

# Public Document Pack

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 21 March 2024 at 4.00 pm

#### Present:

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

#### Substitute Members:

Councillor Douglas Webb (In place of Councillor Maurice Billington)

#### Apologies for absence:

Councillor Maurice Billington (Vice-Chairman)

#### Officers:

Paul Seckington, Head of Development Management  
Andy Bateson, Team Leader - North Area Major Developments  
Nat Stock, Team Leader - North Area General Developments  
Linda Griffiths, Principal Planning Officer  
Katherine Daniels, Principal Planning Officer  
Imogen Hopkin, Senior Planning Officer  
Michael Sackey, Senior Planning Officer  
Karen Jordan, Deputy Principal Solicitor  
Matt Swinford, Democratic and Elections Officer  
Natasha Clark, Governance and Elections Manager

## **Declarations of Interest**

### **9. OS Parcel 7921 South Of Huscote Farm And North West Of County Boundary Daventry Road Banbury.**

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

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

### **11. Laurels Farm Dark Lane Wroxton OX15 6QQ.**

Councillor Douglas Webb, Declaration, as he leased land from the applicant and was an acquaintance of the tenant of the land and would leave the meeting for the duration of the item after speaking as Ward Member on the item.

### **12. Grange Farm Chapel Lane Balscote OX15 6JN.**

Councillor Douglas Webb, Declaration, as he leased land from the applicant and was an acquaintance of the tenant of the land and would leave the meeting for the duration of the item after speaking as Ward Member on the item.

### **13. Land Adjacent To The Old Manor House 7 The Green Shutford OX15 6PJ.**

Councillor George Reynolds, Other Registerable Interest, as a Member of Shutford Parish Council and advised that they would not participate in the debate of the item and abstain from the vote.

### **14. DCS Group UK Ltd Oceans House Noral Way Banbury OX16 2AA.**

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

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

### **16. Phase 2 SW Bicester Kingsmere Parcel R East Of Ludlow Road Bicester.**

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

### **17. Unit 14 Expeditionary Road Ambrosden Bicester OX25 2EJ.**

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

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

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

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

Councillor Simon Holland, Other Registerable Interest, as a Non-Executive Director of Graven Hill Village Development Company Limited.

Councillor Simon Holland, Other Registerable Interest, as a Non-Executive Director of Graven Hill Village Holdings Limited.

**18. Development Brief for Local Plan Partial Review site PR8 - Land East of the A44.**

Councillor Fiona Mawson, Other Registerable Interest, as a member of Yarnton Parish Council.

113 **Requests to Address the Meeting**

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

114 **Minutes**

The Minutes of the meeting held on 15 February 2024 were agreed as a correct record and signed by the Chairman.

115 **Chairman's Announcements**

The Chairman made the following announcement:

1. As this was the last Planning Committee of the municipal year, the Chairman thanked Committee members and officers for their work during the last year.
2. Advised members of the public attending the meeting that only registered speakers may address the Committee and requested that they did not cause a disturbance.

116 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Pre-Committee site visits.

118 **OS Parcel 9195 North Of Claydon Road Cropredy**

The Committee considered application 23/00977/OUT, an outline planning application (except for access) for a residential development of up to 60 dwellings (Use Class C3) including a community facility, new vehicular and pedestrian access off Claydon Road, public open space and associated landscaping, earthworks, parking, engineering works and infrastructure at OS Parcel 9195 North of Claydon Road Cropredy for Obsidian Strategic Asset Management Ltd.

Bob Garland, on behalf of Cropredy Parish Council, and Martin Barber, on behalf of Keep Cropredy Rural Residents Group, addressed the Committee in objection to the application.

Steven Sensecall, on behalf of the agent for the applicant, Carter Jonas, and Dr Tom Holyoake, from Cropredy Doctors Surgery, addressed the Committee in support of the application.

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

### **Resolved**

That, in line with the officer's recommendation, application 23/00977/OUT be delegated to the Assistant Director for Planning and Development to approve subject to the conditions set out below (and any amendments to those conditions as deemed necessary) and 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, necessary mitigation as set out in the annex to the Minutes, as set out in the Minute book (and any amendments deemed necessary).

It was further resolved that if the Section 106 agreement/undertaking was not completed by 5 April 2024 and the permission was not able to be issued by this date and no extension of time had been agreed between the parties, the Assistant for Planning and Development be given delegated authority to refuse the application for the following reason:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.

### Conditions

1. No development shall commence until full details of the layout (including the layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters)

have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended)

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in broad accordance with the following plans and documents:

TBC

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

5. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy

ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. Prior to the submission of any reserved matters and prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that 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 Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

7. If contamination is found by undertaking the work carried out under condition 6, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is 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 Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is 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 Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. 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 [or relevant phase of development] is resumed or continued.

Reason: To ensure that any ground and water contamination is 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 Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. No development shall commence unless and until a specialist acoustic consultants report that demonstrates that the World Health Organisations guideline noise value for outdoor areas of 50 dB LAeq (16 hr) or less can be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and recreation areas used in common has been submitted to and approved in writing by the Local Planning Authority. Where acoustic barriers, planting or other features are required to achieve this standard full details of these elements shall be submitted with the report for approval. The acoustic barriers shall be installed prior to the first occupation of the affected dwellings and the first use of the common areas in full accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. No development shall commence unless and until a detailed air quality impact assessment to identify the impact of the development on local air quality has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include damage cost calculations where applicable along with a proposal for abatement

measures that will be undertaken in addition to those already required from the developer. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: In the interests of residential amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. No development approved by this planning permission shall commence until such a time as a scheme to protect land at risk of flooding as shown in the approved Flood Risk Assessment reference 016\_8210439\_SM\_Flood\_Risk\_Assessment, Issue 5, dated 16 August 2023, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Details of hard and soft landscaping schemes
- Details of existing and proposed ground levels

The scheme shall demonstrate that flood risk will not increase and shall be fully implemented and subsequently maintained as approved for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and prevent flooding elsewhere.

13. No development shall commence unless and until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;



- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

14. Prior to the first occupation of the development, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- (a) As built plans in both .pdf and .shp file format;
  - (b) Photographs to document each key stage of the drainage system when installed on site;
  - (c) Photographs to document the completed installation of the drainage structures on site;
  - (d) The name and contact details of any appointed management company information.

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

15. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and 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.

16. No development shall commence unless and until full details of the means of access between the land and the adjacent plot, including, position, layout, construction, drainage have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

17. No development shall commence unless and until a plan detailing the layout of the car parking area has been submitted to and approved by the Local Planning Authority. The Car Park Layout Plan must set out so that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed.

Reason: in the interest of highway safety

18. No development shall commence unless and until a swept path analysis all vehicles including Delivery and Emergency Service vehicles (such as a Fire Tender has been submitted to and approved in writing by the Local Planning Authority to demonstrate that all vehicles can safely and easily enter and exit the parking space for all the parking bays.

Reason: In the interest of highway safety

19. No development shall commence unless and until details of the cycle parking areas, including dimensions and means of enclosure, have been submitted to and approved in writing by the Local Planning Authority. The approved Cycle areas shall thereafter be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport.

20. No development shall commence unless and until full details of the improvements to footpaths including, position, layout, construction, drainage, vision splays and a timetable for the delivery of the improvements have been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

21. No building shall be occupied until the vehicular accesses, driveways, car, and cycle parking spaces, turning areas (for cars and refuse vehicles of not less than 11.6m in length), and parking courts that serve the buildings has been constructed, laid out, surfaced, lit, and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework

22. Prior to the implementation of the development a plan showing details of the site's Pedestrian and Cycle routes connectivity with existing pedestrian and cycle routes close to development and PROW should be provided for approval by Local Planning Authority. Reason: in the interest of sustainable travel.

23. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

24. Prior to first occupation of the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

25. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a. The parking of vehicles of site operatives and visitors;
- b. The routing of HGVs to and from the site;
- c. Storage of plant and materials used in constructing the development;
- d. Wheel washing facilities/ road sweeping;
- e. Measures to control the emission of dust and dirt during construction;
- f. Delivery and construction working hours;

The approved CEMP shall be adhered to throughout the construction period for the development.

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

26. Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters application for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity

enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

27. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 20112031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to the recommendations set out in Section 6 - Mitigation Measures and Biodiversity Net Gains (MM2) of the Ecological Appraisal carried out by Aspect Ecology dated June 2020, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 20112031 Part 1 and Government guidance contained within the National Planning Policy Framework.

29. No dwelling shall be occupied until details have been submitted to and approved in writing, to demonstrate the dwellings have been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

30. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

31. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets

119

### **OS Parcel 7921 South Of Huscote Farm And North West Of County Boundary Daventry Road Banbury**

The Committee considered application 23/03428/OUT, an outline planning application for the construction of up to 140,000 sqm of employment floorspace (use class B8) with ancillary offices and facilities and servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse at OS Parcel 7921 South Of Huscote Farm And North West Of County Boundary Daventry Road Banbury for Greystoke CB.

Rob Kinchin-Smith, on behalf of Banbury Civic Society, CPRE Oxfordshire and Farthinghoe Parish Council, addressed the Committee in objection to the application.

David Hutchison, on behalf of the agent for the applicant, Pegasus Planning Group, addressed the Committee in support of the application.

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

#### **Resolved**

The, in line with the officer's recommendation, application 23/03428/OUT, be refused for the following reasons:

1. The proposal is located on an unallocated site and development would represent an urbanising form of development which by reason of its location and proposed land use would result in a cluster of large warehouse buildings poorly related to Banbury that would result in a harmful visual intrusion of development into the landscape and open countryside and would therefore result in harm to the rural character, appearance and quality of the area. This identified harm would

significantly and demonstrably outweigh the benefits of the proposal. Development would therefore fail to accord with Cherwell Local Plan 2011-2031 Part 1 policies ESD10, ESD13 and ESD15 and Cherwell Local Plan 1996 saved policies C7, C8 and EMP4, and with national policy guidance given in the National Planning Policy Framework.

2. The proposed development would be sited in a geographically unsustainable location with poor access to services and facilities and therefore future employees would be highly reliant on the private car to access their workplace, which would not reduce the need to travel and would result in increased car journeys and hence carbon emissions. The proposed development would therefore conflict with policies PSD1, SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework. This identified harm would significantly and demonstrably outweigh the benefits associated with the proposed development and therefore the development does not constitute sustainable development when assessed against the National Planning Policy Framework as a whole.
3. The application site is located in an unsustainable location for cycling and walking. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011- 2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
4. The proximity of the access roundabout to M40 Junction 11 is likely to lead to severe congestion and potential safety issues arising from queuing on the M40 off slip. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
5. Any further development around Junction 11 of the M40 would add to the severe congestion and air quality problems on the A422, particularly along Hennef Way. This development does not demonstrate how it would mitigate its impact on these issues through adequate sustainable travel connections or by highway improvements. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
6. Safe and suitable operation of affected highway junctions has not been demonstrated by use of a suitable analysis tool. It has been agreed with the Applicant's transport consultant and National Highways that microsimulation modelling (such as VISSIM) is required to accurately represent the flow of vehicles at all primary local junctions and the interaction between them. Without agreed results of such analysis and

resultant appropriate mitigation, the proposal is contrary to policies SLE1, SLE4 and INF1 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.

7. It has not been demonstrated that a signalised crossing of the A361 Daventry Road for pedestrians and cyclists may be incorporated at a safe and suitable location, and the associated access into the site has not been indicated. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
8. The site is located close to and west of an existing Air Quality Management Zone and the proposal fails to adequately assess or mitigate against air quality matters as a result of increased vehicle movements associated with the development. The proposal is therefore contrary to policies SLE1, SLE4 and ESD1 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
9. The proposal fails to assess the potential economic impact upon Banbury, specifically the attractiveness of Banbury town centre and the edge of town retail and employment centres as a result of additional traffic and congestion on the local highway network rendering Banbury a less sustainable location. The proposal is therefore contrary to policies SLE1 and SLE2 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
10. The proposal lacks detail and information relating to the drainage of the site and is therefore contrary to Oxfordshire County Council's published guidance "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire", policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2015 and Government guidance within the National Planning Policy Framework.
11. The application has failed to demonstrate through the submission of a robust Landscape and Visual Impact Assessment that the proposals on this prominent site would not cause substantial landscape harm to the undeveloped rural character and appearance of the site and its surroundings when viewed from Public Rights of Way in the surrounding countryside. As such, the proposal is contrary to policies ESD10, ESD13 and ESD15 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1) and Government guidance within the National Planning Policy Framework.

12. The application has demonstrated, through its submission of an Agricultural Land Classification (ALC) Assessment, that the impacts of the proposal would result in loss of best and most versatile (Grade 3a) agricultural land. As such, the proposal is considered contrary to Government guidance outlined in paragraph 180 b) of the NPPF.
13. The application has failed to adequately demonstrate that development would not harm existing flora and fauna and that ecological mitigation would successfully deliver a 10% net gain in biodiversity or protection, enhancement and connectivity with the local green infrastructure network. As such the proposal fails to accord with policies ESD10 and ESD17 of the Cherwell Local Plan 2011-2031, saved policies C1 and C2 within the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
14. In the absence of an appropriate protected species survey covering all protected species on site, the welfare of protected species has not been adequately addressed in accordance with article 12(1) of the EC Habitats Directive. The Local Planning Authority cannot therefore be satisfied that protected species will not be harmed by the development and as such the proposal does not accord with policy ESD10 of the Cherwell Local Plan 2011-2031, saved policies C1 and C2 within the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
15. In the absence of a satisfactory Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

120

### **Land To Rear Of Wheelwright Cottage Main Street North Newington**

The Committee considered application 23/02071/F for a new build dwelling at land to the rear Of Wheelwright Cottage Main Street North Newington for Mr Kambiz Khabiri.

Susia Barnes, local resident, addressed the Committee in objection to the application.

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

Contrary to the officers' recommendation, it was proposed by Councillor Webb and seconded by Councillor Reynolds that application 23/02071/F be refused, for the following reasons (wording of refusal reasons delegated to officers)



1. The proposed development is not an infill development or a conversion. The proposal would therefore be contrary to the Council's housing strategy.
2. The development would result in overdevelopment of the site and inappropriate development in the location and would fail to preserve the character and appearance of the Conservation Area and would adversely affect the living conditions of neighbours. This would be contrary Policies ESD15 and Villages 1 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
3. The application failed to demonstrate the proposed dwelling would be served by a satisfactory vehicular access and would therefore result in parking being displaced to the public highway contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Resolved**

That, contrary to the officer's recommendation, application 23/03109/F be refused for the following reasons:

1. By reason of its siting and its spatial relationship to surrounding development, the proposed development would not be infill development and by reason of its nature the proposed development is not a conversion. New residential development is only permitted at North Newington where it comprises conversion or appropriate infilling. The proposal therefore conflicts with the Council's housing strategy. In addition, by reason of its scale and siting, the proposal would result in overdevelopment of the site and inappropriate development in this location and would fail to preserve the character and appearance of the Conservation Area and would adversely affect the living conditions of neighbours. The identified harm, which in the case of that caused to the Conservation Area is less than substantial, would significantly and demonstrably outweigh the proposal's benefits. The proposal thus fails to accord with Policies ESD15 and Villages 1 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. The applicant has failed to demonstrate that the proposed dwelling would be served by a satisfactory vehicular access. As such the proposed development cannot provide accessible onplot parking and would therefore result in parking being displaced to the public highway. The local area already suffers from a lack of availability of suitable on-street parking. The additional on-street parking and the need to accommodate servicing and delivery vehicles associated with proposed dwelling would lead to increased pressure for on-street parking in a part of the village unable to accommodate it. This could lead to inappropriate parking on or near the bend in the main road through the village adjacent

to the application site. Any resultant increase in on-street parking would adversely affect the safety and convenience of highway users, contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

121 **Laurels Farm Dark Lane Wroxton OX15 6QQ**

The Committee considered application 23/00130/F, for the demolition of 3no existing barns followed by the erection of 9no new dwellings; conversion and alterations to existing barn to form 1no dwelling; formation of new primary access from Newington Road, parking, landscaping and other associated works at Laurels Farm, Dark Lane, Wroxton, OX15 6QQ for Trinity College.

Councillor Webb addressed the Committee as Local Ward Member. Councillor Webb then left the meeting for the rest of the item.

Chris Ferguson, on behalf of the applicant, Trinity College, addressed the Committee in support of the application.

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

Contrary to the officer's recommendation, it was proposed by Councillor Reynolds and seconded by Councillor Holland that the application be approved, subject to conditions which were to be agreed and delegated to the Assistant Director Planning and Development and completion of a S106 legal agreement.

**Resolved**

That, contrary to the officer's recommendation, application 23/00130/F be approved, subject to conditions and S106 legal agreement (to be delegated and agreed with the Assistant Director Planning and Development).

122 **Grange Farm Chapel Lane Balscote OX15 6JN**

The Committee considered application 23/00129/F for the erection of agricultural buildings, hardstanding and other associated works at Grange Farm, Chapel Lane, Balscote, OX15 6JN for Trinity College.

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

**Resolved**

That, in line with the officer's recommendation, application 23/00129/F be delegated to the Assistant Director for Planning and Development to approve

subject to conditions set out below (and any amendment to those conditions as deemed necessary):

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Location Plan (6163/5 Rev P5), General Purpose Store Plan and Elevations (6163/4 Rev P5), Elevations of Grain and Straw Store and Temporary Housing for Mobile Drier (6163/2 Rev P6).

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

3. A schedule of materials and finishes to be used in the external walls and roof(s) of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to any foundations work. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area in accordance with Policies ESD13 and 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.

4. A method statement for enhancing birds/bats and invertebrates on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. The biodiversity enhancement measures approved pursuant to the requirements of this condition shall be carried out prior to occupation and shall be retained thereafter in accordance with the approved details.

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

5. No development shall commence on site until the existing tree(s) to be retained on site have been protected in accordance with the measures set out below. The protection measures shall be maintained until the approved development is completed.

a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multistemmed trees 10 times the trunk diameter just above the root flare.

b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.

c) 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.

d) 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.

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 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

6. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:

Document  
Flood Risk Assessment  
Ref: 990-FRA-01-B Issue: April 2023

Drawing  
Proposed Exceedance Route  
Drawing No: 990-FRA04, Rev A

Drawing  
Proposed Drainage Strategy  
Drawing No: 990-FRA03, Rev D

All relevant Hydraulic calculations  
Date 13/04/2023  
File: 990-Drainage Design Calc Rev C.pfd

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

7. Prior to the first occupation of the development, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
  - (a) As built plans in both .pdf and .shp file format;
  - (b) Photographs to document each key stage of the drainage system when installed on site;
  - (c) Photographs to document the completed installation of the drainage structures on site;
  - (d) The name and contact details of any appointed management company information

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

INFORMATIVE The developers are reminded of the legal protection afforded to badgers under the (Protection of Badgers Act 1992). During construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission, works must stop and advice must be sought from a suitably qualified and experienced ecologist.

123

### **Land Adjacent To The Old Manor House 7 The Green Shutford OX15 6PJ**

The Committee considered application 23/02682/F for the erection of a single dwelling with associated landscaping and a new vehicular entrance onto existing access at land adjacent to the Old Manor House, 7 The Green, Shutford, OX15 6PJ for Ms Clinton.

Lynne Parsons, neighbour, and Rachel Mizen, neighbour, addressed the Committee in objection to the application.

Matt Chadwick, on behalf of the agent for the applicant, JPPC, addressed the Committee in support of the application.

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

Contrary to the officer's recommendation, it was proposed by Councillor Webb and seconded by Councillor Holland that application 23/02682/F be refused for the reason that the design and size of the development being overdevelopment for the site and contrary to Policies ESD15 of Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

It was proposed by Councillor Wood and seconded by Councillor Chapman that application 23/02682/F be approved in line with the officer recommendation.

### **Resolved**

That, in line with the officer's recommendation, application 23/02682/F, be delegated to the Assistant Director for Planning and Development to grant permission, subject to the conditions set out below (and any amendments to those conditions as 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 not be carried out otherwise than in complete accordance with the approved plans: OMHS/01B, OMHS/02B, OMHS/03B, OMHS/04B, OMHS/05B, OMHS/07, Arboricultural Implications Plan (284-OMHS-DRW-AIP) – 01", "Tree Constraints Plan (284-OMHS-DRW-TCP) – 01, Tree Protection Plan (284-OMHS-DRW-TPP) – 01, "BS5837: 2012 Tree Survey and "ARBORICULTURAL IMPACT ASSESSMENT – 284-OMHS-RPT-AIA (Revision No 1 – 18th January 2024)".

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.

### **Construction Environment Management Plan (CEMP)**

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

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 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.

### **Stone sample**

4. 4. No development shall commence above slab level until a stone sample panel (minimum 1 sq m in size, and using lime based mortar with brushed or rubbed joints) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, where indicated on the approved drawings the external walls of the dwelling (where applicable) shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

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

### **Samples of external materials.**

5. No development shall commence above slab level unless and until samples of the materials to be used externally in the construction of the walls and roof of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Biodiversity Enhancement**

6. No development shall commence above slab level unless and until a method statement for enhancing biodiversity on site to include wildlife friendly planting, bird and bat provisions, hedgehog highways through any boundary fencing/walls and restricted exterior lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to the first occupation of the development in accordance with the approved details and shall be retained as such thereafter.

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

### **Sustainability and Energy Statement**

7. No development shall commence until a Sustainability and Energy Statement, outlining the measures to reduce carbon emissions and energy use during both the construction and operational phase of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in strict accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Scheme for the provision and implementation of foul and surface water drainage**

8. No development shall commence above slab level unless and until a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of the dwelling hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell



Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

### **Construction Traffic Management Plan (CTMP)**

9. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. The development shall not be carried out other than in full accordance with the approved CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times

### **Access: Full Details**

10. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

### **A scheme for landscaping**

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

(a) details of the proposed tree and shrub planting (comprised of a minimum of 5 native species, such as hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and/or spindle) including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(b) details of the hard landscaping including hard surface areas, driveway, parking, pedestrian areas and steps.

(c) boundary treatments

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority.

The development shall be carried out in strict accordance with the approved landscaping scheme. The hard landscape elements of the scheme shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

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

### **Removal of vegetation (including trees)**

12. Notwithstanding the details submitted, all removal of vegetation (including trees) should be undertaken outside of nesting bird season (March-August inclusive) unless the site is first checked by an ecologist immediately prior to vegetation removal. Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **All planting, seeding or turfing**

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, 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. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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

### **Desk study and site walk over to identify all potential contaminative**

14. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the

Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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 Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Potential risk from contamination**

15. If a potential risk from contamination is identified as a result of the work carried out under condition (14), prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is 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 Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **If contamination is found by undertaking the work carried out under condition (14)**

16. If contamination is found by undertaking the work carried out under condition (14), prior to the commencement of the development hereby permitted a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is 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 Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**If remedial works have been identified in condition (14)**

17. If remedial works have been identified in condition (16), the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition (16). A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is 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 Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

**Contamination not previously identified.**

18. If, during development, contamination not previously identified is found to be present at the site, no further development shall be out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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

**Joinery details**

19. Prior to their installation, full details of the doors, windows and roof lantern to the dwelling 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. The doors and windows and their surrounds shall be installed within the buildings in strict accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Arboricultural details**

20. The proposed development shall be completed in full adherence to the Arboricultural details submitted to the LPA – Document Ref 284-OMHS-RPT-AIA inc Plans/drawings. Any variations to the details of the documents and plans must only be undertaken after the proposed variations have been agreed in writing by the LPA.

Reason: In order to ensure compliance with the tree protection and arboricultural supervision details submitted under condition (insert condition(s)) pursuant to section 197 of the Town and Country Planning Act 1990, 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 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.

**Cycle Parking Provision**

21. 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 be firstly 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.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

**Full details of the arrangements for the storage and collection of refuse and recycling.**

22. Prior to the first occupation of the development hereby approved full details of the arrangements for the storage and collection of refuse and recycling from the site, including the location of storage areas, shall be submitted to and approved in writing by the Local Planning Authority. The refuse bin storage area(s) shall be provided in accordance with the approved details prior to the first occupation of the development and shall thereafter remain unobstructed except for the storage of refuse bins and shall be retained as such thereafter.

Reason – To ensure the satisfactory appearance of the completed development and to ensure a satisfactory living environment for the occupiers of the development and to comply with Policy ESD 15 of the Cherwell Local Plan 20112031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Regulation 43 of the Habitat and Species Regulations 2017 (as amended)**

23. Where an offence under Regulation 43 of the Habitat and Species Regulations 2017 (as amended) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Bats and Great Crested Newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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

**PD Restrictions (extensions)**

24. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be extended or enlarged, nor shall any structures be erected within the curtilage of the said dwelling, without the grant of further specific planning permission from the Local Planning Authority.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets and residential amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**PD Restrictions (windows or openings)**

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or reenacting or amending those Orders with or without modification), no additional windows, doors or any other openings shall be inserted in the dwelling without the grant of further specific planning permission from the Local Planning Authority.

Reason - To safeguard the living conditions of neighbouring residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

124

### **DCS Group UK Ltd Oceans House Noral Way Banbury OX16 2AA**

The Committee considered application 21/01854/F, which sought consent for work at DCS Group UK Ltd, Oceans House, Noral Way, Banbury OX16 2AA, following the grant of permission for the erection of a warehouse extension, relocation of lorry park and driver's amenity building, together with associated external works. The proposals comprised the following changes: -

- The area immediately in front of the warehouse has been simplified to reflect the need for more manoeuvring space for the lorries, and the need to separate further the circulation of cars from lorries on the site;
- The "future parking extension area" of the previous application has been designed and built out;
- There is a new extension to the east elevation of the proposed warehouse (420m<sup>2</sup>), which will house fork lift chargers;
- Two mezzanine levels have been added within the latest warehouse extension, to provide 2,000m<sup>2</sup> of additional floorspace;
- A new entrance canopy and an additional area of second floor offices has been added to the proposals. No change in staff numbers is forecast, with the additional space providing meetings rooms, an executive office suite allowing relief to more cramped office conditions elsewhere;
- New "over-cladding" has been introduced along the north elevation; and
- A replacement lorry drivers café.

Claudia Jones, on behalf of the agent for the application, Morgan Elliot Planning, address the Committee in support of the application.

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

### **Resolved**

That, in line with the officer's recommendation, application 21/01854/F be delegated to the Assistant Director for Planning and Development to grant permission subject to the conditions set out below (and any amendments to those conditions as 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 application forms and the following plans and documents:
  - Location Plan – 0707/008\_[-]
  - Proposed Site Plan – 0707/009\_[B]
  - Proposed Ground Floor Plan – 0707/010\_[B]
  - Proposed First Floor Plan – 0707/011\_[B]
  - Proposed Second Floor Plan – 0707/012\_[B]
  - Truck Stop Café Plans and Elevations – 0711/001 [D]
  - Proposed Elevations – 0707/016\_[A]

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.

### **Cycle Storage Provision**

3. Prior to the first use or occupation of the warehouse extension hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

### **Extraction Ventilation Equipment**

4. Prior to the installation of any commercial kitchen exhaust system to be installed to serve the truck drivers cafe within the approved development, a noise and odour impact assessment shall be submitted for the prior written approval of the local planning authority. The noise and odour assessment shall include details of a scheme for minimising emissions of noise and of cooking odour/grease from the proposed kitchen exhaust system. The noise assessment shall be undertaken in accordance with BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound whilst the cooking fume odour/grease assessment will be undertaken in accordance with the EMAQ Update to the 2014 report on Control of Odour and Noise from Commercial Kitchen Exhaust Systems prepared by NETCEN for the Department for Environment Food and Rural Affairs The scheme shall



be implemented in strict accordance with the approved details and shall thereafter be retained, serviced and maintained as such.

Reason: To safeguard the amenities of the occupiers of nearby properties from the adverse effects of noise/odour and grease from commercial kitchen exhaust'. systems installed and meet the aims of the National Planning Policy Framework.

### **Unexpected Land Contamination**

5. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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

### **Drainage Strategy**

6. Notwithstanding the previously submitted drainage strategy, before any above ground works commence, a scheme for the provision and implementation of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the extensions hereby approved and thereafter retained as such.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework. Provision of Parking,

### **Turning and Loading/Unloading Area**

7. The proposed HGV parking, turning, loading and unloading facilities shall be provided in accordance with the approved plans before first use of the warehouse extension hereby permitted. The 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 off-street parking and turning/loading/unloading to comply with Government guidance in Section 12 of the National Planning Policy Framework.

### **External Lighting**

8. Details of the external lighting, including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

## 125 **Land East Of Larsen Road Heyford Park**

The Committee considered application 22/03063/F, for the erection of 123 dwellings (formerly 126) with access from Camp Road, provision of public open space and associated infrastructure at Land East Of Larsen Road, Heyford Park for David Wilson Homes (Southern).

David Hutchison from Pegasus Planning Group on behalf of Dorchester Group, interested party, addressed the Committee in objection to the application.

Estelle Hutchinson, on behalf of the applicant, David Wilson Homes (Southern), addressed the Committee in support of the application.

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

### **Resolved**

That, in line with the officer's recommendation, application 22/03063/F be delegated to the Assistant Director for Planning and Development to grant permission subject to:

- i. Conditions set out below (and any amendment to those conditions as may be deemed necessary);
- ii. The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the heads of terms listed at paragraph 9.95 of the officer's report (and any amendments as deemed necessary);
- iii. Naturespace licence agreement.

It was further resolved that if the section 106 agreement/undertaking was not completed by 31 March 2024 and the permission was not able to be issued by the date and no extension of time had been agreed between the parties, the Assistant Director for Planning and Development be given delegated authority to refuse the application for the following reason:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the NPPF.

Conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents:

- Planning Layout – 0778-102-COL
- Location Plan – 0778-101
- Housetype Booklet – 0778-HTB-ISSUE 3
- Garages – 0778-109A
- External Detailing – 0778-106A
- Boundary Fencing – Db Sd13 006B
- Boundary Walls – Db Sd13 004D
- Arboricultural Protection Plans – 22 0728 V4 and 22 0729 V4
- Refuse Vehicle Swept Path – 22 192 002B
- Fire Tender Swept Path – 22 192 004
- Drainage Strategy – 22 192 100C and 22 192 106C

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

3. The development permitted shall not be begun until details of the following additional matters have been submitted to, and approved in writing by, the Local Planning Authority:

- A proposed east and west scheme of access for pedestrians and cyclists to Larsen Road.

Reason: For the avoidance of doubt, to enable the Local Planning Authority to give further consideration to these matters, to ensure that the development is carried out only as approved by the Local Planning Authority and to achieve a comprehensive integrated form of development in compliance with Policy Villages 5 of the adopted Cherwell Local Plan and to comply with Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved together with samples of all bricks, render, paviers and slates shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

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

5. Prior to the commencement of the development hereby approved, a Landscaping Scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be carried out in accordance with the approved details.

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, 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. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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 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.

7. Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, 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.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of the open space and play space within the site including the LAP and LEAP together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space and play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space and play space.

Reason: In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

10. Prior to the commencement of the development hereby approved, full specification details of the roads, footpaths and cycle paths including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the first house the development shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

12. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

14. Prior to first occupation of any dwelling, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

15. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- (a) As built plans in both .pdf and .shp file format;
  - (b) Photographs to document each key stage of the drainage system when installed on site;
  - (c) Photographs to document the completed installation of the drainage structures on site;
  - (d) The name and contact details of any appointed management company information.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

16. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme are submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

17. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a) The parking of vehicles of site operatives and visitors;
  - b) The routing of HGVs to and from the site;
  - c) Loading and unloading of plant and materials;
  - d) Storage of plant and materials used in constructing the development;
  - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;

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

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 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.

18. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

19. Details of the external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those



works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and light sensitive ecology, in the interest of public safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

20. A method statement for enhancing the bat/bird/invertebrate provision per dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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

21. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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 Saved Policy ENV12 of the Cherwell Local Plan and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

22. If a potential risk from contamination is identified as a result of the work carried out under condition 21, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

23. If contamination is found by undertaking the work carried out under condition 22, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

24. If remedial works have been identified in condition 23, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 23. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

25. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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

26. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and 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".

27. Notwithstanding any previously agreed play space details, full details of the provision, landscaping, specification of play equipment and treatment of play space(s) within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter the play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

Reason: In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR94) and with the proposals detailed on plan 'Larsen Road Phase 1 and 2 combined: Impact Plan for great crested newt district licensing' Version 3 dated 19th October 2021.

Reason: In order to ensure that any adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR94.

29. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR94), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the

local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for any negative impacts to great crested newts.

30. No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WMLOR94 and in addition in compliance with the following: - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians. - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development). - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

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

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

## **Phase 2 SW Bicester Kingsmere Parcel R East Of Ludlow Road Bicester**

The Committee considered application 23/03073/HYBRID, a hybrid application comprising in full for the construction of an 82-apartment affordable extra care home (C2 use class) with associated open space / green infrastructure, landscaping, car / cycle parking, service infrastructure (drainage, highways, lighting), engineering operations, creation of new vehicular access and re-instatement of existing access to footpath, and in outline, the construction of up to 14 residential (C3 use class) dwellings with associated landscaping, service infrastructure (highways, drainage, lighting) at Phase 2 SW Bicester Kingsmere, Parcel R, East Of Ludlow Road, Bicester, for PHL Ltd & Countryside Properties (Bicester) Ltd.

Sarah R Smith, on behalf of the agent, Rapleys LLP, addressed the Committee in support of the application.

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

### **Resolved**

That, in line with the officer's recommendation, application 23/03073/HYBRID be delegated to the Assistant Director for Planning and Development to grant permission, subject to:

- the conditions set out below (and any amendments to those deemed necessary)
- the completion of a planning obligation under section 106 of the Town and County Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the necessary mitigation as set out in the annex to the Minutes, as set out in the Minute book (and any amendments deemed necessary).
- Planning application 23/03086/F being granted.

### Conditions

#### Full Application

##### **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.

2. That prior to first occupation of the extra care facility hereby approved, a Car parking management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme approved.

Reason: In the interest of highway and pedestrian safety and to accord with Government guidance within the National Planning Policy Framework.

3. Prior to the first occupation of the extra care facility hereby approved, a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interest of highway and pedestrian safety and to accord with Government guidance within the National Planning Policy Framework.

4. That prior to the first occupation of the extra care, a detailed plan showing the cycle parking provision and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained and maintained as such.

Reason: In the interests of sustainability and to comply with Government guidance within the National Planning Policy Framework.

5. Prior to the commencement of any development above slab level and notwithstanding the details submitted, A schedule of materials and finishes, including the submission of samples and sample panels of bricks and limestone to be constructed on site (minimum 1 squared metre in size) to be used in the construction of the external walls of the extra care building shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be completed in accordance with the approved details and samples.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, the approved Kingsmere Phase 2 Design code 2028 and Government guidance within the National Planning Policy Framework.

6. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the building, including the windows and doors (and their surrounds), guttering etc shall be submitted to and approved in writing by the local planning authority prior to any construction above slab level. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the details are appropriate to the locality and are locally distinctive and ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons prior to the first occupation of the building and shall be maintained for a period of 5 years from the completion of the development. 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 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

8. A scheme for the suitable treatment of the sub-station and air source heat pumps against the transmission of sound and/or vibration on the proposed or existing residential units shall be submitted to and approved in writing by the Local Planning Authority and the measures implemented in accordance with the approved scheme at all times.

### HYBRID

#### **Compliance with Plans**

9. 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: [...] TBC

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.

10. No development shall be occupied until confirmation has been provided that either: (i) all network upgrades required to accommodate the additional demand to serve the development have been completed; or (ii) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan has been agreed with Thames Water, no occupation shall take place other than in accordance with the agreed development and 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.

11. 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 (or relevant phase of development) is resumed or continued.

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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

12. The approved drainage system shall be implemented in accordance with the approved Detailed Design as shown on the following drawings: Land Parcel R drainage layout reference 02/801 Rev E; 23047-ARC-XX-XX-DR-C-5000-P5DRAINAGE GA; Impermeable Area Plan 5500-P4; Section 104 adopted Drainage GA 5200-P4 and Appendix E – Surface Water Drainage Calculation, prior to the use of the building commencing.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

13. Construction shall not begin until/prior to the approval of reserved matters; a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme shall include: (i) a compliance report to demonstrate how the scheme complies with the 'Local Standards and Guidance for Surface Water Drainage on major development in Oxfordshire'; (ii) Full drainage calculation for all events up to and including the 1 in 100 year plus 40% climate change; (iii) A Flood Exceedance Conveyance Plan; (iv) Comprehensive infiltration testing across the site to BRE DG 365 (if applicable); (v) Detailed design and drainage layout drawings of the SUDS proposals including cross section details; (vi) Detailed maintenance management plan in accordance with Section 32 of the CIRA C753 including maintenance schedules for each drainage element; (vii) Details of how water quality will be managed during construction and post development in perpetuity; (xvi) Confirmation of any outfall details and (xi) Consent for any connections into third party drainage systems.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

14. Prior to first occupation, a record of the installed SUDS and site wide drainage scheme shall be submitted to and approved in writing by the



Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include: (i) As built plans in both pdf and shp format; (ii) photographs to document each key stage of the drainage system when installed on site; (iii) photographs to document the completed installation of the drainage structures on site; (iv) the name and contact details of any appointed management company information.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

15. Prior to the commencement of development on any part or phase of the development site, details of a lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed sensitively for bats in accordance with the BCT lighting guidance (ILP Bat Conservation Trust Guidance Note 08/23) with a colour temperature of 2700 degrees kelvin or under. The lighting plan should also take into account any trees, landscaping and bat box location. The development shall be carried out in accordance with the approved details.

Reason: In the interests of protection of ecology and biodiversity to accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance within the national Planning Policy Framework.

16. Prior to the first occupation of any part of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) for the whole site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LEMP shall be carried out in accordance with the approved details.

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

17. Full details of a scheme for the location of bat, bird, owl and invertebrate boxes (which may be integral to the building construction) (on that phase/part of development) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building on that phase or part of the development, the bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the

adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

18. Prior to the first occupation a Full Travel Plan for the care home and a Residential Travel Information Pack for the housing development should be submitted to the Local Planning Authority. The Travel Plan for the care home and the Residential Travel Information Pack for the housing development shall be independent submissions.

Reason: In the interests of sustainability and to comply with Government guidance within the National Planning Policy Framework.

19. Construction Environmental and Traffic Management Plan – TBC

### OUTLINE

20. Application for the approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

21. Details of the layout, scale, appearance, access and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

22. Prior to the approval of any related reserved matters, a detailed Surface Water management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme) and include all supporting information listed in the condition. Reason: Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and

property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

127

### **Unit 14 Expeditionary Road Ambrosden Bicester OX25 2EJ**

The Committee considered application, 24/00251/CDC, for a new security fence to the vehicle parking areas at Unit 14 Expeditionary Road, Ambrosden, Bicester, OX25 2EJ for Cherwell District Council,

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

#### **Resolved**

That, in line with the officer's recommendation, application 24/00251/CDC be delegated to the Assistant Director for Planning and Development to approve subject to the conditions set out below (and any amendments to those conditions as 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:

Drawing 01 – Proposed Security Fencing and Drawing 02 – Location Plan

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

128

### **Development Brief for Local Plan Partial Review site PR8 - Land East of the A44**

The Assistant Director Planning and Development submitted a report to seek the Planning Committee's approval of the Development Brief for Local Plan Part 1 Review allocated site PR8 – Land East of the A44.

**Resolved**

- (1) That the Development Brief for site PR8 (Land East of the A44) of the Cherwell Local Plan 2011-2031 Partial Review, t Appendix 1 to the report, subject to (i) the changes recommended in paragraphs 4.40 – 4.45 of the report, (ii) further changes being considered in response to comments made to the December 2023 consultation and which are marked as TBC in Appendix 2 to the report, and (ii) an additional three week consultation period following the 21 March 2024 Planning Committee be approved.
- (2) That the Assistant Director - Planning and Development, in consultation with the Chairman. be authorised to publish the Development Brief, subject to (i) any minor amendments arising from the further public consultation agreed as resolution (1) or the December 2023 consultation and (ii) any necessary presentational or other minor corrections.

129 **Local Validation List Report**

The Assistant Director Planning and Development submitted a report that set out the consultation responses to the proposed Local Validation List and to approve the use of the list when validating planning applications.

**Resolved**

- (1) That the Local Validation List be approved, with the finalised wording of the list and appendices delegated to the Head of Development Management, prior to publication.

130 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 9.30 pm

Chairman:

Date:

## APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

|                            |                                  |
|----------------------------|----------------------------------|
| <b>Planning Obligation</b> | <b>Regulation 122 Assessment</b> |
|----------------------------|----------------------------------|

| Detail           | Amount  | Trigger point   |  |
|------------------|---|---|--|
| Health Centre    | Land and construction cost at NIL capital cost to ICB | Prior to commencement of development of the housing and to be completed by 25% of the number of dwellings occupied                | <p><b>Necessary</b> – to create a new health centre for Cropredy, for the benefit of the future occupiers.</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>  |
| Public Transport | £67 980 (RPI-x Dec 21)                                | No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued | <p><b>Necessary</b> – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p> |

|                           |                         |   |  |
|---------------------------|-------------------------|---|--|
| Public Transport services | £1 502                  | No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued | <p><b>Necessary</b> – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p> |
| Public Rights of Way      | £30 000 (Baxter Oct 21) | No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued | <p><b>Necessary</b> – to mitigate against the increase in residential numbers on the right of way network</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and to mitigate against the impact of the development</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>   |
| Highway Works             | £200 000 (Baxter tbc)   | No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued | <p><b>Necessary</b> – towards a new off road shared cycling and walking path from the development site to the School Lane junction</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and to mitigate against the impact of the development</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>  |

|                           |                                       |   |   |
|---------------------------|---------------------------------------|---|---|
| Travel Plan Monitoring    | TBC                                   |   | <p><b>Necessary</b> – to mitigate against the increase in residential numbers on the highway network</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and to mitigate against the impact of the development</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p> |
| Traffic Regulations Order | TBC                                   |   | <p><b>Necessary</b> – to mitigate against the increase in residential numbers on the highway network</p> <p><b>Directly related</b> as these will benefit the future occupants of the site and to mitigate against the impact of the development</p> <p><b>Fairly and reasonably related in scale and kind.</b> The contributions are in scale with the development and would be directly benefiting residents of the future development.</p> |
| Community Hall facilities | £68 602.48 Final figure to be agreed. | Prior to the First Occupation of any Dwelling on the Site   | <p><b>Necessary</b> - contribution towards improvements Cropredy Hall or Cropredy sports and social club</p> <p><b>Directly related</b> – For use of future occupiers by the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities</p>                                 |
| Outdoor Sport Provision   | £121 021.80 Final figure to be agreed | Off-site Outdoor Sports Facilities Contribution in the following instalments:- 50% prior to the first | <p><b>Necessary</b> - contribution enhancement of the sports facilities at Cropredy tennis, football, cricket and canoe clubs</p>   |



|                           |                                      |   |  |
|---------------------------|--------------------------------------|---|--|
|                           |                                      | Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings   | <p><b>Directly related</b> – For use by future occupiers of the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p>  |
| Indoor Sports Provision   | £50 096.81 Final figure to be agreed | Off-site Indoor Sports Facilities Contribution 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings | <p><b>Necessary</b> - off-site indoor sport contribution towards additional equipment to increase the provision of short mat bowls in Cropredy and the provision of indoor sport in the locality</p> <p><b>Directly related</b> – For use by future occupiers of the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access</p> |
| Public Realm / Public Art | £13 440 Final figure to be agreed    | No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until  | <p><b>Necessary</b> - Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples’ lives. Public art and the quality of the</p>  |

|                     |                                    |   |  |
|---------------------|------------------------------------|---|--|
|                     |                                    | the Practical Completion Certificate has been issued  | <p>public realm are important considerations in the design and layout of a development.</p> <p><b>Directly related</b> – We are seeking public art in the locality of the development. The final location would need to be related to the proposed development site.</p> <p><b>Fairly and reasonably related in scale and kind</b> – SPD 4.130 Public Realm, Public Art and Cultural Well-being. Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples’ lives. SPD 4.132 The Governments Planning Practise Guidance (GPPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using.</p> |
| Primary Education   | £415 316 Final Figure to be agreed | No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued | <p><b>Necessary</b> to provide adequate education provision in Cropredy primary school as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provided additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>  |
| Secondary Education | £465 318 Final figure to be agreed | No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued | <p><b>Necessary</b> to provide adequate education provision in Banbury as existing infrastructure is at capacity with planned growth.</p>  |

|                                    |                                   |   |   |
|------------------------------------|-----------------------------------|---|---|
|                                    |                                   |   | <p><b>Directly related.</b> Will provide additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>  |
| Secondary School Land Contribution | £46 662 Final figure to be agreed | No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued | <p><b>Necessary</b> to provide adequate education provision in Banbury as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provide additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>                                    |
| Special School Contribution        | £35 896 Final figure to be agreed | No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued | <p><b>Necessary</b> to provide adequate education provision in Banbury as existing infrastructure is at capacity with planned growth.</p> <p><b>Directly related.</b> Will provide additional school places for children living at the proposed development</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.is at capacity with planned growth.</p> |
| Waste Management                   | £5 638 (BCIS All-in TPI 327)      | TBC   | <p><b>Necessary</b> The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is</p>  |

|  |                               |   |   |
|--|-------------------------------|---|---|
|  |                               |   | <p>delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt.</p> <p><b>Directly related.</b> Will provided expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.</p> <p><b>Fairly and reasonably related in scale and kind.</b> In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p> |
| LAP/LEAP to be provided and maintenance towards upkeep | TBC                           | No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued   | <p><b>Necessary</b> – Site based LAP required in accordance with Policy BSC10.</p> <p><b>Directly related</b> – contribution towards the maintenance of the site-based LAP.</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to play and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p>                      |
| Affordable Housing                                     | 35% with tenure to be agreed. | Not Occupy or cause or permit the Occupation of more than fifty per cent (50%) of the Market Dwellings until each area comprising the Affordable Housing Site has been offered to a Registered Provider | <p><b>Necessary</b> – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p><b>Directly related</b> – The affordable housing would be provided on-site in conjunction with open market housing</p>   |

|  |  |  |   |
|--|--|--|---|
|  |  |  | <b>Fairly and reasonably related in scale and kind</b> – Based on the Cherwell Local Plan requirement for percentage of affordable housing. |
|--|--|--|---|

# APPENDIX 1

## 23/03073/HYBRID - APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

| Planning obligation      |  |                | Regulation 122 Assessment   |
|--------------------------|--|----------------|---|
| Detail                   | Amounts (all to be Index linked)   | Trigger points |   |
| Affordable Housing       | 100% of the extra care dwellings to be affordable homes.   | TBC            | <p><b>Necessary</b> – Yes, policies BSC3 and BSC4 and Oxfordshire market position statement</p> <p><b>Directly related</b> – Yes, as proposed</p> <p><b>Fairly and reasonably related in scale and kind</b> – yes, the amount is a policy requirement</p>   |
| OCCG                     | £56,448 at 68 x 1bed at £504 per dwelling, 14 x 2 bed at £720 per dwelling and 14 market at 2.4 (predicted population increase) x £360                       | TBC            | <p><b>Necessary</b> – the proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of the additional population generated by the development. The provision will support plans to surgery alterations to accommodate the additional population</p> <p><b>Directly related</b> – the contribution will be used to fund increased facilities within Bicester</p> <p><b>Fairly and reasonably related in scale and kind</b> – yes</p> |
|                          |  |                |   |
| Outdoor Sports Provision | <p>Based on £2,017.03 per dwelling</p> <p>96 x £2,017.03=£193,634.88</p> <p>Towards enhancement of outdoor sports facilities at Whitelands Sports Ground</p> | TBC            | <p><b>Necessary</b> – Policies BSC10 and BSC11 seek to address existing deficiencies in access to sports and recreation through new provision or enhancement of existing facilities either on site or commuted sum off-site.</p> <p><b>Directly related</b> – yes</p> <p><b>Fairly and reasonably related in scale and kind</b> – yes</p>   |
| Indoor Sports Provision  | <p>Based on £335.32 per person</p> <p>96x2.4=230.49</p> <p>230.40 x £355.32 = £77,257.73</p>   | TBC            | <p><b>Necessary</b> – Policies BSC10 and BSC12 seek to address existing deficiencies in existing provision through enhancements.</p>  |

# APPENDIX 1

|  |  |            |   |
|--|--|------------|---|
|  | 1,344.60 x £335.32 = £450,871.28 towards improvements at Bicester Leisure Centre   |            | <b>Directly related</b> – Yes<br><b>Fairly and reasonably related in scale and kind</b> – Yes   |
| Community Hall                                   | The development is providing on-site communal facilities including a bistro, large communal lounge, a multi-purpose room will enable the facility to host a wide range of different activities both internally and community wide.<br><br>As the development is providing onsite facilities, if no contribution is requested, it will need to show how the facilities will be accessed community wide. | <b>TBC</b> | <b>Necessary</b> – Policy BSC12 of CLP<br><b>Directly related</b> – to mitigate the impact of the development.<br><b>Fairly and reasonably related in scale and kind</b> – Yes  |
|  |  |            |   |
|  |  |            |   |
| Public Art, Public Realm and Cultural Well-being | £21,504.00 towards a public art scheme at £200 per unit plus 12% for management and maintenance.<br><br>Could be provided on site by developer as part of the scheme.  | TBC        | <b>Necessary</b> Planning Obligation SPD 2018 – support cultural well-being and public art can play an important role in enhancing the character of an area.<br><b>Directly related.</b> Yes<br><b>Fairly and reasonably related in scale and kind.</b> Yes |
| Public Open Space                                | Provision of public open space within the built development is already provided within Kinsmere  | TBC        | <b>Necessary</b> – Policy BSC11<br><b>Directly related</b> – Yes<br><b>Fairly and reasonably related in scale and kind</b> – Yes  |
| Play Space                                       | 1 x LAP for market dwellings or contribution towards improvement to existing play space within Kinsmere  | TBC        | <b>Necessary</b> – Policy BSC11<br><b>Directly related</b> – yes<br><b>Fairly and reasonably related in scale and kind</b> – Yes  |

# APPENDIX 1

|                           |  |                           |  |
|---------------------------|--|---------------------------|--|
|                           |  |                           |  |
|                           |  |                           |  |
|                           |  |                           |  |
| Refuse and recycling bins | 3 x bins per property – market dwellings   | Prior to first occupation | Necessary – yes<br>Directly related – yes<br>Fairly and reasonably related in scale and kind - yes                             |
| Monitoring Fee - CDC      | TBC  | TBC                       | Necessary – Yes for monitoring obligations#<br>Directly related – yes<br>Fairly and reasonably related in scale and kind - yse |
| Transport                 | £1,000 per C3 dwelling towards Middleton Stoney Cycle Network Improvements       | TBC                       | <b>Necessary</b> – yes<br>Directly related – yes<br>Fairly and reasonably related in scale and kind - yes                      |
| Travel Plan Monitoring    | £3,110   | TBC                       | <b>Necessary</b> – yes<br><b>Directly related</b> - yes<br><b>Fairly and reasonably related in scale and kind</b> - yes        |
| Education                 | TBC re additional C3 dwellings   | TBC                       | <b>Necessary</b> yes<br><b>Directly related</b> - yes<br><b>Fairly and reasonably related in scale and kind</b> - yes          |
| Waste and Recycling       | £1.315 towards the expansion and efficiency of household waste recycling centres | TBC                       | <b>As above</b>  |
| Monitoring Fee - OCC      | TBC  | TBC                       | <b>As above</b>  |