management Strategy
34. No open storage
35. Plant to be internal
36. Compounds
37. Strategic Surface Water Management Scheme:
38. Surface Water Management Scheme (Phases):
39. Completion and Maintenance of Sustainable Drainage – Shown on
Approved Plans:
40. SuDS – Design Documentation Plans:
41. Environment Agency-Remediation Strategy
42. Environment Agency-Verification Report
43. Environment Agency-No infiltration
44. Environment Agency- foul water drainage scheme-1
45. Environment Agency- foul water drainage scheme-2
46. TWU-Protection Zone
47. TWU—Piling method statement
48. Sports Park 1
49. Sports Park 2
50. Community use of sport
51. Flying Field- Strategies for parking, lighting, signage, waste and
fencing:

- 52. Flying Field- Parking/Storage
- 53. Flying Field- Runways and Taxiways:
- 54. Flying Field- Car Processing1
- 55. Flying Field- Car Processing 2
- 56. Flying Field- Filming production management plan
- 57. Flying Field- Filming-Photo record
- 58. Flying Field- Filming-noise

2. 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 to be agreed in consultation with the Planning Committee Chairman and the Lead Member for Planning):

Education:

- provision of a new 1.5 entry primary school on a minimum 2.2 ha site as shown on the Composite Parameter Plan (or, in the alternative, agreeing to make a suitable site available for OCC with contributions for a school to be provided to OCC specification);
- contributions towards secondary school places which will consist of an expansion to the existing Heyford Park Free School sites to facilitate an additional 1.5 form of entry (or, in the alternative, providing a financial contribution to OCC);
- contribution towards special education needs.

Open Space

- Provision of a mixture of community orchard areas and allotments;
- Provision of sports pitches to meet CDC requirements, to an agreed quantum;
- Provision of sports pavilion/changing rooms facilities;
- Indoor sport provision, consisting of on-site provision (or, in the alternative, providing a financial contribution for off-site provision);
- Provision of children's' play areas to meet CDC requirements, to an agreed quantum and specification.

Community Facilities

- Provision of community hall/youth facility to an agreed specification to include Parish Office and ;
- Funding towards the provision of a community worker;
- Provision of a neighbourhood police facility.

Health Care

- Provision of an extra care facility to an agreed specification or financial contribution to healthcare provision
- Provision of an on-site healthcare facility of a minimum of two multipurpose treatment rooms with ancillary utility, waiting and reception space with financial contribution to primary healthcare provision.

Access and Movement

- Resurvey traffic flows in the surrounding area and undertake remodelling
- Form a working group to formulate a strategy for traffic mitigation in the surrounding area.
- Contributions towards public transport provision in the form of a bus service contribution and bus infrastructure to agreed amounts;
- Undertaking Travel Planning initiatives;
- Contributions towards off site highway works to improve highway junctions, including safety improvements contribution to A4260/B4027;
- Middleton Stony junction improvements; Ardley/Bucknell junction improvements; B430/minor road junction improvements; Chilgrove Drive S278 scheme; M40 Junction 10 improvements;
- Contributions towards rural traffic calming schemes including in Middleton Stony, Lower Heyford including Caulcott, Ardley with Fewcott , Somerton, North Aston, Chesterton, Kirtlington, Bucknell and Fritwell and the contributions to be proportionate to the impact of traffic on the revised modelling outcome
- Introduction of HGV restrictions on B4030 at Middleton Stony and Lower Heyford
- Routing agreements for all HGV traffic going to or departing from Heyford Park

Mitigation measures to be introduced at the earliest opportunity.

Heritage

- Provision of a Flying Field Park to an agreed specification;
- Provision of a Control Tower Park to an agreed specification;
- Provision of a Heritage Centre and a Heritage Centre Manager, to an agreed specification;
- Provision of an Observation Tower on the Flying Field, to an agreed specification;
- Provision of Heritage Tours to an agreed specification;
- Baseline building condition surveys and wind and watertight works programme for buildings and structures on the defined Flying Field area;
- Provision of exhibition space in Building 1443 to an agreed specification;
- Refurbishment of Victor Alert Area buildings and structures to an agreed specification;
- Refurbishment of the Control Tower to an agreed specification;
- Provision of the Heyford Trail to an agreed specification;
- Provision of Interpretation Boards to an agreed specification.

Ecology

- Provision of on-site ecological mitigation measures to an agreed specification and quantum;
- Contributions towards and/or provision of off-site ecological mitigation measures to an agreed specification and quantum;
- Provision of a cat-proof fence on the boundary of the settlement area and the Flying Field to an agreed specification.

- Library
 - Contribution towards library provision.

- Waste Management Contributions
 - Contribution towards waste management provision and services.

- Bin Contributions
 - Contribution towards the provision of recycling and waste bins for households.

- Recycling Centre
 - Contribution towards the provision of recycling centre facilities.

- Apprentices
 - Contribution towards apprenticeship opportunities.

- Public Art
 - Contribution towards public art provision on site

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Proposed Roundabout Access to Graven Hill and Wretchwick Green, London Road, Bicester

The Committee considered application 20/01830/F for a proposed roundabout junction giving access to Graven Hill and Wretchwick Green, London Road, Bicester for Mr Adrian Unitt.

Consideration of the application had been deferred at the previous meeting of the Committee after the local ward member and public speakers had addressed the meeting, therefore, there was no further public participation.

In reaching its decision the Committee considered the officer's report and presentation, the presentation from Joy White, Transport Development Control Lead – Cherwell, West Oxfordshire and Oxford Communities, Oxfordshire County Council and the written updates.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 20/01830/F subject to the following conditions (and any amendments to those conditions deemed necessary):

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Covering letter
 - Application forms
 - Drawing number WIE11386-RBT-90-001 Rev A01 – [Red line boundary]
 - Drawing number WIE11386-145-03-001-A41 Rev A02 – [Pioneer General Arrangement Drawing]
 - Drawing number WIE11386-145-92-500-001 – [Roundabout Drainage Strategy]
 - Arboricultural Impact Assessment
 - Archaeological Mitigation Strategy
 - Drainage Strategy
 - Ecological Impact Assessment
 - Transport Assessment
 - Noise Assessment
 - Landscape and Visual Impact Assessment
 - Air Quality Assessment

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. Construction Environmental Management Plan (CEMP) for Biodiversity
No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

4. The development hereby permitted shall be carried out in accordance with the recommendations set out in paragraphs 5.14, 5.16 and 5.19-5.24 of the Ecological Impact Assessment by Watermans Infrastructure and Environmental Limited dated September 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason – To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

5. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on [bats/newts] until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a method statement and mitigation strategy for Great crested newts to cover all works not included under an EPSL, and which shall include timing and manner of works, exclusion fencing, the location and design of alternative ponds/habitats together with the timing of their provision as required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. If the development hereby approved does not commence within 2 years of the date of this decision. A revised Ecological Impact Assessment shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

8. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, full details of a scheme for biodiversity net gain (minimum 10% net gain) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason – To conserve and enhance biodiversity in accordance with Government guidance contained within the National Planning Policy Framework.

9. Construction shall not begin until a detailed surface water drainage scheme for the site, in accordance with the approved Watermans Drainage Strategy WIE11386-101-TN-1-1-2 June 2020, has been submitted to and approved in writing by the planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also 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 microdrainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
 - A Flood Exceedance Conveyance Plan;
 - 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; and
 - Details of how water quality will be managed during construction.

Reason – To prevent environmental and amenity problems arising from flooding and to accord with Sections 14 and 15 of the National

Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. 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.

Reason – To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019)

11. Following the approval of the Written Scheme of Investigation referred to in condition 10, 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 within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

12. Prior to the commencement of any works to the trees on the site, full details of tree re-planting scheme, including number, location, species and size at time of planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the replacement tree(s) shall be planted in the first planting season (mid November to end of March) following the removal of the tree(s) for which consent has been granted and any tree which, within a period of five years from being planted dies, is removed or becomes seriously damaged or diseased, shall be replaced in the current/next planting season in accordance with the approved details and the wording of this condition.

Reason – In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

The Beeches, Heyford Road, Steeple Aston, OX25 4SN

The Committee considered application 20/02227/OUT for the erection of up to 10 dwellings with all matters reserved except the means of access on to Heyford Road at The Beeches, Heyford Road, Steeple Aston, OX25 4SN for Adrian Shooter.

Mitchell Barnes of Framptons, Agent for the application, addressed the Committee in support of the application.

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

Resolved

(1) That application 20/02227/OUT be refused after 14 November 2020 or upon receipt of the Lead Local Flood Authorities further consultation response whichever was the sooner and include reason 3 of the reasons for refusal listed below only if the Lead Local Flood Authority objections had not been addressed through the submission received on 3 November 2020:

1. The proposed development would not make effective and efficient use of land and would significantly encroach into the countryside beyond the built-up limits of Steeple Aston; contrary to the housing strategy of the Development Plan for the area, for which it has not been demonstrated that there is a justified need. In its proposed location the development would therefore be an unjustified and unsustainable form of development. As such the proposal is contrary to Policies BSC2, ESD1, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996, Policy PD1 of the Mid Cherwell Neighbourhood Plan 2018 and Government guidance contained within the National Planning Policy Framework.
2. The proposed development represents inappropriate 'back-land' development that would fail to relate well to the pattern of development in the area and would appear as an intrusion of built form into the countryside, detracting from the rural character and quality of the area the setting of the village. As such the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.
3. By virtue of a lack supporting information to enable an appropriate technical assessment the proposals have failed to demonstrate that an appropriate sustainable drainage strategy for the site utilising sustainable drainage systems (SuDS) can be delivered. As

such the proposal is contrary to Policy ESD7 of the Cherwell Local Plan 2011 - 2031 Part 1 Government guidance contained within the National Planning Policy Framework.

4. In the absence of the completion of a satisfactory Section 106 Agreement, 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. This would be contrary to Policies INF1, PSD1, BSC3, BSC10, BSC11 and BSC12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

97 **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.

The meeting ended at 7.38 pm

Chairman:

Date: