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Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 9 March 2023 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor Andrew Beere
Councillor John Broad
Councillor Hugo Brown
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Dorothy Walker

Substitute Members:

Councillor Matt Hodgson (In place of Councillor Rebecca Biegel)
Councillor Ian Middleton (In place of Councillor David Hingley)
Councillor Adam Nell (In place of Councillor Simon Holland)
Councillor Barry Wood (In place of Councillor Maurice Billington)

Apologies for absence:

Councillor Maurice Billington
Councillor Rebecca Biegel
Councillor Jean Conway
Councillor Sandy Dallimore
Councillor David Hingley
Councillor Simon Holland
Councillor Richard Mould

Officers:

David Peckford, Assistant Director Planning & Development
Alex Chrusciak, Planning Improvement Consultant
Karen Jordan, Deputy Principal Solicitor
Caroline Ford, Development Manager Team Leader - South Area
Nat Stock, Development Management Team Leader - North Area
Katherine Daniels, Principal Planning Officer
Michael Sackey, Planning Officer
Natasha Clark, Governance and Elections Manager
Aaron Hetherington, Democratic and Elections Team Leader

Officers Attending Virtually:

Thomas Webster, Principal Planning Officer

132

Declarations of Interest

8. Land North West Bicester Home Farm, Lower Farm and SRG2 Caversfield.

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

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

13. Windrush Surgery, 5A Bradley Arcade, Bretch Hill, Banbury, OX16 0LS.

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

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

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

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

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

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

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

14. 4 Grimsbury Square, Banbury, OX16 3HX.

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.

133

Requests to Address the Meeting

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

134 **Minutes**

The Minutes of the meeting held on 9 February 2023 were agreed as a correct record and signed by the Chairman.

135 **Chairman's Announcements**

The Chairman advised the Committee that there were two agenda items which were not planning applications for Committee determination and officer's would advise accordingly when presenting the items.

136 **Urgent Business**

There were no items of urgent business.

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

There we no proposed Pre-Committee site visits.

138 **Land North West Bicester Home Farm, Lower Farm and SRG2 Caversfield**

The Committee considered application 21/01630/OUT, an outline planning application for up to 530 residential dwellings (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout, and scale reserved for later determination, at land at North West Bicester Home Farm, Lower Farm and SGR2 Caversfield for Firethorn Developments Ltd.

Rob Fellows, local resident and on behalf of on behalf of Elmsbrook Residents, Gagle Brook Primary School, the Perch Eco Business Centre, Bucknell Residents and Elmsbrook Traffic & Parking Group and Peter Turner, on behalf of Bicester Bike Users' Group addressed the Committee in objection to the application.

Rob Bolton, on behalf of the applicant, Firethorn Trust, Mark Kirby, highways consultant for the applicant and Hannah Leary, agent for the applicant, addressed the Committee in support of the application.

Members were asked for their observations regarding what their determination would have been, had an appeal against the non-determination of the application not been lodged.

It was proposed by Councillor Pratt and seconded by Councillor Sibley that the

application would have been refused the applications for the following reasons, which on being put to the vote, was agreed by the Committee:

- The proposal would not achieve true zero carbon development taking into account the Council's Climate Emergency declaration and the Policy requirements for NW Bicester in seeking to achieve Eco Town Development.
- The proposed changes to Charlotte Avenue would negatively impact the integrity of the area, would be dangerous for the users of the highway and footways particularly close to Gaggle Brook School, have not been proven to be feasible and would result in the loss of trees. It would contravene OCC, CDC and National Planning Policies.
- The proposal fails to show that the impact upon the highway at the junction of the B4100 and Charlotte Avenue would not be severe with congestion predicted within the peak hour.
- There are errors with the applicant's financial viability appraisal and this results in the development not being able to achieve the True Zero Carbon requirements and deliver a minimum 10% affordable housing against the required Local Plan level of 30%.
- The lack of an agreed S106 or other legal obligation to secure required infrastructure to mitigate its impacts.

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

Resolved

- (1) That against officer recommendation, had the power to determine application 21/01630/OUT continued to rest with the committee, the committee would have refused application 21/01630/OUT for the following reasons.
 1. The development, when set against the viability of the scheme, would not go far enough in trying to achieve the True Zero Carbon requirements for NW Bicester, as set out by Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. This would undermine the Council's strategy for achieving an Exemplary Eco Town development at NW Bicester which sets this site apart from others and where the Council has declared a Climate Emergency. The development would therefore conflict with Policy Bicester 1 and Policies ESD1-5 of the Cherwell Local Plan Part 1 2011-2031 and the North West Bicester SPD 2016.

Note to Appellant: This reason for refusal is capable of being addressed
 2. The access arrangements to the site would be unsatisfactory as there would be an inability to provide for suitable pedestrian and cycle facilities along Charlotte Avenue. Any localised proposals to the road have not been proven to be possible, and are likely to

raise safety concerns relating to users of the highway within proximity to Gagle Brook School, and would result in the loss of street trees and would impact on the character of the existing Eco Town. The proposal would not meet the requirements of LTN1/20 and would conflict with Oxfordshire County Council's 'Local Transport and Connectivity Plan' Policies 1, 2b, 8, 9, 11, 35, 45 and 46b, Oxfordshire County Council's 'Tree Policy for Oxfordshire' Policies 11, 18, 19 and 20, Policies SLE4 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031 and the North West Bicester SPD 2016.

3. The proposed development would result in congestion at the junction of Charlotte Avenue with the B4100, particularly during the peak period. This would result in a severe transport impact and the development would therefore conflict with Government guidance contained within the National Planning Policy Framework and Policies SLE4 and Bicester 1 of the Cherwell Local Plan Part 1 2011-2031.
4. The proposed development, when set against the financial viability of the scheme, would fail to provide an adequate level of affordable housing provision. The proposal is therefore contrary to Policy BSC3 and Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031, the North West Bicester SPD 2016, CDC's Developer Contributions SPD 2018 and Government guidance contained within the National Planning Policy Framework.

Note to Appellant: This reason for refusal is capable of being addressed.

5. In the absence of a satisfactory unilateral undertaking or other form of S106 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. This would be to the detriment of both existing and proposed residents and would be contrary to Policies INF1, BSC3, BSC7, BSC8, BSC10, BSC11, BSC12 and Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031, the North West Bicester SPD 2016, CDC's Developer Contributions SPD 2018 and Government guidance contained within the National Planning Policy Framework.

Note to Appellant: This reason for refusal is capable of being addressed.

process that public speaking rights would be allowed. The application would be submitted to a future Planning Committee meeting.

140

OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park

The Committee considered application 21/04289/OUT, an outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from access at OS Parcel 1570 adjoining and west of Chilgrove Drive and adjoining and north of Camp Road, Heyford Park for K & S Holford, A & S Dean, N Giles & A Broadberry.

Karen Mutton from Eversheds Solicitors on behalf of Dorchester Living, Gavin Angell from Dorchester Living and Martin Lipson on behalf of Mid-Cherwell Neighbourhood Plan (MCNP) Forum addressed the Committee in objection to the application.

Alan Divall, agent for the application addressed the Committee in support of the application.

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

Resolved

- (1) That application 21/04289/OUT be refused, contrary to the officer's recommendation, due to land being on greenbelt land and that the land is not allocated land for development with the Local Plan and lack of agreed section 106 with the exact wording of the reason for refusal delegated to the Assistant Director for Planning and Development.
 1. The site is located on greenfield land outside the Policy Village 5 allocation, therefore within an area of open countryside separate from the built-up area of Heyford Park. As a result, the development would have a poor and incongruous relationship with the form and character of Heyford Park, by reason of the site's general openness. The site's relationship to the RAF Upper Heyford Conservation Area and the views into and out of the Conservation Area would cause harm to the setting of designated heritage assets. Such environmental harm is considered to be less than substantial, but the harm caused is not outweighed by the public social and economic benefits. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The principle of this development is therefore unacceptable, as contrary to Policies PSD1, ESD1, ESD13, ESD15, and Policy Villages 5 of the Cherwell Local Plan 2011-

2031, Policy PD4 of the Mid Cherwell Neighbourhood Plan, Saved Policies C8, C30, C33 and H18 of the Cherwell Local Plan 1996 and Government Guidance in 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 or transport mitigation required as a result of the development and necessary to ensure modal shift to sustainable transport modes and 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 INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

141

Os Parcel 0006 Adjoining North Side Of Ells Lane, Bloxham

The Committee considered application 23/00065/OUT, an outline application for up to 30 dwellings including access off Ells Lane and the demolition of the existing stabling on site with all matters reserved except for access at Os Parcel 0006 adjoining the north side of Ells Lane, Bloxham for Deeley Homes.

David Bunn, Chairman of Bloxham Parish Council, addressed the Committee in objection to the application.

Dean Waldon, on behalf of the applicant and Angela Brooks, agent to the applicant addressed the Committee in support of the application.

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

Resolved

That the authority be delegated to the Assistant Director for Planning and Development to refuse permission for application 23/00065/OUT subject to:

- i) No further objections from the Council's Environmental Protection team raised by the expiry of the consultation period.
 - ii) The reasons for refusal set out below (and any amendments to those reasons for refusal as deemed necessary)
 - iii) That authority be delegated to officers to add or remove refusal reasons, in the event of an appeal being lodged against the refusal, in light of new evidence becoming available.
1. By reason of its location, the proposal would have a poor and incongruous relationship with the form, character and pattern of the

existing settlement. Its development would therefore have an adverse effect on the character and appearance of the countryside. This harm would be emphasised by the proposed improvement works to Ells Lane - required to make the highway safe for additional residential development – which would in themselves have a detrimental impact on the character and appearance of the area. Therefore, the proposal conflicts with Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031, saved Policy C33 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

2. By reason of its location more than 800m walking distance from the village centre and any key amenities in the village (e.g. food shop, post office, primary school, GP surgery, public house), the proposal would be poorly connected to existing development, such that future occupiers would not have a realistic choice of means of travel, and would not be sustainable development. Therefore, the proposal conflicts with Policies ESD1, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.
3. By reason of the siting and size of the development and the resulting loss of grade 1 agricultural land, and taking into account the Council's ability to demonstrate an up-to-date 5.4 year housing land supply across the District and having delivered in excess of 750 dwellings at Category A villages under Policy Villages 2, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of using areas of poorer quality agricultural land to meet the District's housing needs, the proposal is considered to result in the unnecessary and unjustified loss of best and most versatile agricultural land. Therefore, the proposal conflicts with Policies BSC2 and Villages 2 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.
4. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, in the absence of a detailed and adequate archaeological field evaluation the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Therefore the proposal conflicts with Policies ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.
5. 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 INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

6. The applicant has failed to demonstrate that an appropriate surface water drainage strategy for the site utilising sustainable drainage systems (SUDS) can be delivered nor that the proposed development would increase the risk of flooding. A such the proposal is contrary to policies ESD6 and ESD7 of the Cherwell Local Plan 2011 – Part 1 and Government guidance contained within the National Planning Policy Framework

142

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

The Committee considered application 22/00017/F for the demolition of an existing vehicle showroom and associated garages and the erection of 2 new housing blocks containing a total of 15 flats including car parking and ancillary supporting uses with landscaping at Kidlington Garage, 1 Bicester Road, Kidlington, OX5 2LA for Sweetcroft Homes.

In reaching its decision, the Committee considered the officers' report, presentation and written update.

It was proposed by Councillor Middleton and seconded by Councillor Mawson that application 22/00017/F be refused, contrary to the officer recommendation, due to the lack of affordable housing provision.

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

It was proposed by Councillor Corkin and seconded by Councillor Wood that application 22/00017/F be approved, in line with the officer recommendation, including the viability review mechanism after the implementation of the scheme.

In reaching its decision the Committee considered the officers report, presentation and written update.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development, or an officer nominated by them, to grant permission, for application 22/00017/F, subject to:
 - i) The conditions set out below (and any amendments to those conditions as deemed necessary) and
 - ii) 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 set out in the annex of the Minutes as set out in the Minute Book (except for affordable housing contribution) and including viability review mechanism.

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:

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.

Landscaping

3. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

(d) Full details of all means of enclosures

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

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

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

Materials Details

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

Reason: In the interests of the visual amenities of the area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Door and Window Details

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

Reason: In the interests of the visual amenities of the area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Vehicular Access Details

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

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Parking Space Provision

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

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

Surface Water Drainage Details

8. No development shall commence except for demolition unless and until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Discharge Rates
 - Discharge Volumes
 - Maintenance and management of SUDS features
 - Sizing of features - attenuation volume
 - Infiltration in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - SUDS - (in a treatment train approach to improve water quality)
 - Network drainage calculations
 - Phasing
 - Flood routes in exceedance

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

Site Contamination

9. Further contamination risk assessment is required in accordance with paragraph 10.3.2 of the submitted Geo-Environmental Site Investigation, BRD3473-OR2-A report. Prior to the commencement of the development hereby permitted, the further assessment recommended at paragraph 10.3.2 shall be undertaken to inform the remediation strategy proposals. This 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.

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

10. If contamination is found by undertaking the work carried out under condition 9, 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 prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

11. If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that

the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried 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.

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

Cycle Storage

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

Reason: To encourage sustainable modes of transport, to ensure the satisfactory appearance of the completed development and to comply with Policies ESD1 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Waste Management

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

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

Biodiversity Enhancement

15. No development shall commence, including any demolition, and any works of site clearance, unless and until a method statement for

enhancing the biodiversity on the site has been 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 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 the National Planning Policy Framework.

Boundary Treatments

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

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

Site Clearance outside of Nesting Season

17. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Noise Levels to Habitable Rooms

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

Reason: In the interests of the residential amenities of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1

and Government guidance contained within the National Planning Policy Framework.

Construction Environment Management Plan

19. No development shall commence unless and until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

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

External Lighting

20. Prior to the first use of the development hereby approved details of the external lighting and security lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

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

Obscure Glazing to Eastern Windows of Block A

21. The windows at ground floor, first floor and second floor level in the eastern side elevation that serve the habitable living areas of flats 1, 5 and 9 as shown on the Sketch Units – Block A Plans 18112-PP-002-A shall be permanently retained with purpose made obscure glazing and shall be top opening only at 1.7m above the floor level of the room in which the window is installed.

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

shop and for minor internal alterations at Windrush Surgery, 5A Bradley Arcade, Bretch Hill, Banbury, OX16 0LS for Mr F Sharma.

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

Resolved

- (1) That permission be granted for application 22/03821/F subject to the following conditions.

Conditions

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the following plans and documents: Site location plan 1:1250, Elevations/Proposed, Ground floor/Proposed and car park plan.

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.

144

4 Grimsbury Square, Banbury, OX16 3HX

The Committee considered application 22/03180/F for a single storey rear extension at 4 Grimsbury Square, Banbury, OX16 3HX for Ms Fazal Bibi.

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

Resolved

- (1) That permission be granted for application 22/02491/CDC subject to the following conditions (and any amendments to those conditions as deemed necessary).

Conditions

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the information contained within the application form and drawings numbered P.01 and P.02

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.

145 **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.

The meeting ended at 7.20 pm

Chairman:

Date:

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

Planning Obligation			
Detail	Amounts (all to be index linked)	Trigger Points	Regulation 122 Assessment
Off-site Affordable housing	Tbc but would be equivalent to the cost of providing 5 affordable units on site which is 35% of the total, to be delegated to Officers	Tbc but likely prior to the occupation of any unit on site to be delegated to Officers	<p>Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant to Policy BSC3 of the Cherwell Local Plan</p> <p>Directly Related – the affordable housing would be provided off-site due to relatively small-scale of the proposal and requirements for registered providers to take on affordable housing on site. The requirement is directly generated from the proposal, above the affordable housing threshold set out in Policy BSC3.</p> <p>Fairly and reasonably related in scale and kind – the contribution will be based upon the Cherwell Local Plan requirement for the percentage of affordable housing and the associated cost of providing this off-site.</p>
Off-site outdoor sports facilities provision at Stratfield Brake	£5,557.76	Prior to the occupation of any unit on site	Necessary - the proposed development will lead to an increase in demand and pressure on existing

Off-site indoor sports facilities provision at Kidlington and Gosford Leisure Centre	£3160.56	Prior to the occupation of any unit on site	<p>services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD.</p> <p>Directly Related – the future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – calculations have been based on the final mix of housing proposed and the likely number of occupants as set out in the Developer Contributions SPD.</p>
Community Hall Facilities	£11,128.00	Prior to the occupation of any unit on site	
Waste and Recycling Facilities	£1,665	Prior to the occupation of any unit on site	<p>Necessary – the dwellings will require adequate recycling facilities and waste collections for future occupants and in accordance with the advice in the Developer Contributions SPD.</p> <p>Directly Related – the need for these comes from the provision of new residential accommodation</p> <p>Fairly and reasonably related in scale and kind – costs in accordance with the advice in the Developer Contribution SPD.</p>
Traffic Regulation Order	£6,255	Likely prior to the occupation of any unit on site, to be delegated to Officers	<p>Necessary – the proposal will place an additional demand on street parking and further management through the provision of double yellow rules around</p>

			<p>Oxford Road/Bicester Road are required to mitigate any harm from off-site parking</p> <p>Directly Related – the need for this arises from the provision of new residential accommodation and a reduction in on-site parking below OCCs standards.</p> <p>Fairly and reasonably related in scale and kind – the costing of this TRO is directly related to the scale of additional yellow lines that required as a result of the scale of the proposed development and reduction in parking below the standard required.</p>
Requirement to monitor the development through the construction and post occupancy stages	N/A	The requirement to agree a scheme prior to implementation and then ongoing timescales to monitor the development	<p>Necessary – in order to ensure that the development is meeting the high standards sought across the district.</p> <p>Directly related – the monitoring is directly related to the development itself</p> <p>Fairly and reasonably related in scale and kind – the monitoring to be undertaken would be proportionate to the development itself and therefore is fairly and reasonably related in scale and kind to the development.</p>
CDC and OCC Monitoring Fees	CDC - £1,500	On completion of S106	The CDC charge is based upon its recently agreed Fees and Charges Schedule which set

	OCC- TBC		out that for developments of 10-100 dwellings that a bespoke charge will be based upon the number of obligations and triggers with a minimum charge of £1,000. A registration charge of £500 is also applicable. As the development has relatively few obligations and triggers for CDC, the minimum charge plus the registration charge is required. The need for a monitoring fee is to ensure that it can appropriately monitor that the development is complying with its S106 including the high standards sought at the site and taking into account the context of the site.
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