

BICESTER TOWN COUNCIL



PLANNING COMMITTEE MEETING

Ref: PL06/1819

MONDAY 22nd OCTOBER 2018

at

7.00 pm

THE GARTH, LAUNTON ROAD, BICESTER

Circulation

Town Mayor: Councillor Sean Gaul

Committee Member

Cllr Rose Stratford – Chairman
Cllr Nick Mawer – Vice Chairman
Cllr David Anderson
Cllr Nick Cotter
Cllr Sean Gaul
Cllr Richard Mould
Cllr Debbie Pickford
Cllr Lynn Pratt
Cllr Przemek Rybka
Cllr Les Sibley
Cllr Jason Slaymaker
Cllr Lawrie Stratford

Non-Committee Member(s)

Cllr Dan Sames
Cllr David Magee
Cllr Melanie Magee

Cllr Tom Wallis – CDC
Cllr John Broad – CDC
Cllr Lucinda Wing - CDC
Bicester Review
Oxford Mail
Bicester Library
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Council Offices,
The Garth,
Launton Road,
Bicester
Oxon, OX26 6PS

Telephone: 01869 252915
Fax: 01869 324554
Email: enquiries@bicester.gov.uk

Monday 15th October 2018

Sir/Madam

To all Members of the Planning Committee

You are hereby summoned to attend a meeting of the Planning Committee on **Monday 22nd October 2018** at **The Garth, Launton Road Bicester OX26 6PS** to commence at **7.00pm** for the transaction of the following business.

Samantha Shippen
Chief Officer

Members of the public and press are welcome to attend in accordance with the Public Bodies (Admission to Meetings) Act 1960

Copy Attached	Agenda item No	AGENDA
	1	APOLOGIES FOR ABSENCE
	2	DECLARATIONS OF INTEREST
	2.1	Councillors are reminded to declare any interests on any item on this agenda in accordance with Bicester Town Council's Code of Conduct.
	2.2	Declarations of Interest for District & County Councillors District Councillors and County Councillors on this Planning Committee will make their comments and decisions based upon information available at the time of the Meeting. It is accepted that District and County Councillors may come to different decisions in the light of more information being made available at District or County Planning Meetings.
✓	3	MINUTES To confirm the Minutes of the meeting held on: PL05/1819 - Monday 17th September 2018

Copy Attached	Agenda item No	AGENDA
	4	PUBLIC SESSION In accordance with Standing Orders 1 d-f, members of the public may make representations, ask questions and give evidence in respect of any item of business included in the agenda. Time allocated shall not exceed 10 minutes. No member shall speak for more than 2 minutes.
	5	UPDATES ON LARGE DEVELOPMENTS AND ASSOCIATED ISSUES 5.1 NORTH WEST BICESTER 5.2 GRAVEN HILL 5.3 GARDEN TOWN 5.4 OTHER BICESTER STRATEGIC SITES
✓	6	PLANNING APPLICATIONS FROM CHERWELL DISTRICT COUNCIL Committee is asked to consider and comment on the attached list of applications. <i>Members are advised that the full planning applications are available for inspection in the Council Offices or on the Cherwell District Council website.</i>
✓	7	APPEALS Committee is asked to note the following appeals: 17/01428/F – Development of care home for older people with associated access, parking and landscaping - Appeal allowed.
✓	8	NOTIFICATIONS OF PLANNING DECISIONS FROM CHERWELL DISTRICT Committee is asked to note the following planning decisions from Cherwell District Council. PD06/1819
✓	11	FORWARD PLAN Committee is asked to review and comment on the forward plan.
	12	DATE OF NEXT MEETING Monday 19th November 2018 at 7.00pm

Minutes of the Bicester Town Council Planning Committee on **Monday 17th September 2018**
at **The Garth, Launton Road Bicester OX26 6PS.**

Present:

Cllr Rose Stratford – Chairman
Cllr David Anderson
Cllr Nick Mawer
Cllr Les Sibley
Cllr Jason Slaymaker
Cllr Lawrie Stratford

In Attendance:

Chris Johnson – Operations Manager
Angie Suter - Administrator

Minute Number	Agenda item No	MINUTES
182/1819	1	APOLOGIES FOR ABSENCE RESOLVED that apologies were received from Cllr Sean Gaul, Cllr Richard Mould, Cllr Debbie Pickford, Cllr Lynn Pratt and Cllr Przemek Rybka.
183/1819	2	DECLARATIONS OF INTEREST 2.1 RESOLVED that Cllr Mawer declared a non-pecuniary interest in planning application no 18/01385/ADV as his daughter works for Polo Ralph Lauren. 2.2 Declarations of Interest for District & County Councillors RESOLVED that, Cllr David Anderson Cllr Nick Mawer, Cllr Les Sibley, Cllr Jason Slaymaker as District Councillors and Cllr Les Sibley and Cllr Lawrie Stratford as County Councillors on this Planning Committee will make their comments and decisions based upon information available at the time of the Meeting. It is accepted that District Councillors may come to different decisions in the light of more information being made available at District Planning Meetings.
184/1819	3	MINUTES RESOLVED that the Committee confirmed the minutes of the Planning Committee meeting: PL04/1819 – Monday 20th August 2018
185/1819	4	PUBLIC SESSION Members of the public commented on: Agenda item 9 – Queens Avenue/Kings End – Proposed Pedestrian and Cycle Link, this is a poor and dangerous cycle route and a waste of money. It would be better to wait until funding

Minute Number	Agenda item No	MINUTES
186/1819	5	is available to do the job to a better standard. This proposal does not comply with OCC cycling standards either. UPDATES ON LARGE DEVELOPMENTS AND ASSOCIATED ISSUES 5.1 NORTH WEST BICESTER Nothing to report. 5.2 GRAVEN HILL Nothing to report. 5.3 GARDEN TOWN Nothing to report. 5.4 OTHER BICESTER STRATEGIC SITES Work is being carried out at Bicester Heritage main gate and some clearing work have been done, all these works were agreed in a 2017 planning application. Cherwell District Council have objected to several aspects of their latest planning application for a hotel on the site.
187/1819	6	PLANNING APPLICATIONS FROM CHERWELL DISTRICT COUNCIL Committee was asked to consider and comment on the list of applications. RESOLVED that the following comments be made: 18/00230/TCA – Leave to the Arboriculturalist but would as if replacement trees are to be planted. 18/00247/TCA – No comment. 18/01060/REM - Leave to the Cherwell District Council officers. 18/01150/LB – No objection. 18/01290/LB – No objection but not happy with retrospective planning applications. 18/01385/ADV – No objection. 18/01390/F – Objection. Over development of the site and loss of parking. This house has already been extended by 60% of its original size. 18/01403/F – No objection. 18/01431/F – No objection. 18/01437/F – No objection. 18/01440/F - No objection. 18/01480/ADV – No objection. 18/01496/F – Welcome this application. 18/01497/F – No objection. 18/01515/F – No objection. 18/01520/F – No objection. 18/01535/F – No objection. 18/01561/F – No objection. 18/01573/F – Have concerns that this is possibly an over development of the site.
188/1819	7	APPEALS RESOLVED that Committee NOTE the following appeals:

Minute Number	Agenda item No	MINUTES
189/1819	8	17/0248/F – 2 Hudson Street - 2 no. one bed flats. Appeal dismissed. 17/02416/F – 7 St Peters Crescent – side extension to create new dwelling. Appeal dismissed. NOTIFICATIONS OF PLANNING DECISIONS FROM CHERWELL DISTRICT RESOLVED that the Committee NOTE the planning decisions from Cherwell District Council. PD05/1819
190/1819	9	CONSULTATIONS The Committee CONSIDERED the following consultations: Queens Avenue/Kings End – Proposed Pedestrian and Cycle Link RESOLVED that the Committee commented as follows: Bicester Town Council has major concerns regarding this consultation and feel it is ill advised. The western side of Kings End from the junction with Kings Avenue up to the pelican crossing just south of the junction with Kingsclere Road is not wide enough to accommodate both pedestrians and cyclists and is to the detriment of both. The entrance road to the Schools and Sports Centre is already a hazardous area at certain times of the day with vehicles becoming impatient to turn on to Queens Avenue and children trying to cross from one side to the other without adding cyclists to the mix. Also, street lighting is poor and needs upgrading. There are many junctions along Queens Avenue for pedestrians to contend with let alone cyclists. This is a dangerous stretch of road which is always busy, prone to traffic congestion and used more and more frequently by unauthorised HGVs adding to the already prevalent issue of air pollution in this area. Bicester Town Council would suggest putting this proposal on hold until it is clear what the intention is with the buildings stretching from the Fire Station all the way along to the old Magistrates Court and at that point a more informed proposal could be put forward that could look at the whole stretch of road from the Hamburger roundabout at Bicester Village all the way up to the end of Field Street. We should ensure this is done correctly at the first go and not in little sections. We would also seek to clarify whether any 106 monies from the Bicester Community College build are still available to carry out works on widening footpaths, street lighting and other traffic improvements.

Minute Number	Agenda item No	MINUTES
191/1819	10	• Vendee Drive – Proposed Toucan Crossing – Bicester Town Council welcome these crossings but would like to see one that gives people access to the park & ride. RESOLVED that the Committee commented as follows: Bicester Town Council welcome these crossings but would like to see one that gives people access to the park & ride. FORWARD PLAN RESOLVED that Committee NOTE the forward plan.
192/1819	11	DATE OF NEXT MEETING: Monday 22nd October 2018 at 7.00 pm CLOSE OF MEETING – 19:50hrs

New Applications Received Between 17/09/2018 and 15/10/2018

Item No : 6

Ref No :

Application No	Date Recd	Case Officer	Applicant Name	Location
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New Application

18/00268/TCA

28/09/2018	Iain Osenton	Mr Richard Howard	12 North Street Bicester OX26 6ND
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Proposal : Ward: Town
Proposal: T1 x Leyland Cypress - fell.

Observations :

18/00389/DISC

01/10/2018	Matthew Perry	London & Regional Properties	Bicester Gateway Business Park Wendlebury Road Chesterton
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Proposal : Ward: Chesterton
Proposal: Dishcharge of condition 11 (CMP) 15 (Surface water drainage scheme) 16 (Water supply impact studies) 17 (foul drainage strategy) 28 (Footway/cycle details) 29 (Bus stop layby) 31 (Details of pedestrian crossing of 16/02586/OUT

Observations :

18/00647/REM

19/09/2018	Linda Griffin	CALA Homes (Midlands) Ltd	Parcel H and Phases 1 & 2 SW Bicester Parcel 7849 North of Whitelands Farm
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Proposal : Ward: South West
Proposal: Reserved Matters to 13/00847/OUT - Parcels I and H (Phase 1) erection of 247 dwellings and associated infrastructure.

AMENDMENTS: Revised layout and house types in response to consultation responses and case officer letter of 18th June 2018

Observations : RESOLVED that Bicester Town Council approved this application.

18/01279/F

26/09/2018	Sarah Greenall	Mr Edmond Manerelli	28 Campion Place Bicester OX26 3EH
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Proposal : Ward: North
Proposal: First floor extension, 2 storey side extension and single storey rear extension.

Observations :

18/01516/F

19/09/2018	Sarah Greenall	Mr & Mrs Steve Hughes	29 Lawrence Way Bicester OX26 2FP
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Proposal : Ward: West
Proposal: Two storey side extension and single storey rear extension

Observations :

18/01545/F

21/09/2018	Sarah Greenall	Mr & Mrs Clarkson	The New Coach House Queens Avenue Bicester OX26 6TA
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Proposal : Ward: Town
Proposal: Single storey side/rear extension to form granny annexe

Observations :

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18/01551/F	21/09/2018	John Gale	Mr Stuart Anderson	Northampton House 18 Chapel Street Bicester OX26 6AY
Proposal : Ward: Town Proposal: Take down and rebuild a section of the boundary wall in a new position.				
Observations :				
18/01574/F	01/10/2018	Michael Sackey	Mr Michael Biltcliffe	4 Fleming Close Bicester OX26 2YA
Proposal : Ward: West Proposal: Extend existing dropped kerb to the RHS by 3 sections				
Observations :				
18/01579/F	19/09/2018	Sarah Greenall	Mr & Mrs Edward Southam	12 St Hughs Close Bicester OX26 4UT
Proposal : Ward: East Proposal: Two storey side extension				
Observations :				
18/01585/F	01/10/2018	Sarah Greenall	Miss Kate McGurk	3 Hill View Buckingham Road Bicester OX26 3ER
Proposal : Ward: North Proposal: Two storey rear infill extension				
Observations :				
18/01600/F	24/09/2018	Linda Griffiths	Countryside Properties Ltd	Phase 2 SW Bicester Parcel 7849, North of Whitelands Farm Adjoining Middleton Stoney Rd
Proposal : Ward: South West Proposal: Application for full planning permission for a temporary construction access from Vendee Drive, Bicester (northern access from Vendee Drive).				
Observations :				
18/01601/F	24/09/2018	Linda Griffiths	Countryside Properties Ltd	Phase 2 SW Bicester Parcel 7849, North of Whitelands Farm Adj Middleton Stoney Road
Proposal : Ward: South West Proposal: Application for full planning permission for a temporary construction access from Vendee Drive, Bicester (southern access from Vendee Drive)				
Observations :				
18/01606/TPO	24/09/2018	Iain Osenton	Cherwell District Council	7 Bryony Road Bicester OX26 3WY
Proposal : Ward: North Proposal: T21 Oak Tree - Remove canopy deadwood, remove ivy, reduce east facing limbs from 2m growth by 2m, crown lift 3m over public path and 5m over property, cut back 2m from				

New Applications Received Between 17/09/2018 and 15/10/2018

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property and reshape and balance canopy where necessary - subject to TPO 9.94				
Observations :				
18/01608/F	24/09/2018	John Gale	Mr & Mrs Chahal	23 Grebe Road Bicester OX26 6WG
Proposal : Ward: South Proposal: Extension of existing garage to create games/shower room.				
Observations :				
18/01616/F	08/10/2018	Sarah Greenall	Mr Gurval Durand	22 Whitelands Way Bicester OX26 1AB
Proposal : Ward: South Proposal: Part conversion of garage				
Observations :				
18/01617/F	15/10/2018	Sarah Greenall	Sanctuary Care c/o Agent	13 Cosford Gardens Bicester OX26 4FT
Proposal : Ward: East Proposal: Single storey disabled adaption extension.				
Observations :				
18/01618/ADV	03/10/2018	Sarah Greenall	Hugo Boss	109 - 110 Pingle Drive Bicester OX26 6EU
Proposal : Ward: Town Proposal: 1 no. fascia sign, 1 no. hanging sign, 2 no. nameplate sign				
Observations :				
18/01624/F	21/09/2018	Sarah Grenall	Charlotte & Mark Iddon	12 Field Street Bicester OX26 2NP
Proposal : Ward: Town Proposal: Single storey rear infill extension				
Observations :				
18/01628/F	01/10/2018	Michael Sackey	Bicester Nominees Ltd	Management Suite 2 above 1 Pingle Drive Bicester OX26 6WD
Proposal : Ward: Town Proposal: Installation of solar PV panels and rooflights to existing pitched roofs.				
Observations :				
18/01632/F	03/10/2018	Michael Sackey	Mrs Jane Furber	62 Victoria Road Bicester OX26 6PH
Proposal : Ward: Town Proposal: Dropped kerb onto classified road to serve existing driveway.				

New Applications Received Between 17/09/2018 and 15/10/2018

Item No : 6

Ref No :

<u>Application No</u>	<u>Date Recd</u>	<u>Case Officer</u>	<u>Applicant Name</u>	<u>Location</u>
Observations :				
18/01633/F	01/10/2018	Matthew Perry	Bicester Nominees Ltd	Bicester Village Pingle Drive Bicester
Proposal : Ward: Town Proposal: Variation of conditions 1 (factory outlet centre + 3500sqm class A3) and 7 (no food retailing) of 17/00953/F and addition of a condition to 17/00953/F				
Observations :				
18/01634/F	01/10/2018	Matthew Perry	Bicester Nominees Ltd	Former Tesco Pingle Drive Bicester OX26 6WA
Proposal : Ward: Town Proposal: Variation of conditions 19 (factory outlet centre + 3500sq m class A3) and 22 (restriction of retailers for particular goods) of 17/00958/F and addition of a condition to 17/00958/F				
Observations :				
18/01636/F	01/10/2018	Matthew Perry	Bicester Nominees Ltd	Bicester Village Pingle Drive Bicester
Proposal : Ward: Town Proposal: Variation of conditions 2 (factory outlet centre + 3500sqm class A3) and 6 (restriction of retailers for particular goods) of 17/00954/F and addition of a condition to 17/0054/F				
Observations :				
18/01637/F	01/10/2018	Matthew Perry	Bicester Nominees Ltd	Land East of Bicester Village (Phase 3), Pingle Drive Bicester
Proposal : Ward: Town Proposal: Variation of conditions 1 (factory outlet centre + 3500 sqm class A3) and 5 (restriction of retailers for particular goods) of 17/00957/F and addition of a condition to 17/00957/F.				
Observations :				
18/01638/OUT	01/10/2018	Matthew Perry	Bicester Nominees Ltd	Bicester Village Pingle Drive Bicester
Proposal : Ward: Town Proposal: Variation of conditions 2 (factory outlet centre + 3500sqm class A3) and 5 (restriction of retailers for particular goods) of 17/00955/OUT and addition of a condition to 17/00955/OUT				
Observations :				
18/01643/F	03/10/2018	Michael Sackey	Lloyds Bank	9 Sheep Street Bicester OX26 6JE
Proposal : Ward: Town Proposal: Installation of ornate metal double leaf gates with keypad to control parking				
Observations :				

New Applications Received Between 17/09/2018 and 15/10/2018

Item No : 6

Ref No :

<u>Application No</u>	<u>Date Recd</u>	<u>Case Officer</u>	<u>Applicant Name</u>	<u>Location</u>
18/01660/F	01/10/2018	Sarah Greenall	Ms Cheutalla Williams	33 Wye Close Bicester OX26 2NL
Proposal : Ward: West Proposal: Change of use from amenity land to Class C3 residential land and erection of 1.8m high closed boarded fence.				
Observations :				
18/01672/F	03/10/2018	Sarah Greenall	Damira	Unit 3 Westbury Court Wesley Lane Bicester OX26 6JU
Proposal : Ward: Town Proposal: Change of use of Unit 3 from A1/A3 to D1 (dental surgery).				
Observations :				
18/01706/F	15/10/2018	Sarah Greenall	Ian Harban Consulting Engineer	9 George Street Bicester OX26 2EB
Proposal : Ward: Central Proposal: Rear extension.				
Observations :				
18/01716/F	10/10/2018		Mr Paul Rayson	37 Ashby Road Bicester OX26 2LE
Proposal : Ward: South West Proposal: Two storey side extension				
Observations :				
18/01721/OUT	15/10/2018	Linda Griffiths	Countryside Properties Ltd	Land West of Oxford Road and South of Newton Close Bicester
Proposal : Ward: South West Proposal: Outline permission for development of up to 100 residential dwellings (C3 use class) with land safeguarded for doctors surgery (D1 use class), other related infrastructure and associated works.				
Observations :				

Applications Received :- 31



The Planning Inspectorate

Appeal Decision

Hearing Held on 31 July 2018

Site visit made on 31 July 2018

by AJ Steen BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2018

Appeal Ref: APP/C3105/W/18/3193654

Land at Skimmingdish Lane, Bicester OX26 4XJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Alistair Wood, LNT Care Developments Ltd against the decision of Cherwell District Council.
- The application Ref 17/01428/F, dated 30 June 2017, was refused by notice dated 27 November 2017.
- The development proposed is the change of use of land to public open space and development of care home for older people with associated access, parking and landscaping.

Decision

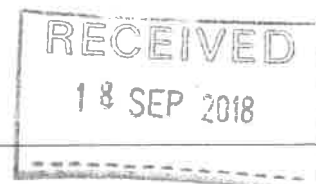
1. The appeal is allowed and planning permission is granted for the change of use of land to public open space and development of care home for older people with associated access, parking and landscaping on Land at Skimmingdish Lane, Bicester OX26 4XJ in accordance with the terms of the application, Ref 17/01428/F, dated 30 June 2017, subject to the conditions in a schedule at the end of this decision.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was issued prior to the hearing and opportunity was given to discuss changes to planning policy arising from this during the course of the hearing. I have taken its contents into account in coming to my decision.
3. A Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (S106) was submitted during the course of the hearing. I will return to that in my reasoning.

Main Issue

4. Whether the location of the proposed development would be consistent with the strategy for development set out within the development plan, with particular regard to public open space, or if there are any material circumstances sufficient to override any conflict with policy.



Reasons

5. The land at Skimmingdish Lane, Bicester comprises an open area of scrub and grassland between playing fields with children's play area and a similar open area owned by Thames Water. To the rear of the site is further open space associated with a school. The appeal site has been used by dog walkers and others as part of a route around this part of the town, although I understand that this has not been with the consent of the landowner. Indeed, it has been fenced in recent months to stop access, albeit that has been broken at various points.
6. The Thames Water land is an attenuation area relating to run off from surrounding development. I understand the landowner has also not granted consent for public access to this land.
7. The whole of the appeal site was reserved for recreation use by Policy R1 of the Cherwell Local Plan 1996 (LP 1996) and that policy was saved when the Cherwell Local Plan 2011-2031 (LP 2011-2031) was adopted. Policy R1 also states that proposals conflicting with recreation use will be resisted. As a result, the appeal site continues to be protected in its entirety for recreation use. However, the policy itself does not specify how it will be implemented. The written justification, insofar as it relates to Bicester, also does not specify how the policy would be implemented although does state that the appeal site would form part of a linear park, carried forward in the later plan. The section in relation to Banbury does state that informal open space would come about as a consequence of new housing, but that is not reflected in the Bicester section.
8. The background evidence to the subsequent LP 2011-2031 demonstrates a need for informal open space in this area. The site does not appear in those background studies as existing open space. Taking these factors into account, if any part of the appeal site were to be provided as public open space it would make a positive contribution toward the need for public open space in Bicester.
9. Policy Bicester 7 of the LP 2011-2031 seeks to address current and future deficiencies in open space, sport and recreation provision, including by establishing an urban edge park around the outskirts of Bicester. This includes protecting existing open spaces and securing new open space with a linear route provision linked with public footpaths and cycleways. Background to the policy states that this is a continuation of a long term objective of an urban edge park, including linking existing open spaces through a network of footpaths and cycleways, and creating new areas of open space to contribute toward a network of provision.
10. Background to Policy Bicester 7 makes clear that the policy aims to maximise the value of existing open spaces by increasing their accessibility and linking them to each other, as well as creating new open space to contribute toward the network of provision. A path through this site, along with open space to either side, would clearly provide a link to and from the adjacent playing fields to Skimmingdish Lane and to the land owned by Thames Water. It would, therefore, contribute to linear route provision and the establishment of an urban edge park in this area.
11. The UU provides that the open space would be laid out and given to the Council and that an Informal Open Space Contribution and Hedgerow Commuted Sum

would cover maintenance of the open space after it has been transferred to the Council. A Landscape Management Plan is required to be submitted and approved prior to works taking place. For these reasons, the obligations within the UU relating to these matters would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development, thereby meeting the relevant tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

12. Given the potential recreation use of the whole of the appeal site would be lost through the proposed development of the care home on a significant proportion of the site, I conclude that the proposal would conflict with Policy R1 of the LP 1996. However, as part of the site would become public open space that would contribute toward the urban edge park with linear route provision, it would not conflict with Policy Bicester 7 of the LP 2011-2031. This provision would count as a benefit to the proposal that carries very substantial weight. Nevertheless, conflict with Policy R1 of the LP 1996 is sufficient to conclude the proposed development would conflict with the development plan as a whole.

Other matters

Ecology

13. I understand that the grass and shrub on the site provides a particularly good habitat for a number of species, such as invertebrates and reptiles. The appellant carried out a clearance programme to remove these from the location of the proposed care home and access shortly after the Committee meeting where the application was determined. I note there are some concerns as to the methodology used, but it is not for me to consider whether these met legal requirements or best practice. The removal may not have been wholly effective given that the protective barriers to exclude reptiles from the site of the proposed care home and access have been broken down in places, but further work would be required in response to conditions should the appeal be allowed.
14. The proposal would enable the area to be retained as open space to be managed to best provide for protected species. Measures would be required to deter people from detracting from the ecology, including discouraging use of the site other than the path. Conditions have been suggested that would provide a Construction Environment Management Plan and Landscape and Ecology Management Plan to ensure protection of ecology during and after construction of the care home. On balance, I conclude that the additional management and protection that would result from the proposal, albeit over a smaller area, would provide a modest benefit to ecology and biodiversity.
15. Those measures would restrict the use of the site by the public. Nevertheless, the need expressed in the LP 2011-2031 is for linear route provision within an urban edge park. That would not necessarily require public access away from the linear route through the open space. Consequently, this would not reduce the benefit of the contribution of the site toward the urban edge park.
16. I note that there has been a Community Nature Plan prepared in relation to this area and there has been a bid to South East Midlands Local Economic Partnership to improve the ecology of the Thames Water Basin. There is some suggestion that this would affect this site, although it is unclear how that would operate. In addition, the site is proposed to be included within a District Wildlife

Site, but it is not clear what stage this is at. On that basis, these matters would not affect my conclusions on this issue.

Care home

17. Background evidence to the LP 2011-2031 demonstrates a need for care home provision within the district of a minimum of 565 bedspaces. The proposals would provide 64 bed spaces, or 11% of that need and, I understand, would be of a high quality and would reduce dependence on social care.
18. Two other applications¹ for similar forms of accommodation have been submitted elsewhere and are subject to resolutions to approve subject to provision of Section 106 legal agreements, so their delivery is uncertain at present. In addition, it is unclear whether the form of care proposed in those cases would be of a type to meet the identified need. I understand another care home was granted outline planning permission in 2006 under reference 06/00967/OUT but no reserved matters have been submitted and the permission has expired. A care home has been constructed on the opposite side of Skimmingdish Lane and it is unclear how much that has contributed to the identified need. Nevertheless, the need for bedspaces is greater than the provision identified and this care home would add to choice in the locality, such that the proposed development would contribute toward the identified need.
19. In addition to contributing to the need for bedspaces in care homes, the proposal would result in creation of approximately 40-50 jobs in the running of the care home, in addition to the jobs provided during construction stage. The appellant suggests that most of the care and support roles would be filled with people from within 3 miles of the site. I understand that most residents would also come from a similar radius, or have relatives within that area.
20. The proposal is some distance from services and facilities provided within the town centre, and bus stops are a short distance away. However, most residents would not be able to leave the care home without assistance and would be provided with many services, such as hairdresser, café and small shop, within the home. I understand that there is often some synergy between care homes and schools, such as that neighbouring, and with open space. Consequently, whilst some employees, residents and their visitors may prefer to be nearer the services and facilities of a town centre, overall this is an appropriate location for the care home.
21. As a result, there is a demonstrable need for additional care homes within Bicester and the proposed development would make a considerable contribution toward that provision. I conclude that substantial weight can be attached to this provision.

Other

22. The site is known to have archaeological potential. The Framework states that great weight should be given to heritage asset's conservation. In the case of assets with archaeological potential, this should include an appropriate desk-based assessment and, where necessary, a field evaluation. The Council have suggested a series of conditions that would require further investigation and watching brief proportionate to the importance of the heritage asset. Subject to

¹ Planning application references 14/01384/OUT and 14/02121/OUT

those conditions, I am satisfied that the effect of the proposed development on this heritage asset would be acceptable.

23. The appeal site is located close to the RAF Bicester Conservation Area that is over Skimmingdish Lane and contains a number of listed buildings. The separation created by this road and proposed open space ensures that the proposed care home would not harm the setting of those heritage assets.
24. A Travel Plan would be required by condition that would provide choice to staff and visitors and promote sustainable modes of transport. This would reduce the amount of vehicular traffic accessing the site, such that the modest amount of additional traffic accessing the proposed development would have a limited effect on vehicle emissions and the capacity of the surrounding road network. In addition, parking would be provided on the site to meet the needs of staff, occupiers and visitors to the proposed development.
25. Access to the care home would be over the footpath and cycleway adjacent to the road and would then slope down and cross the linear route through the urban edge park. However, the amount of traffic accessing the care home would be modest. In addition, further details of the design and layout of the junction with Skimmingdish Lane and the access road would be required by condition. This would ensure the design would provide a safe route for users of the footpaths and cycleway, including taking account of the slope of the site down away from the road.
26. I understand that there are plans for the widening of Skimmingdish Lane to become a dual carriageway. However, these are at an early stage and it is not clear whether additional land would be required and, if it is, how much. Consequently, it is unclear what the effect of this would be and I am only able to give this matter limited weight.
27. I note that planning permission² has been granted and development started for 46 dwellings further along Skimmingdish Lane that was also reserved for recreation use under Policy R1 of the LP 1996. In addition, an electricity substation has been constructed in this area. The housing development included open space linking to the other open space along Skimmingdish Lane and the open space extends around the electricity substation. However, the proposed development is for a different form of development, seeking to respond to a different need and, as such, I need to consider this proposal on its individual merits.
28. I have concluded above on a number of elements of the UU where they relate to the main issue. In addition, it includes the provision of highway works and financial contributions toward bus services, Traffic Regulation Order and the legal and administrative costs of enforcement and monitoring.
29. The highway works are necessary to provide adequate access into the site for the proposed development. The financial contributions toward the bus services and a Traffic Regulation Order are not in dispute between the parties. These relate to provision of services and facilities that would meet the requirements of Regulation 122 of the CIL Regulations.
30. In terms of provision within the UU of contributions toward a Travel Plan monitoring fee and costs relating to enforcement, there is no direct reference

² Planning application reference 14/00697/F

to this possibility within the Framework or Planning Practice Guidance. Whilst monitoring and administration fees may be included within CIL contributions, there is no provision for S106 legal agreement to contain similar contributions in the CIL Regulations or elsewhere. Local planning authorities have powers to secure compliance with planning controls, including monitoring and enforcing planning obligations, but these are discretionary and there is no statutory requirement for them to do so. In addition, case law³ suggests that contributions toward monitoring may not be necessary to make the development acceptable in planning terms.

31. Paragraph 5.3 of the UU relates to the costs incurred in connection with enforcement. However, there is provision for Council's to reclaim these costs through the statutory provisions in appropriate circumstances. As such, a clause to this effect is not necessary to make the development acceptable in planning terms and consequently would not meet the relevant tests set out in Regulation 122 of the CIL Regulations. On that basis, I have not taken this provision into account in coming to my decision.
32. I accept that the Council would wish to carry out some degree of monitoring both during construction and into the future in relation to the Travel Plan. Although monitoring does fall within the routine functions of the local planning authority, the scale of such monitoring would place additional burdens on them. In addition, the monitoring contribution has been calculated based on the number of hours required to complete the monitoring, such that it would reflect the cost of those additional burdens.
33. The case law I have referred to related to comparatively small contributions that did not require ongoing management or maintenance and those monitoring costs were not proportionate to the contributions provided. As such, in this case I consider the contribution toward monitoring would meet the relevant tests set out in Regulation 122 of the CIL Regulations.
34. I conclude that the highway works and financial contributions to be provided via the UU would mitigate the effects of the proposed care home on local services and facilities. As such, they would be in accordance with Regulations 122 of the CIL Regulations. On this basis, the UU is of significant weight in favour of the proposal.

Planning balance

35. The proposal would conflict with Policy R1 of the LP 1996. Although I have not found any conflict with other policies within the development plan that is sufficient for me to conclude the proposal is in conflict with the development plan as a whole.
36. Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. It sets out a so-called "tilted balance" where there are no relevant development plan policies. There was some discussion at the hearing as to what is a relevant development plan policy. It seems to me that a relevant policy would be one that could apply to a particular site or proposal. Consequently, a policy that allocates or designates (or, as in this case, reserves) land for some purpose must be a relevant development plan policy.

³ *Oxfordshire County Council v SSCLG & Others* [2015] EWHC 186 (Admin)

Consequently, Policy R1 of the LP 1996 is a relevant development plan policy so the tilted balance would not apply in this case.

37. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this appeal must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal would contribute toward linear route provision within an urban edge park in accordance with Policy Bicester 7 of the LP 2011-2031 and would provide a care home that would contribute toward care provision in the area. In addition, there would be benefits to ecology and biodiversity and from the other provisions of the UU. I consider that these factors are sufficient material considerations to indicate planning permission should be granted in this instance.

Conditions

38. To meet legislative requirements, a condition shall be imposed to address the period for commencement. I shall also impose conditions for the following reasons. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity. I have imposed a condition specifying the relevant drawings as this provides certainty.
39. Conditions relating to access and parking, including construction access and cycle parking, are necessary to ensure adequate access into the site in the interests of highway safety and to provide for the needs of the development. A condition is necessary to provide, prior to development commencing, a construction method statement to ensure the development works take place without undue disturbance to neighbouring occupiers and to maintain highway safety. A condition requiring details and implementation of a surface water drainage system is necessary in order to manage the impact of the development on flooding and run-off flow rates. A condition requiring a Travel Plan is necessary to promote sustainable travel choices.
40. Approval prior to development commencing of landscaping works, including hard surfacing and means of enclosure, and their subsequent implementation and retention are necessary in order to ensure the development would reflect the character and appearance of the area and result in a pleasant environment for the development. A condition is necessary for an Arboricultural Method Statement to protect the trees in and around the site during the course of development in order to protect the character and appearance of the area. Conditions requiring a Landscape and Ecology Management Plan and for a Construction Environmental Management Plan are necessary to protect and enhance ecology and biodiversity.
41. A condition is necessary for a schedule and samples of materials to be submitted and approved prior to development commencing to ensure that they would maintain the character and appearance of the area. A condition relating to the design of windows is necessary to ensure that they would maintain the character and appearance of the area. A condition relating to contamination is necessary in order to ensure contamination does not affect future residents of the development, neighbouring occupiers, ecological systems and controlled waters. Conditions are necessary to require an archaeological investigation to order to identify, record, analyse and archive heritage assets that may be present on the site.

42. A public art scheme was suggested be required by condition. Discussion at the hearing suggested that would consist of something functional for the public realm, such as fencing, benches or an interpretation board for the open space. As a result, I consider that the public art scheme would assist the development in functioning well and adding to the overall quality of the area as required by the Framework. Consequently, a condition is necessary to require a public art scheme.

Conclusion

43. I have found that the proposal would conflict with the development plan. However, taking account of other material considerations, including the provision of a linear route provision within an urban edge park and that the proposals would provide a substantial contribution toward care home provision in the area, on balance I conclude that the appeal should be allowed.

AJ Steen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan no.	Rev	Title
OX26 4XJ-A-01		Site Location Plan
OX26 4XJ-A-02		Topographical Survey Plan
OX26 4XJ-A-03	A	Site Plan
OX26 4XJ-A-04	D	Floor Plans
OX26 4XJ-A-05	D	Elevations
OX26 4XJ-A-06	C	Courtyard Elevations

- 3) No development shall take place, including any works of demolition or any works of site clearance, until full details of the proposed temporary access (to be used for construction purposes) have been submitted to and approved in writing by the local planning authority. Thereafter, it will be formed, laid out, and constructed strictly in accordance with the approved details
- 4) No development shall take place until details of the junction between the proposed service road and the highway including, position, layout, construction, drainage and vision splays shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
- 5) No development shall take place until full specification details of the vehicular accesses, driveways and turning areas to serve the development, which shall include construction, layout, surfacing and drainage, shall have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the

access, driveways and turning areas have been constructed in accordance with the approved details. The access, driveways and turning areas shall thereafter be retained.

- 6) Development shall not take place until a plan showing car parking provision to be accommodated within the site shall have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the parking spaces have been laid out, surfaced, drained and completed in accordance with the approved details and the parking spaces shall be retained for the parking of vehicles at all times thereafter.
- 7) Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have been submitted to and approved in writing by the local planning authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
- 8) No development shall take place, including any works of demolition or any works of site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority to include, notwithstanding the details submitted, full details of the construction of the site. The Statement shall provide for:
 - i) Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - ii) Details of and approval of any road closures needed during construction.
 - iii) Details of and approval of any traffic management needed during construction.
 - iv) Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from mitigating onto adjacent highway.
 - v) Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - vi) The erection and maintenance of security hoarding/scaffolding if required.
 - vii) A regime to inspect and maintain all signing, barriers etc.
 - viii) Contact details of the Project Manager and Site Supervisor responsible for on-site works.
 - ix) The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - x) No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
 - xi) Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - xii) A before-work commencement highway condition survey and agreement.

- xiii) Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- xiv) How temporary access arrangements would be agreed.
- xv) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) No building hereby permitted shall be occupied 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, shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. 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 (Soakage Testing)
 - Detailed drainage layout with pipe numbers
 - SUDS – (Trench Soakaways)
 - Network drainage calculations
 - Phasing
 - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 10) Prior to the first occupation of the development, and notwithstanding the details submitted, a Travel Plan, prepared in accordance with the Department of Transport's Best Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
- 11) No development shall take place until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include:
- i) details of the proposed tree and shrub planting, including their species, number, sizes and positions, together with grass seeded/turfed areas.
 - ii) 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.
 - iii) details of enclosures along all boundaries and within the site.
 - iv) details of the hard surface areas, including pavements, pedestrian areas, reduced-di areas, crossing points and steps.

- 12) Prior to the first occupation of the development, a landscape management plan, to include the timing of the implementation of the plan and scheme of landscaping, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, shall be submitted to and approved in writing by the local planning authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.
- 13) No development shall take place until an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012, has been submitted to and approved in writing by the local planning authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
- 14) No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.
- 15) No development shall take place, including any works of demolition or any works of site clearance, until a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, has been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.
- 16) No development shall take place until a schedule of all external facing materials and finishes, including samples, has been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved schedule and sample details.
- 17) Notwithstanding any details shown to the contrary in the approved plans, all windows to be installed on buildings within the development shall be flush fitting balanced casements that are recessed at a minimum of 75mm within the window surrounds.
- 18) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 19) No demolition/development shall take place until a professional archaeological organisation acceptable to the local planning authority shall prepare a first stage archaeological Written Scheme of Investigation which shall be submitted to and approved in writing by the local planning authority.
- 20) Prior to any demolition or development and following the approval of the first stage Written Scheme of Investigation referred to in condition 19), a

programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

- 21) Prior to any demolition or development and following the completion of the archaeological evaluation, investigation and recording referred to in condition 20), a report of the archaeological evidence found on the application site and full details of a second stage Written Scheme of Investigation based on the findings, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the local planning authority.
- 22) Prior to any demolition on the site (other than in accordance with the second stage Written Scheme of Investigation) and prior to the commencement of the development the further programme of archaeological investigation shall be carried out and fully completed in accordance with the second stage Written Scheme of Investigation approved under condition 21). All post excavation work including all processing, research and analysis necessary to produce an accessible and useable archive and its deposition, and a full report for publication, shall be submitted to the local planning authority in accordance with the second stage Written Scheme of Investigation approved under condition 21) as soon as practically possible after the completion of the site investigation.
- 23) Prior to the occupation of the development, full details of the public art (including size, design, siting of the work of art, artists details and the design process for it) shall be submitted to and agreed in writing by the local planning authority. Within 12 months of occupation, the public art shall be installed and thereafter maintained in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Satnam Choongh of No. 5 Chambers, Fountain Court, Steelhouse Lane, Birmingham instructed by Greenlight Developments Ltd

Philip Rawle	Greenlight Developments Ltd
Ben Fairgreave	Mode Transport Planning
Alistair Wood MA DIPTP MRTPI	LNT Group
Karl Goodbun BSc Hons	Ecology Solutions

FOR THE LOCAL PLANNING AUTHORITY:

Rebekah Morgan BSc Hons MSc MA MTRPI	Cherwell District Council
Tracey Hill DIPTP MRTPI	Cherwell District Council
Tim Peart	Oxfordshire County Council

INTERESTED PARTIES:

Susan Hall	CPRE
Pamela Roberts BSc MSc PhD	Resident

DOCUMENTS SUBMITTED AT THE HEARING:

- Document 1: Solutions to an Age Old Problem, Lichfields July 2018
- Document 2: Large Plan from page 22 of appellant's Appeal Statement
- Document 3: Policies BSC8 and Bicester 8 of the Cherwell Local Plan 2011-2031
- Document 4: Extract from the Developer Contributions Supplementary Planning Document and Adoption Statement
- Document 5: Care home provision in Bicester
- Document 6: Regulation 122, Community Infrastructure Levy Regulations 2011 Compliance Statement
- Document 7: Executed Unilateral Undertaking

NOTIFICATIONS OF PLANNING DECISIONS FROM Cherwell District Council**Minute Ref 8****Mon 22 October 2018****District Ref PD06/1819**

' C ' Contrary to District 'CD' Contrary Delegated

' D ' Delegated

' E ' Endorsed by District 'ED' Endorsed Delegated

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GRANTED PLANNING PERMISSIONS

18/00247/TCA	Approved (No Conditions)	Bicester Bowls Club
18/01079/F	Approved (With conditions)	21 Wye Close
18/01233/F	Approved (With conditions)	40 Byron Way
18/01278/F	Approved (With conditions)	26 East Street
18/01307/F	Approved (With conditions)	11 The Buntings
18/01361/F	Approved (With conditions)	Bicester Clinic
18/01369/F	Approved (With conditions)	35 Kempton Close
18/01385/ADV	Approved (With conditions)	Polo Raph Lauren
18/01390/F	Approved (With conditions)	Parkside
18/01431/F	Approved (With conditions)	5 Windmill Avenue
18/01437/F	Approved (With conditions)	18 Kempton Close
18/01480/ADV	Approved (With conditions)	Phase 2 SW Bicester

FORWARD PLAN: 2018 / 2019

POLICY COMMITTEE		
MEETING DATE	ITEM	COMMENT
July	Closure policy for cemetery	Pending
	London road Level Crossing	Watching brief
	Retention of Assets Policy	Pending
	NW Bicester Future management of open space play areas on Kiingsmere Phase 1	
	Burial Ground	
9 July 2018	Grant Aid Policy	Review
FINANCE COMMITTEE		
MEETING DATE	ITEM	COMMENT
Sept 2018	Med-Long Term Strategy	Via Business Plan to Policy Committee
	Budget Setting Dates	
TRAFFIC ADVISORY GROUP		
MEETING DATE	ITEM	COMMENT
	Park Run – Parking Issues	
	Mallards Way Traffic	

ENVIRONMENT COMMITTEE		
MEETING DATE	ITEM	COMMENT
Dec 2018	Transfer or Land – 22 Market Close	
2018	Wheelchair Swing	
2018	Location of donated benches	
2019	Memorial Policy	
PLANNING COMMITTEE		
MEETING DATE	ITEM	COMMENT
2018	East West Rail	Invite East West Rail to Planning Meeting when the consultation process starts
Aug 2018	Graven Hill	Schedule site visit.
	London Road Level Crossing	Ongoing – Live issue
2018	A2 Dominion	Invite A2 dominion to discuss the next phase once the application has been submitted.
Aug 2018	Realignment of Howes Lane	Invite A2 Dominion, CDC & Network Rail to discuss.
2018	Oxfordshire Spatial Plan Consultation	
Oct 2018	Oxford/Cambridge Arc Development	
May 2018	Bicester Masterplan Consultation	Awaiting documents from CDC