

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Virtual meeting, on 18 June 2020 at 2.00 pm

Present: Councillor James Macnamara (Chairman)

Councillor Hugo Brown
Councillor Phil Chapman
Councillor Colin Clarke
Councillor Conrad Copeland
Councillor Ian Corkin
Councillor Chris Heath
Councillor Simon Holland
Councillor David Hughes
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Les Sibley
Councillor Katherine Tyson

Substitute Members: Councillor Richard Mould (In place of Councillor Maurice Billington)
Councillor Sean Woodcock (In place of Councillor Andrew Beere)

Apologies for absence: Councillor Maurice Billington
Councillor Andrew Beere
Councillor Barry Richards

Officers: Sarah Stevens, Interim Senior Manager – Development Management
James Kirkham, Principal Planning Officer
Lewis Knox, Planning Officer
Bob Neville, Senior Planning Officer
Samantha Taylor, Principal Planning Officer
Jennifer Crouch, Solicitor
Karen Jordan, Deputy Principal Solicitor
Lesley Farrell, Democratic and Elections Officer

Declarations of Interest

8. Land Adjacent to The M40 South of Overthorpe Road Banbury.

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

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

9. Bicester Sports Association, The Tudor Jones Building, Akeman Street, Chesterton, Bicester OX26 1TH.

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

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

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

10. Land Adj to Bullmarsh Close, Off Middleton Park, Middleton Stoney.

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor George Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Richard Mould, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

11. 4 Drapers House, St Johns Road, Banbury, OX16 5BE.

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

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

26 **Requests to Address the Meeting**

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

27 **Minutes**

The Minutes of the meeting held on 4 June 2020 were agreed as a correct record and would be signed by the Chairman in due course.

28 **Chairman's Announcements**

The Chairman made the following announcement:

1. That the next meeting of the Committee on 16 July 2020 would revert to the starting time of 4pm.

29 **Urgent Business**

There were no items of urgent business.

30 **OS Parcel 3300 North of Railway Line, Adjoining Palmer Avenue, Lower Arccott**

The Committee considered application 20/00871/F for the erection of a free-range egg production unit, gatehouse and agricultural workers dwelling including all associated works at OS Parcel 3300 North of the Railway Line Adjoining Palmer Avenue, Lower Arccott for W Potters & Sons Limited. This was a re-submission of application 19/00644/F.

Richard Corbett, agent for the applicant, addressed the Committee in support of the application.

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

Resolved

- (1) That application 20/00871/F be refused for the following reasons:
 1. The proposed permanent dwelling constitutes sporadic residential development in the open countryside, beyond the built-up limits of the nearest settlement, for which it has not been demonstrated that there is an essential need. In its proposed location the dwelling would therefore be an unjustified and unsustainable form of development. As such the proposal is contrary to saved Policies C8 and H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
 2. By virtue of its scale and siting, the proposed development would result in significant and demonstrable harm to the character and appearance of the area, and harm to the landscape character of the area, the enjoyment of users of the nearby Public Right of Way, and this harm significantly and demonstrably outweighs the need for the proposal and the benefits arising from the proposal, including the production of food. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies AG2, C8 and C28 of the Cherwell Local Plan 1996 and government guidance in the National Planning Policy Framework.

3. The applicants have failed to adequately demonstrate that the proposed development would not result in detrimental impacts on the ecological and biodiversity at the site and nearby designated Local Wildlife Sites, and further would not provide a nett gain in biodiversity opportunities at the site. The proposals would also prevent the aims of the Ray Conservation Target Area being achieved. The proposal is therefore contrary to Policies ESD10 and ESD11 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance in the National Planning Policy Framework with regards to 'Conserving and enhancing the natural environment'.
4. The applicants have failed to demonstrate that the proposed development could be undertaken without it causing materially detrimental levels of pollution to the River Ray and ponds within the vicinity of the site. The proposal is therefore contrary to Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies AG3, AG4 and ENV1 of the Cherwell Local Plan 1996 and government guidance in the National Planning Policy Framework.
5. By virtue of an inadequate Flood Risk Assessment the applicants have failed to demonstrate that the proposed development would not increase the flooding risk on the site or elsewhere and would remain operational in the event of flooding and therefore does not accord with Policies ESD6 and ESD7 of the Cherwell Local Plan (2011-2031) Part 1.

31

Land Adjacent To The M40 South Of Overthorpe Road Banbury

The Committee considered application 20/00608/F for full planning permission for 21,839 sq.m / 235,073 sq.ft. of logistics floorspace within Class B2 or B8 of the Town and Country Planning (Use Classes) Order 1987, with ancillary Class B1(a) offices together with the extension of Chalker Way, access from Chalker Way, associated site infrastructure including lorry parking, fuelling bay and vehicle wash facility (Unit 9 only), landscaping, amenity open space and surface water attenuation works at Land Adjacent to the M40 South of Overthorpe Road, Banbury for Tritax Symmetry Limited.

Peter Frampton, agent for the applicant and Craig Morris from Warburtons, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officer's report and presentation and the addresses of the public speakers.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/00608/F subject to:
 - a) The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):

- £187,500 (index linked) towards the provision of a local bus service to make necessary improvements to public transport services
- £2,346 (index lined) towards the Travel Plan monitoring
- Land reservation for the South East Relief Road as marked on the submitted plans
- Land reservation for the Western Relief Road as marked on the submitted plans.

b) The following conditions (and any amendments to those conditions deemed necessary):

Conditions:

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from 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. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

DRAWINGS:

Site Location Plan (dwg. no. 6422-180 Rev. A) dated 03 April 2020;

Proposed Site Layout Plan (dwg. no. 6422-181 Rev. A) dated 03 April 2020;

Proposed Site Plan – External Finishes & Fencing (dwg. no. 6422-182 Rev. A) dated 03 April 2020;

Proposed Site Plan Illustrating Constraints (dwg. no. 6422-183 Rev A) dated 03 April 2020;

Unit 9 Proposed Building Plan (dwg. no. 6624-10 Rev. E) dated 03 April 2020;

Unit 9 Proposed Office Floor Plans (dwg. no. 6624-007 Rev. D) dated 03 April 2020;

Unit 9 Proposed Elevations (dwg. no. 6624-11 Rev. E) dated 03 April 2020;

Unit 9 Proposed Roof Plan (dwg. no. 6624-28 Rev. B) dated 03 April 2020;

Unit 10 Proposed Building Plan (dwg. no. 6422-184) dated 02 April 2020;

Unit 10 Proposed Ground, First and Second Floor Office Plan (dwg. no. 6422-185) dated 03 April 2020;

Unit 10 Proposed Elevations (dwg. no. 6422-186) dated 02 April 2020;

Unit 10 Proposed Roof Plan (dwg. no. 6422-187) dated 03 April 2020;
Planting Plan Overview (dwg. no. 6849/ASP.PP.DBS9.1.0 Rev J) dated 08 April 2020;
Planting Plan 1 of 3 (dwg. no. 6489/ASP. PP.DBS9.1.1 Rev J) dated 08 April 2020;
Planting Plan 2 of 3 (dwg. no. 6849/ASP. PP.DBS9.1.2 Rev J) dated 08 April 2020;
Planting Plan 3 of 3 (dwg. no. 6849/ASP. PP.DBS9.1.3 Rev J) dated 08 April 2020;
Site Wide Drainage Strategy (dwg. no. C14935-C-002 Rev P6) dated 12 December 2014;
Drainage Layout Sheet 1 (dwg. no. C08749-HYD-XX-XX-DR-C-3001 Rev. P2) dated 14 May 2020;
Drainage Layout Sheet 2 (dwg. no. C08749-HYD-XX-XX-DR-C-3002 Rev. P2) dated 14 May 2020;
Drainage Layout Sheet 3 (dwg. no. C08749-HYD-XX-XX-DR-C-3003 Rev. P2) dated 14 May 2020;
Drainage Layout Sheet 4 (dwg. no. C08749-HYD-XX-XX-DR-C-3004 Rev. P2) dated 14 May 2020;
Catchment Plan (dwg. no. C08749-HYD-XX-XX-DR-C-3005 Rev. P2) dated 14 May 2020;
External Levels Sheet 1 (dwg. no. C08749-HYD-XX-XX-DR-C-3101 Rev. P1) dated 03 April 2020;
External Levels Sheet 2 (dwg. no. C08749-HYD-XX-XX-DR-C-3102 Rev. P1) dated 03 April 2020;
External Levels Sheet 3 (dwg. no. C08749-HYD-XX-XX-DR-C-3103 Rev. P1) dated 03 April 2020;
External Levels Sheet 4 (dwg. no. C08749-HYD-XX-XX-DR-C-3104 Rev. P1) dated 03 April 2020;
Standard Details sheet 1 (dwg. no. C08749-HYD-XX-XX-DR-C-3010 Rev. P1) dated 03 April 2020;
Standard Details sheet 2 (dwg. no. C08749-HYD-XX-XX-DR-C-3011 Rev. P1) dated 03 April 2020;
Standard Details sheet 3 (dwg. no. C08749-HYD-XX-XX-DR-C-3012 Rev. P1) dated 03 April 2020;
Standard Details sheet 4 (dwg. no. C08749-HYD-XX-XX-DR-C-3013 Rev. P1) dated 03 April 2020;
Basin Sections (dwg. no. C08749-HYD-XX-XX-DR-C-3105 Rev. P1) dated 03 April 2020;
External Works Sheet 1 (dwg. no. C08749-HYD-XX-XX-DR-C-3301 Rev. P1) dated 03 April 2020;
External Works Sheet 2 (dwg. no. C08749-HYD-XX-XX-DR-C-3302 Rev. P1) dated 03 April 2020;
Dbs9 External Indicative Electrical Services Layout (dwg. no. 190029-RGL-09-GFDR-E-70-0101 D2 Rev. P02) dated 03 April 2020;
Dbs10 External Indicative Electrical Services Layout (dwg. no. 190029-RGL-10-GFDR-E-70-0001 D2 Rev. P02) dated 03 April 2020;
Proposed Cycle Shelter (dwg. no. 6422-035) dated 15 August 2019;
Area for Ecological Mitigation (dwg. no. 6422-115) dated 02 May 2019.

REPORTS:

Design and Access Statement by AJA Architects dated April 2020;
Planning Statement by Framptons ref: PF/10353 dated April 2020;

Flood Risk Assessment by Hydrock ref: C08749-HYD-XX-XX-RP-D-5001 Rev P02 dated 08 April 2020;
Technical Note - Drainage Strategy by Hydrock ref: C08749-HYD-XX-XX-RP-C-301 Rev P1 dated 03 April 2020;
Transport Assessment Addendum by Hydrock ref: C08749-HYD-XX-XX-RP-TP1002-P07 dated 08 April 2020;
Framework Travel Plan by Hydrock ref: C08749-HYD-XX-XX-RP-TP-6002 Rev P02 dated 08 April 2020;
Landscape and Ecology Management Plan by Aspect Landscape Planning ref: 6489.LEMP.003.VF dated May 2020;
Biodiversity Impact Assessment by The Environmental Dimension Partnership ref: edp1419_r019e received 09 April 2020;
Reptile Mitigation Strategy Addendum by The Environmental Dimension Partnership ref: edp1419_r014e dated April 2020;
Landscape and Visual Impact Assessment Addendum by Aspect Planning ref: 6489.LVIA Addendum.003_Phase 4 (9+10) dated April 2020;
Arboricultural Impact Assessment by Aspect Arboriculture ref: 10057_AIA.001 Rev F dated 08 April 2020;
Arboricultural Method Statement by Aspect Arboriculture ref: 10057_AMS.001 dated May 2020;
External Lighting Report by Rolton Group ref: 19-0029 Rev P09 dated 07 April 2020;
Noise Assessment Technical Note by RSK Environment Ltd ref: 297918-RSK-TN 002(02) dated 08 April 2020;
Construction Environmental Management Plan by The Environmental Dimension Partnership ref: edp1419_r0020a dated May 2020;
Construction Method Statement by A&H Construction and Developments PLC Ver 1 dated 12 May 2020;
Heritage Assessment by Archaeology Collective Ref: AC947A, Issue 2, dated April 2019;
Archaeological Evaluation by Thames Valley Archaeological Services Ref: ORB 15/150 dated September 2019;
Archaeological Written Scheme of Investigation (trial trenching) by Thames Valley Archaeological Services Ref: ORB 15/150evph4 dated 13 February 2018;
Archaeological Written Scheme of Investigation (geophysical survey) by Thames Valley Archaeological Services Ref: ORB 15/150geo dated 13 February 2018;
Archaeological Written Scheme of Investigation (archaeological excavation) by Thames Valley Archaeological Services Ref: ORB 15/150exc dated 28 October 2019;
Ecological Appraisal by The Environmental Dimension Partnership ref: edp1419_r015d dated April 2019;
Phase 1 Desk Study by Hydrock ref C08779-HYD-XX-XX-RP-GE-1000-P02-S2 dated 29 April 2019;
Odour Assessment by RSK Environment Ltd Ref: 443276-01(02) dated 08 April 2019;
Vibro Method Statement by Trittech received 28 May 2020

Reason: To clarify the permission and for the avoidance of doubt.

3. The development shall be implemented in accordance with the approved Construction Method Statement by A&H Construction and Developments PLC Ver 1 dated 12 May 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the environment is protected during construction in accordance with Policy G3 of the South Northamptonshire Local Plan, Policy ENV1 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

4. The development shall be implemented in accordance with the approved Construction Environmental Management Plan by The Environmental Dimension Partnership ref: edp1419_r0020a dated May 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within Section 15 of the National Planning Policy Framework.

5. The development shall be carried out in accordance with the approved Landscape and Ecology Management Plan by Aspect Landscape Planning ref: 6489.LEMP.003.VF dated May 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy ESD10 of Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

6. 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 August 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.

7. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Appraisal dated April 2019, ref. edp1419_r015d; the Reptile Mitigation Strategy Addendum by The Environmental Dimension Partnership ref: edp1419_r014e dated April 2020; and the Area for Ecological Mitigation dwg. no. 6422-115 dated 02 May 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

PRE-COMMENCEMENT CONDITIONS

8. If the development hereby approved does not commence by April 2021, no development shall take place until a revised ecological appraisal has been undertaken to establish changes in the presence, abundance and impact of protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority prior to any development taking place. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. No development shall take place until the existing tree(s) to be retained in accordance with Planting Plan Overview (dwg. no. 6849/ASP.PP.DBS9.1.0 Rev J) dated 08 April 2020 have been protected in accordance with the Arboricultural Impact Assessment by Aspect Arboriculture ref: 10057_AIA.001 Rev F dated 08 April 2020 and the Arboricultural Method Statement by Aspect Arboriculture ref: 10057_AMS.001 dated May 2020 unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies G3(A) and EV21 of the South Northamptonshire Local Plan, 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. No development shall take place within the area of archaeological interest (as outlined in orange on the County Archaeologist's plan provided with the consultation response dated 15th October 2019) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority;
- (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Local Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, and the results made available, in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and the NPPF Paragraph 199. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

11. No development shall take place until details of the surface water attenuation have been submitted to and agreed in writing by the Local Planning Authority. The surface water attenuation shall be implemented in accordance with the agreed scheme unless otherwise agreed in writing by the Local Planning Authority prior to its implementation.

Reason: To protect the adjacent railway from the risk of flooding, pollution and soil instability in accordance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the NPPF. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

12. No development shall take place until full details of ground levels, earthworks and excavations to be carried out near to the railway boundary have been submitted to and approved in writing by the Local Planning Authority. All changes to ground levels, earthworks and excavations close to the railway boundary shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of those works.

Reason: To protect the adjacent railway from soil instability, in accordance with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

13. No development shall take place above slab level until full details of the surface water drainage scheme for the site, based on the approved Technical Note - Drainage Strategy by Hydrock ref: C08749-HYD-XX-XX-RP-C-301 Rev P02 dated 14 May 2020 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins;
 - b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices; and
 - c) A detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy G3(M) of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy, Policies ESD5 and ES7 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

14. No development shall take place above slab level until a detailed scheme for the ownership and maintenance of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. The scheme shall include:
- a) a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used;
 - b) a site plan including access points, maintenance access easements and outfalls;
 - c) maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site;
 - d) details of expected design life of all assets with a schedule of when replacement assets may be required; and
 - e) details of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas)

containing SuDS), with evidence that the organisation/body has agreed to such adoption.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy G3(M) of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy, Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

15. No development shall take place above slab level until full details of the fire hydrants and/or sprinklers to be provided on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants and sprinklers shall be provided in accordance with the approved details and retained as such thereafter.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Government Guidance contained within the National Planning Policy Framework.

16. Details of the proposed construction, materials and surfacing of the access road and its junction with the public highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the approved details before first occupation of the building(s) and thereafter permanently maintained as such.

Reason: In the interests of highway safety, to comply with Policy G3(B) of the South Northamptonshire Local Plan, Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in Section 12 of the National Planning Policy Framework

17. 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 any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy G3(E) of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core, Policy PSD1 of the Cherwell Local Plan 2011-2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996, and Section 15 of the National Planning Policy Framework.

18. The existing trees and hedge along the northern boundary of the site shall be retained in accordance with the approved landscaping plans:

(Planting Plan overview dwg. no. 6849/ASP.PPDBS9.1.0 Rev G dated 23 September 2019; Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.1 Rev G dated 23 September 2019; Planting Plan 1 dwg. no. 6849/ASP.PPDBS9.1.3 Rev G dated 23 September 2019; and the approved Landscape Management Plan Ref: 6489.Land.Man.002 dated April 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policies G3(L) and EV29 of the South Northamptonshire Local Plan and policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

19. 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 shall be maintained in accordance with the approved Landscape and Ecology Management Plan by Aspect Landscape Planning ref: 6489.LEMP.003.VF dated May 2020. Any trees and/or 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 the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies G3(L) and EV29 of the South Northamptonshire Local Plan, Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

20. All species used in the planting proposals associated with the ecological mitigation area as identified in the Area for Ecological Mitigation dwg. no. 6422-115 dated 02 May 2019 shall be native species of UK provenance.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

21. The development hereby permitted shall be constructed to at least a BREEAM Very Good standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained in the NPPF.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

22. Prior to the first use or occupation of the development hereby approved, the proposed access, parking, turning, loading and unloading facilities shall be provided in accordance with the approved plans. The access, parking, turning, loading and unloading facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason: In the interests of highway safety, to ensure the provision of adequate offstreet car parking and turning/loading/unloading to comply with Policy G3(B) of the South Northamptonshire Local Plan, Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in Section 12 of the National Planning Policy Framework.

23. Prior to the first use or occupation of the development hereby approved, details of a turning area to be provided within the application site so that buses may turn around with the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area shall be provided in accordance with the approved details and shall be retained for the manoeuvring of buses at all times thereafter.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in Section 12 of the National Planning Policy Framework.

24. Prior to the first use or occupation of the development hereby approved, the walls and roofs of the buildings hereby approved shall be finished and thereafter maintained in accordance with the colour scheme approved as set out in drawings ref: Unit 9 Proposed Elevations (dwg. no. 6624-11 Rev. E) dated 03 April 2020 and Unit 10 Proposed Elevations (dwg. no. 6422-186) dated 02 April 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy G3(A) of the South Northamptonshire Local Plan and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

25. Prior to the first use or occupation of the development hereby approved, the external lighting/security lighting/floodlighting (including the design, position, orientation and any screening of the lighting) shall be implemented in accordance with the approved External Lighting Report by Rolton Group ref: 19-0029 Rev P09 dated 07 April 2020. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety and to comply with Polcy EV35, Appendix A of the South Northamptonshire Local Plan, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in The National Planning Policy Framework.

26. Prior to the first use or occupation of the development hereby approved, a Verification Report for the installed surface water drainage system for the site shall have been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority based on the approved Technical Note Drainage Statement ref Drainage Strategy by Hydrock ref: C08749-HYD-XX-XX-RP-C-301, Issue No. P02 dated 14th May 2020. The report shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) Confirmation that the system is free from defects, damage and foreign objects

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site, to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained in the NPPF.

27. Prior to the first use or occupation of the development hereby approved, either:

- a) all water network upgrades required to accommodate the additional flows from the development shall have been completed; or
- b) an infrastructure phasing plan shall have been agreed with Thames Water to allow additional properties to be occupied. Where an infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development, in accordance with Policy ESD8 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the NPPF.

28. Prior to the first use or occupation of the development hereby approved, the development shall be fully implemented and carried out in accordance with the submitted flood risk assessment (FRA) (by Hydrock ref: C08749-HYD-XX-XX-RP-D-5001 Rev P02 dated 08 April 2020), including its timing/phasing arrangements dated 15 April 2019 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 90.00 metres above Ordnance Datum (AOD)
- Compensatory storage shall be provided to demonstrate no loss of flood plain storage or detrimental impact to third party land as per section 4.2.3 of the FRA.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Section 14 of the NPPF.

ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

29. No external lighting shall be installed at any time within the ecological mitigation area as identified on plan no. 6422-115 dated 02/05/2019 without the express planning permission of the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy, Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

30. The buildings hereby approved shall be used only for purposes falling within Classes B2 and/or B8 with ancillary office space as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: To ensure that there is adequate on-site parking provision in the interests of highway safety and to protect the vitality and viability of the town centre in accordance with Policies G3(B) and R6 of the South Northamptonshire Local Plan and Policies SLE1, SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

31. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations increasing the floor space available within the buildings hereby permitted shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site in accordance with Policy G3 of the South Northamptonshire Local Plan, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

32. Notwithstanding the provisions of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) the approved buildings shall not be extended without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy G3 of the South Northamptonshire Local Plan and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

33. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy G3(A) of the South Northamptonshire Local Plan and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

32 **Bicester Sports Association, The Tudor Jones Building, Akeman Street, Chesterton, Bicester OX26 1TH**

The Committee considered application 19/00934/F for the change of use of agricultural land and extension of the existing Bicester Sports Association facilities for enhanced sports facilities including relocation and reorientation of existing pitches and archery zone, 2no training pitches with floodlighting, 2no match pitches, new flexible sports pitch, new rugby training grids, new clubhouse with events space, new rifle and shooting range, cricket scorers building, storage and maintenance buildings and provision of associated car parking, amended access, landscaping and other associated works at Bicester Sports Association, The Tudor Jones Building, Akeman Street, Chesterton, Bicester OX26 1TH for Bicester Sports Association.

Councillor Barry Wood, Local Ward Member addressed the Committee.

Roger Wise, Bicester Town Football Club supporter addressed the Committee in objection to the application.

John Malins, representing Bicester Sports Association (the applicant), addressed the Committee in support of the application.

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

Resolved

- (1) That application 19/00934/F be refused for the following reasons:
1. The proposed development would result in the creation of a

significant replacement recreation facility to serve Bicester and the surrounding area in a geographically unsustainable location. It has no access via public transport and poor walking and cycling routes and would not reduce the need to travel or be accessible or offer a genuine choice of alternative travel modes over the private motor vehicle. The site would therefore not be an appropriate location for this scale of development whether considered as a replacement facility or a new facility. The proposal therefore conflicts with Policies SLE4, ESD1 and BSC10 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

2. The proposed development would detrimentally impact on the rural character and appear of the area by virtue of being a prominent and visually intrusive form of development in an open countryside location. The proposal is therefore contrary to Policy ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015) and Saved Policy C8 and C28 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

33 **Land Adj to Bullmarsh Close, Off Middleton Park, Middleton Stoney**

The Committee considered application 20/01223/NMA for changes to eaves and windows to the rear elevation and a simplification of the ridge (proposed as non-material amendments to application 19/01709/CDC) at land adjacent to Bullmarsh Close, off Middleton Park, Middleton Stoney for Cherwell District Council.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 20/01223/NMA for the proposed change as a non-material amendment in accordance with drawings numbered 2002 P1, 3001 P1, 5001 P1 and 5002 P1.

34 **4 Drapers House, St Johns Road, Banbury, OX16 5BE**

The Committee considered application 20/00693/LB to replace 2 No. timber windows at 4 Drapers House, St Johns Road, Banbury, OX16 5BE for Mr Stephen Reynolds.

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

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/00693/LB subject

to the following conditions (and any amendments to those conditions deemed necessary):

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Indicative Existing Window Refurbishment, Elevation Drawings, Block Plan, Site Location Plan and Application Form

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.

Window Details

3. Prior to the commencement of the development, full details of the windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the windows shall be installed within the building in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Appeals Progress Report

The Assistant Director Planning and Development submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public inquiries/hearings scheduled, or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

Planning Committee - 18 June 2020

The meeting ended at 4.15 pm

Chairman:

Date: