

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 7 December 2023 at 4.00 pm

#### Present:

Councillor George Reynolds (Chairman)  
Councillor Andrew Beere  
Councillor Rebecca Biegel  
Councillor John Broad  
Councillor Jean Conway  
Councillor Ian Harwood  
Councillor Simon Holland  
Councillor Fiona Mawson  
Councillor Lesley McLean  
Councillor Julian Nedelcu  
Councillor Les Sibley  
Councillor Nigel Simpson  
Councillor Amanda Watkins  
Councillor Barry Wood

#### Substitute Members:

Councillor Matt Hodgson (In place of Councillor Becky Clarke MBE)  
Councillor Douglas Webb (In place of Councillor Lynn Pratt)

#### Apologies for absence:

Councillor Maurice Billington (Vice-Chairman)  
Councillor Phil Chapman  
Councillor Becky Clarke MBE  
Councillor Lynn Pratt

#### Also Present:

Councillor Kieron Mallon (Speaking as Ward Member for agenda item 11)

#### Officers:

Caroline Ford, Team Leader - South Area Major Developments  
Nat Stock, Team Leader - North Area General Developments  
Jeanette Davey, Principal Planning Officer  
David Mytton, Solicitor  
Natasha Clark, Governance and Elections Manager

Matt Swinford, Democratic and Elections Officer  
Patrick Davis, Democratic and Elections Officer

Officers Attending Virtually:

Ian Boll, Corporate Director Communities

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## **Declarations of Interest**

### **8. Land North Of 66 And Adjacent Water Eaton Lane Gosford.**

Councillor Lesley McLean, Other Registerable Interest, as a member of Kidlington Parish Council which had been consulted on the application.

### **9. Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington.**

Councillor Jean Conway, Declaration, advised Committee that they had made objections to the Mid-Cherwell Neighbourhood plan process and owned land within Kirtlington however advised she had no conflicts of interest.

Councillor Jean Conway, Other Registerable Interest, as Chair of Kirtlington Parish Council which had been consulted on the application.

### **10. OS Parcel 0622 South of Jersey Cottages and East of Heyford Road, Kirtlington.**

Councillor Jean Conway, Other Registerable Interest, as Chair of Kirtlington Parish Council which had been consulted on the application.

Councillor Jean Conway, Declaration, advised Committee that they had made objections to the Mid-Cherwell Neighbourhood plan process and owned land within Kirtlington however advised she had no conflicts of interest.

Councillor Simon Holland, Declaration, advised the Committee that a friend owned the property and would leave the meeting for the duration of the item.

### **11. 1 Elizabeth Rise Banbury OX16 9LZ.**

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

Councillor Matt Hodgson, 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.

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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.

83 **Minutes**

The Minutes of the meeting held on 2 November 2023 were agreed as a correct record and signed by the Chairman.

84 **Chairman's Announcements**

The Chairman made the following announcement:

1. Advised members of the public attending the meeting that only registered speakers may address the Committee and requested that they did not cause a disturbance.

85 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Pre-Committee site visits.

87 **Land North Of 66 And Adjacent Water Eaton Lane Gosford**

The Committee considered application 22/03883/F, for the development of 96 dwellings (50% affordable housing), an extension to Bicester Road Cemetery with associated access (from Bicester Road), open space, landscaping and infrastructure at Land North Of 66 And Adjacent Water Eaton Lane Gosford for Hill Residential Ltd.

Glyn Mutton, on behalf of the applicant, Hill Residential Limited, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers' report, presentation, addresses from the public speaker and the written updates.

**Resolved**

That, in line with the officer's recommendation, application 22/03883/F be delegated to the Assistant Director for Planning and Development to approve subject to:

- i. The resolution of the Environment Agency objection to the satisfaction of the Assistant Director;
- ii. The expiry of the consultation period to grant permission;

- iii. The conditions set out below (and any amendments to those conditions as deemed necessary) and;
- iv. 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 heads of terms as set out in the annex to the Minutes, as set out in the Minute book (and any amendments deemed necessary).
  - a. Provision of 50% affordable housing on site
  - b. On site green space and recreational routes and appropriate maintenance contribution/arrangements including proportionate contributions towards the formal provision provided as part of the southern half of the PR7a allocation.
  - c. Payment of a financial contribution towards proportionate highway contributions as set out in Appendix 4 of the Partial Review Local Plan.
  - d. Payment of a financial contribution towards Community Hall and Development, Outdoor and indoor sport contributions or facilitating the delivery on the southern half of the PR7a allocation
  - e. Payment of a financial contribution towards Healthcare
  - f. Payment of a financial contribution towards Education
  - g. Payment of a financial contribution towards Library Services
  - h. Payment of a financial contribution towards Police
  - i. Appropriate arrangements for Open Space Management
  - j. Appropriate arrangements for the delivery and transfer of the cemetery extension to Kidlington Parish Council.
  - k. Payment of the Council's monitoring costs of £5,000 plus OCC Monitoring Costs
  - l. For completeness - a controlled parking zone (CPZ) or other such controls should not be included in the s106 unless deemed by the Local Planning Authority to meet the legal tests for inclusion in a s106 Agreement
  - m. The securing of the requirement for the applicant to submit a scheme to secure a private scheme of resident parking to deter commuter parking within the development to mirror the operation of a CPZ prior to the formal TRO process.

## **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:
  - Site Location Plan - 141 PS 110
  - Topographical Survey - A524/99991/1 Rev A
  - Proposed Site Plan - 141-PS-100 Rev U
  - Illustrative Landscape Masterplan - 22027-GUA-DR-L-001 Rev P10
  - Outline Soft Landscape Proposals - 22027-GUA-DR-L-002 Rev P08
  - Outline Hard Landscape Proposals - 22027-GUA-DR-L-003 Rev P07
  - Outline Boundary Treatment Plan - 22027-GUA-DR-L-005 Rev P06
  - Plant Schedule and Outline Specification - 22027-GUA-DR-L-006 Rev P04
  - 3D View - Bicester Road - 141-PS-601 Rev D
  - 3D View - Open Space - 141-PS-602 Rev B
  - 3D View - SUDs Features - 141-PS-603 Rev B
  - Central Parking Court View - 141-PS-605 Rev B
  - Primary Route View - 141-PS-606 Rev B
  - Cycle Route (North) - 141-PS-607 Rev A
  - Cycle Route (South) - 141-PS-608 Rev A
  - Northern Amenity Space - 141-PS-609 Rev A
  - Streetscenes J-J - 141-511 Rev A
  - Streetscenes K-K - 141-512 Rev A
  - Housetype 5B9P-1 - M4(3) Adaptable- 141-MC-5B9P-1-M4(3)
  - Housetype 3B6P-1 - 141-AC-3B6P-1-Semi-2 Rev B
  - Housetype 3B6P-1 - 141-AC-3B6P-1-Semi-1 Rev B
  - Housetype 3B6P-1 - 141-AC-3B6P-1-Semi-2 Rev A
  - Housetype 4B8P-1 - 141-AC-4B8P-1-1 Rev E
  - Housetype 4B8P-1 - 141-AC-4B8P-1-2 Rev D
  - Housetype 4B8P-1 Corner - 141-AC-4B8P-1-Corner Rev E
  - Housetype 2B4P-2 - 141-AFF-2B4P-2-Semi-1 Rev B
  - Housetype 2B4P-2 - 141-AFF-2B4P-2-Semi-2 Rev C
  - Housetype 2B4P-1 - 141-AC-2B4P-1-Semi-1 Rev B
  - Housetype 2B4P-1 - 141-AC-2B4P-1-Semi-2 Rev B
  - Housetype 2B4P-1 - 141-AC-2B4P-1-Terrace-1 Rev D
  - Housetype 2B4P-1 - 141-AC-2B4P-1-Terrace-2 Rev E
  - Housetype 3B6P-1 - 141-AC-3B6P-1-Det-1 Rev B
  - Housetype 3B6P-1 - 141-AC-3B6P-1-Det-2 Rev B
  - Housetype 5B9P-1 - 141-MC-5B9P-1 Rev E
  - Housetype 5B9P-1 - M4(3) Adaptable - 141-MC-5B9P-1-M4(3) Rev B
  - Housetype 5B9P-1 - 141-MC-5B9P-1-Vista Rev C
  - Housetype 3B-5P-1 - 141-BS-3B-5P-Det-Corner Rev B
  - Housetype 3B-5P-1 - 141-BS-3B-5P-Det-Vista Rev B
  - Housetype 3B5P-1 - 3B6P-1 - 141-BS-3B-5P-MT Rev B
  - Housetype 3B-5P-1 - 141-BS-3B-5P-Semi-1 Rev B
  - Housetype 3B-5P-1 - 141-BS-3B-5P-Semi-Vista Rev B
  - Housetype 3B6P-1-4B7P-1 - 141-BS-AFF-3B6P-1-AFF-4B-7P Rev D
  - Housetype 3B6P-1 - 141-BS-AFF-3B6P-1-C Rev D
  - Housetype 3B6P-1 Semi - 141-BS-AFF-3B6P-1-S Rev B
  - Housetype 3B6P-1 Semi 2 - 141-BS-AFF-3B6P-1-S2 Rev B
  - Housetype 3B6P-1 Terrace - 141-BS-AFF-3B6P-1-T Rev D

Housetype - 4B7P-1 - 141-BS-AFF-4B7P-1 Rev A  
Apartment 02 Elevations - 141-APT-02-E Rev G  
Apartment 02 Plans - 141-APT-02-P Rev F  
Apartment 01 Elevations - 141-APT-01-E Rev H  
Apartment 01 Plans - 141-APT-01-P Rev H  
Bike Store Apartment - 141-Bike Store 01 Rev C  
Bin Store 01 - 141-Bin Store 01 Rev B  
Bin Store 02 - 141-Bin Store 01 Rev D  
Detached Double Garage - 141-Double Garage  
Electric Substation - 141-Electric Substation Rev B  
Detached Twin Garage - 141-Twin Garage  
Detached Single Garage - 141-Single Garage

Documents:

Design and Access Statement (September 2023)  
Energy Statement (December 2022)  
Service Supply Statement (ref. 10869 SS01 Rv0)  
Planning Statement (December 2022)  
Health Impact Assessment (November 2022)  
Travel Plan (rev C)  
Transport Statement (rev C) and Addendum (September 2023)  
Land Management & Maintenance Plan (ref. 22027-GUA-DOC-L-001 rev P02)  
Landscape & Visual Appraisal (ref. 22027-GUA-DOC-L-001 rev P05)  
Social Value Delivery Plan (rev 1)  
Written Scheme of Investigation for a Geophysical Survey (April 2023)  
Flood Risk Assessment / Drainage Strategy (rev C) and Addendum (September 2023)  
Air Quality Assessment (ref. H3115 – AQ – v2)  
Arboricultural Impact Assessment (ref. EAS-143 V2)  
Phase 1 Environmental Report (ref. CRM.1027.052.GE.R.001)  
Biodiversity Net Gain Design State Report (December 2022)  
Ecology Assessment (rev 1.1)  
Geo-Environmental Report (ref. CRM.1027.132.GE.R.001.A)  
Geophysical Survey Report (07 March 2023)  
Kidlington Cemetery Groundwater Risk Assessment (ref. CRM.1027.052 GE.R.002A T1/T2 GRA)  
Drainage Strategy (ref. 517-P-010-C)  
Noise Assessment (ref. H3115 – NV – v4)  
Plant Schedule and Outline Specification (ref. 20027-GUA-DR-006-P04)

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

**CEMP**

3. No development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. The details shall include the following:

- i) Implementation of air quality and dust suppression management measures through a Dust Management Plan;
- ii) Working hours and construction traffic delivery times;
- iii) The protection of the environment and implement best practice guidelines for works within or near water and habitats, including the appointment of a qualified ecologist to advise on site clearance and construction, in particular any works that have the potential to disturb notable ecological features
- iv) Measures to minimise energy requirements and emissions from equipment and plant (including minimising the use of diesel or petrol powered generators and instead using mains electricity or battery powered equipment; powering down of equipment / plant during periods of non-utilisation; optimising vehicle utilisation; use of energy efficient lighting)
- v) A Construction Traffic Management Plan (CTMP) and traffic routing, temporary access and haul roads to ensure construction vehicles, materials and logistics saving measures are managed
- vi) Measures to minimise greenhouse gas emissions associated with the production of waste including the reuse and recovery of materials where possible, avoid excavation waste, management of water and water resources, the reuse and/or recycling of construction waste on-site in subsequent stages of the development.
- vii) Measures to reduce the impact on neighbouring and nearby residents and associated temporary fencing, lighting and construction compounds and activity through the operational phase of development
- viii) Details of site management including a method for creation of logging of visitors and contractors on site, the monitoring incidents and complaints), including monitoring and reporting (including site inspections, soiling checks, compliance with Dust Management plan, etc) and, where appropriate, CCTV and tracking of contractor vehicles to ensure appropriate routing of vehicles

The development shall be constructed in accordance with the agreed Construction and Environmental Management Plan.

Reason: To manage construction process and to ensure that the impacts to soils, air quality, contamination and ground conditions, ecological habitats, cultural heritage, noise and vibration, heritage assets, transport and waste as well as neighbouring and nearby residents and climate impacts are managed in accordance with the mitigation outlined in the application submission and Policies ESD3, ESD15 and INF1 of the Cherwell Local Plan 2011-2031 and saved policies ENV1 and ENV12 of the Cherwell Local Plan 1996 and the aims and objectives of the NPPF.

## **LEMP**

4. Notwithstanding the submitted Land Management & Maintenance Plan (ref. 22027-GUA-DOC-L-001 rev P02), prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

## **Ground conditions**

5. If, during remediation or construction works, any additional or unexpected contamination is identified, then remediation proposals for this material should be agreed in writing by the Local Planning Authority before any works proceed and shall be fully implemented prior to first occupation of the dwellings hereby approved.

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 Policies ENV1 and ENV12 of the Cherwell Local Plan 1996.

## **Access onto Bicester Road**

6. No development shall take place until details of the means of access (shown on Proposed Site Plan - 141-PS-100 Rev U) between the land and the highway, including, sections, drainage and layout have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policies PR1, PR4a, PR7a and PR12a of the Cherwell Local Plan 2011-2031 Part 1 (Partial Review) and Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

## **Archaeology**

7. No development shall take place until (other than in accordance with the agreed and submitted Written Scheme of Investigation: Written Scheme of Investigation for an Archaeological Evaluation on the Gosford Site, Bicester Road Pre Construct Archaeology 2023), a staged programme of

archaeological evaluation and mitigation has been 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 (2023).

### **Drainage and Water**

8. i) No development shall take place until a detailed surface water strategy, water supply and foul drainage plans to demonstrate how the management of water within the approved development accords with the overarching Drainage Strategy (ref 517-P-010 Rev C) and the approved Flood Risk Assessment and associated documents has been submitted to and approved in writing by the Local Planning Authority.
- ii) The submitted strategy shall include details of all flow control systems and the design, location and capacity of all strategic SuDS features and shall include ownership, long-term adoption, management and maintenance schemes and monitoring arrangements/responsibilities. The strategy should also demonstrate that the exceedance of the designed system has been considered through the provision of overland flow routes.
- iii) The development shall be carried out in full accordance with the approved detailed surface water strategy, water supply and foul drainage plans and no building shall be occupied or used until such time as the approved detailed measures serving that building have been fully completed in accordance with the approved details.

Reason: In order to reduce the risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site and to ensure new environments and habitats are formed across the site. In accordance with Policies ESD6, ESD7, ESD8 and ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Materials**

9. A schedule of materials and finishes including samples (in a panel where

relevant) to be used in the external walls and roof(s) of the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to works above ground level. The development shall thereafter be completed in accordance with the approved details.

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

### **Landscaping**

10. No development shall take place until a detailed scheme of hard and soft landscaping works based on the submitted landscape masterplan and the approved plans (reference Outline Soft Landscape Proposals - 22027-GUA-DR-L-002 Rev P08 and Outline Hard Landscape Proposals - 22027-GUA-DR-L-003 Rev P07) has been submitted to and approved in writing by the Local Planning Authority. These details will include the following:

- Identification of existing trees, shrubs and other vegetation to be retained including details of tree protection fencing to protect them during the construction process
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

*Reason:* To ensure the satisfactory appearance of the development, provide appropriate landscaping and protect wildlife in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan

2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Ecological Enhancement**

11. a) Prior to above slab level works, details of Ecological Enhancement to achieve the submitted Biodiversity Matrix which indicates that the proposals would achieve at least 12.36% habitat enhancement and 37.24% hedgerow improvement. Details shall include:
- Species-rich meadow grassland should be incorporated where possible into areas of public open space and wildflower meadow planting
  - New native and species rich in the soft landscaping scheme to mitigate for hedgerow loss.
  - Any SuDS features proposed should be engineered to retain an area of standing water and planted with marginal plant species
  - Bat and bird boxes are recommended to be integrated into the walls of the residential properties including swift boxes and/or may be installed on mature trees within hedgerows or along the woodland edge
  - A small bug hotel to a tree with a hedgerow or along the woodland edge to the eastern edge.
  - Log and brash piles in appropriate locations
  - Any fencing that is to be installed should include gaps to allow for easy movement of hedgehogs.
  - A timescale for implementation and management to be not later than final occupation of the development.
- b) The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure that the development delivers the approved level of biodiversity net gain and appropriate landscaping and wildlife enhancement in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **LAPs and Informal Play**

12. a) Prior to first occupation of the development details of Local Areas of Play (LAPs) or any other areas of informal play shall be submitted to and agreed in writing by the Local Planning Authority. The submitted information shall include details of site levels, play features, seating, pathways, planting and landscaping relating to that LAP or other area of informal play and a strategy for their implementation and management.

b) The development shall be carried out in accordance with the relevant agreed details and retained thereafter

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver an appropriate amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

### **Street furniture**

13. a) Prior to above ground works details of street furniture including seating, refuse bins and dog bins and bollards to cycleway access points shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation of the development or an alternative agreed timescale.

Reason: To ensure that the proposals deliver appropriate levels of seating, communal bins for recreational purposes and manage access to cycleways and functioning of the development to provide an amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

### **Lighting Strategy**

14. No occupation shall take place until a detailed lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The details to be submitted shall include:
- i) Lighting for play
  - ii) Lighting for public realm and walking and cycling routes
  - iii) Areas of ecological areas where lighting will be prohibited.
  - iv) A strategy for roads and communal parking
  - v) A strategy for mitigation to reduce light pollution during construction.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance Policies PR3, PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

### **Fibre Optic Infrastructure**

15. a) Prior to their installation details of fibre optic infrastructure shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate the completion of infrastructure to facilitate the provision of fibre optic cable to each dwelling upon the completion of the infrastructure.
- b) The scheme shall be implemented in accordance with the agreed timescales and retained thereafter.

Reason: To provide appropriate and sustainable infrastructure for high speed internet connection in accordance with Policies PR7a, PR11 and PR12 of the Cherwell Local Plan 2011-2031 Part 1 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

### **Residential Travel Plan and Information Pack**

16. Prior to first occupation a Residential Travel Plan and Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan is to be updated on occupation of 50% of the site (48th dwelling). The development shall be implemented in accordance with the approved Travel Plan including the updated version as relevant.

Reason: To promote sustainable modes of transport in accordance with Policies PR4a and PR7a of the Cherwell Local Plan 2011-2031 Part 1 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

### **PD Removal (extensions and outbuildings)**

17. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or succeeding and replacement legislation no works or additions under Schedule 2 Part 1 or Part 2 shall be carried out relating to any of the dwellings hereby approved or within their curtilage without prior express consent of the Local Planning Authority.

Reason: Having regard to the nature of the properties and the designs and the associated intimate relationship to which extensions within a permitted development remit may compromise and having regard to

Development Plan Policies and guidance contained within the National Planning Policy Framework as a whole.

### **Parking and Turning areas**

18. All parking and manoeuvring areas identified on the approved plans set out in Condition 2 shall be implemented prior to the first occupation of the relevant part of the approved development. Once implemented all parking, turning areas and garages shall remain for use of parking and manoeuvring of vehicles and shall not be used for alternative uses.

Reason - To ensure satisfactory functioning of the application site in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

### **EV Charging Points**

19. No development above slab level shall take place until details of EV charging points have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the relevant dwelling and shall be retained thereafter.

Reason - To ensure satisfactory access to the site for future residents and users of the development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

### **Details of solar panels**

20. Notwithstanding the submitted details, no development above slab level shall take place until details of solar panels have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the relevant dwelling and shall be retained thereafter.

Reason - To ensure the development provides appropriate climate change mitigation for future residents and users of the development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

### **Noise Mitigation**

21. Prior to development above slab level a scheme to soundproof the affected dwellings against traffic noise shall be submitted to and approved by the Local Planning Authority to achieve an internal level in all sleeping areas of 30dB LAeq 1 hour and 45 dB L A max between 2300 hours and 0700 hours with windows shut and other means of ventilation provided. An internal level of 40dB LAeq 1 hour shall be achieved in all other areas of the building. All works that form part of the scheme shall be completed prior to occupation of the dwellings. The

development shall be implemented in accordance with the approved details prior to the occupation of the relevant dwelling.

Reason - To ensure the development provides appropriate residential environment for future residents of the development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

88 **Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington**

The Committee considered application 23/02338/OUT, an outline application for the erection of 15 detached and semi-detached single and two-storey dwellings (including affordable housing) together with means of access - re-submission of 22/03049/OUT for Manorwood Consultancy Ltd at Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington.

Christine Marsh, on behalf of Kirtlington Parish Council and the Mid-Cherwell Neighbourhood Plan Forum, addressed the Committee in objection to the application.

Jake Collinge, on behalf of the agent for the applicant, JCPC Ltd, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers' report, presentation, addresses from the public speakers and the written updates.

It was proposed by Councillor Wood and seconded by Councillor Reynolds that application, 23/02338/OUT be refused, contrary to the officer's recommendation, for the reason that the proposal failed to respect the traditional settlement pattern of Kirtlington, extending beyond the village's built up limits, resulting in an incongruous and inappropriate form of development and was therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C8, C28 and C30 of the Cherwell Local Plan 1996, Policies PD1, PD4 and PD5 of the Mid-Cherwell Neighbourhood Plan 2018-2031 and Government guidance within the National Planning Policy Framework (with the exact wording delegated to officers).

**Resolved**

That application 23/02338/OUT be refused, contrary to the officer's recommendation, for the following reasons:

1. By virtue of the siting and form, the proposal fails to respect the traditional settlement pattern of Kirtlington, extending beyond the village's built up limits, resulting in an incongruous and inappropriate form of development which would relate poorly to the remainder of the settlement. The proposal therefore runs contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C8, C28 and C30 of the Cherwell Local Plan 1996, Policies PD1, PD4 and PD5 of

the Mid-Cherwell Neighbourhood Plan 2018-2031 and Government guidance within the National Planning Policy Framework.

2. 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 workers and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

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### **OS Parcel 0622 South of Jersey Cottages and East of Heyford Road, Kirtlington**

The Committee considered application 23/02471/F, for the erection of 14 two storey dwellings and upgrading of existing access onto the Heyford Road, together with garaging and parking, footpath link, the removal and re-instatement of a section of existing wall and its repair along the Heyford Road frontage, and landscaping and all enabling development at OS Parcel 0622 South of Jersey Cottages and East of Heyford Road, Kirtlington for Abbeymill Homes.

Pete Shaw, local resident, addressed the Committee in objection to the application.

Tim Northey, on behalf of the applicant, Abbeymill Homes, and Briony Enser, Vice-Chair of Kirtlington Parish Council, addressed the Committee in support of the application.

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

### **Resolved**

That, in line with the officer's recommendation, application 23/02471/F be refused for the following reasons:

1. By virtue of its siting, scale, size, layout and form the proposal fails to respect the traditional settlement pattern of Kirtlington, extending beyond its built up limits to the east into countryside and into Kirtlington Park, resulting in an incongruous, contrived and inappropriate form of cul-de-sac development which would relate poorly to the remainder of the village, and cause demonstrable harm to the rural character and setting of the village and visual amenities of the area. Therefore, the proposal is contrary to Policies PSD1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C8, C28 and C30 of the Cherwell Local Plan 1996, Policies PD1, PD4, PD5 and PD6 of the Mid-Cherwell

Neighbourhood Plan 2018-2031, Government guidance contained within the National Planning Policy Framework and the National Design Guide.

2. The proposed development would, by reason of its location, scale, layout and form, cause considerable harm to the character and significance of the heritage assets of Kirtlington Conservation Area and the Grade II Registered Park and Garden at Kirtlington Park, and would cause unacceptable harm to the settings of nearby listed buildings, in particular Grade II Home Farm, Grade II 3-4 Foxtownsend Cottages and the wider setting of Grade I Kirtlington Park house. Therefore, the proposal is contrary to Policies PSD1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy PD1 of the Mid-Cherwell Neighbourhood Plan 2018-2031 and Government advice within the National Planning Policy Framework.
3. The proposed development would fail to achieve a satisfactory standard of development on highway grounds due to the inability to achieve a satisfactory visibility splay to the north and the inability of a refuse collection vehicle to achieve satisfactory tracking within the site. In addition, in the absence of the failure to submit a Stage 1 Road Safety Audit, these three concerns would result in the potential for highway safety to be compromised. The development therefore conflicts with Policies PSD1, ESD15 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1, Policy PD1 of the Mid-Cherwell Neighbourhood Plan 2018-2031 and Government guidance contained within the National Planning Policy Framework.
4. The proposed development fails to address the need for a safe layout to prevent the risk of crime and disorder occurring. The proposal would therefore fail to comply with Policies PSD1, ESD15 and BSC11 of the Cherwell Local Plan 2011-2031 Part 1, Policy PD5 of the Mid-Cherwell Neighbourhood Plan 2018-2031 and Government guidance contained within the National Planning Policy Framework.
5. The proposed development would occur on land classified as Grade 2 BMV agricultural land, in conflict Policy Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, Policy PD1 of the of the Mid-Cherwell Neighbourhood Plan 2018-2031 and Government guidance contained within 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, to the detriment of both existing and proposed residents and workers and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

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## **1 Elizabeth Rise Banbury OX16 9LZ**

The Committee considered application 23/02821/F for single and two storey front extensions, first floor side extension and single and two storey rear extensions, removal of chimney on south-west elevation (revised scheme of 22/03323/F, 23/01059/F and 23/01952/F) at 1 Elizabeth Rise, Banbury, OX16 9LZ for Mr G Ashraf.

Councillor Kieron Mallon addressed the Committee as Local Ward Member.

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

It was proposed by Councillor Webb and seconded by Councillor Harwood that application 23/02821/F be refused, against the officers' recommendation, due to flooding risk, overdevelopment of the site and excessive parking and was therefore contrary to Policy DSD15 of the Cherwell Local Plan 2011-2031 (with the exact wording delegated to officers).

### **Resolved**

That application 23/02821/F be refused, contrary to the officer's recommendation, for the following reason:

1. By reason of its scale, design and siting, the proposal would result in overdevelopment of the site and would therefore adversely affect the character and appearance of the area. The proposal would therefore be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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## **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.

### **Resolved**

- (1) That the position statement be accepted.

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## **Planning Performance Report**

The Assistant Director Planning and Development submitted a report that detailed the Council's performance in determining planning applications against the Government's targets on speed and quality, as well as general performance figures.

**Resolved**

- (1) That the Council's performance in determining planning applications for the Government's targets on Speed and Quality, as well as general performance figures be noted.

The meeting ended at 6.42 pm

Chairman:

Date: