

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Virtual meeting, on 16 July 2020 at 4.00 pm

Present: Councillor James Macnamara (Chairman)

Councillor Andrew Beere  
Councillor Phil Chapman  
Councillor Colin Clarke  
Councillor Conrad Copeland  
Councillor Ian Corkin  
Councillor David Hughes  
Councillor Mike Kerford-Byrnes  
Councillor Cassi Perry  
Councillor Lynn Pratt  
Councillor George Reynolds  
Councillor Barry Richards  
Councillor Les Sibley  
Councillor Katherine Tyson

Substitute Members: Councillor Richard Mould (In place of Councillor Hugo Brown)  
Councillor Barry Wood (In place of Councillor Chris Heath)

Apologies for absence: Councillor Maurice Billington  
Councillor Hugo Brown  
Councillor Chris Heath  
Councillor Simon Holland

Officers: Sarah Stevens, Interim Senior Manager – Development Management  
Caroline Ford, Principal Planning Officer  
James Kirkham, Principal Planning Officer  
Rebekah Morgan, Principal Planning Officer  
Bob Neville, Senior Planning Officer  
Amy Sedman, Enforcement Team Leader  
George Smith, Planning Officer  
Samantha Taylor, Principal Planning Officer  
Karen Jordan, Deputy Principal Solicitor  
Lesley Farrell, Democratic and Elections Officer

### Declarations of Interest

#### **7. Bicester Gateway Business Park, Wendlebury Road, Chesterton.**

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

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

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

**8. Bicester Heritage Buckingham Road Bicester.**

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

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

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

**9. Land South East Of Town And Country Scaffolding Ltd, Tramway Road, Banbury.**

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

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

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

**10. Land To Rear of 1 and 2 Langford Park Cottages, London Road, Bicester.**

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

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

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

**11. 112 Mold Crescent, Banbury, OX16 0EU.**

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

Councillor Barry Richards, Declaration, as the applicant was known to him and he would not take part in the debate or vote on the application.

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

**12. Jamar, 5 Hightown Leyes, Banbury, OX16 9NP.**

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

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

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

**13. Land Adjacent to the Oxford Canal Spiceball Park Road Banbury (1204).**

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

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

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

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the meeting for the duration of the item.

Councillor George Reynolds, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

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

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

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

**14. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (1203).**

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

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

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the meeting for the duration of the item.

Councillor George Reynolds, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, As a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

**15. General Foods Sports and Social Club, Spiceball Park Road, Banbury, OX16 2PA.**

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

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

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the meeting for the duration of the item.

Councillor George Reynolds, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, As a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

**16. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (1105).**

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

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

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the meeting for the duration of the item.

Councillor George Reynolds, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, As a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

37 **Requests to Address the Meeting**

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

38 **Minutes**

The Minutes of the meeting held on 18 June 2020 were agreed as a correct record and would be signed by the Chairman in due course.

39 **Chairman's Announcements**

The Chairman made the following announcement:

1. At her request as a reminder for Members, the Interim Senior Manager Development Management would circulate details of the 'Member Call In' procedures for planning applications to all Members.

40 **Urgent Business**

There were no items of urgent business.

41 **Bicester Gateway Business Park, Wendlebury Road, Chesterton**

The Committee considered application 20/00293/OUT an outline application (Phase 1B) including access (all other matters reserved) for approximately 4,413 sqm B1 office space (47,502 sqft) GIA, up to 273 residential units (Use Class C3) including ancillary gym, up to 177 sqm GIA of café space (Use Class A3), with an ancillary, mixed use co-working hub (794 sqm/ 8,550 sqft GIA), multi-storey car park, multi-use games area (MUGA), amenity space, associated infrastructure, parking and marketing boards at Bicester Gateway Business Park Wendlebury Road Chesterton for Mr Cutler.

Emma Lancaster of Albion Land addressed the Committee in objection to the application.

Paul Troop of Bicester Bike User Group addressed the Committee in objection to the application.

Philip Clarke, Chairman of Chesterton Parish Council addressed the Committee in support of the application.

Richard Cutler of Bloombridge Development addressed the Committee in support of the application.

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

## **Resolved**

- (1) That permission be granted for application 20/00293/OUT subject to:
  - a) Planning conditions drafted to cover the following headline matter:
    1. Restriction to the development/uses applied for
    2. Requirement to submit a reserved matters application
    3. Timescale for submission of reserved matters
    4. Plans for approval
    5. Vegetation clearance undertaken outside the bird nesting season
    6. Retention of vegetation except to allow for means of access
    7. Agreement of finished floor levels (with levels no less than as set out in the FRA)
    8. Requirement to provide details of ecological enhancement measures
    9. Requirement for protected species checks (site walkovers)
    10. Requirement to provide details of sustainable design measures including the provision of on-site renewable energy technologies.
    11. The achievement of BREEAM very good standard
    12. Restriction of permitted development rights to ensure all required service infrastructure be provided underground unless otherwise granted through a reserved matters application
    13. Requirement for the provision of a phasing plan
    14. Requirement to provide a Construction Method Statement
    15. Requirement to provide a Construction Environmental Management Plan (CEMP) for Biodiversity
    16. Requirement to provide an Arboricultural Method Statement including tree protection measures
    17. Requirement to provide a Training and Employment Management Plan
    18. Requirement to provide a surface water drainage scheme including long term management and maintenance arrangements
    19. Requirement to provide a foul drainage scheme
    20. Requirement to provide full details of accesses, footways, cycleways
    21. Conditions as necessary relating to the public rights of way
    22. Conditions relating to archaeology to require further work pre-reserved matters and then to require a watching brief and details of development within the area to be preserved in situ.
    23. A series of conditions relating to contaminated land.
    24. Requirement for an odour assessment
    25. Requirement for details of any required piling
    26. Requirement for a noise survey to ensure that residential dwellings can be appropriately mitigated to ensure they are not unduly impacted by noise

27. Requirement to agree details of tree works on land to the south of the site
28. Requirement for phased travel plans
29. Requirement for a Landscape and Ecology Management Plan
30. Requirement for the provision of electric vehicle charging infrastructure
31. Occupation restriction until all required water upgrades are completed or a phasing plan has been agreed to ensure all development is provided with sufficient water infrastructure
32. Requirement for a car park management plan
33. Requirement for details of external lighting to be approved
34. Requirement for a scheme of public art to be first agreed.

b) The completion of a S106 legal agreement

The precise form and wording of the conditions and heads of terms of the legal agreement to be agreed by Planning Committee no later than end of October 2020 and prior to the legal agreement being completed and the planning permission issued.

It was further resolved:

- (2) That authority be delegated to the Assistant Director Planning and Development to refuse application 20/00293/OUT in the event an extension of time is not agreed to enable the application to be reported back to Planning Committee, due to the lack of a satisfactory S106 agreement to ensure the impacts of the development can be made acceptable.

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**Bicester Heritage Buckingham Road Bicester**

The Committee considered application 19/02708/OUT an outline application to provide new employment units comprising of B1 (Business), B2 (General Industrial), B8 (Storage) and D1 (Education) uses with ancillary offices, storage, display and sales, with all matters reserved except for access at Bicester Heritage, Buckingham Road, Bicester for Bicester Motion.

At its 13 February 2020 meeting the Planning Committee had agreed to hold a pre-committee site visit for the application. Due to the current Coronavirus restrictions a site visit was not possible at this time. With the agreement of the Planning Committee, Bicester Motion had supplied drone footage of the site which was played to the Committee prior to the officer's presentation.

Pamela Roberts of Campaign to Protect Rural England, addressed the Committee in objection to the application.

Dan Geoghegan, the applicant, addressed the Committee in support of the application.

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

**Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 19/02708/OUT subject to:
- 1) The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):
    - a) Strategic Highways Contribution (Skimmingdish Lane) - £219,397
    - b) Traffic Regulation Order - £6,240
    - c) Travel Plan Monitoring Fee - £2,040
    - d) Highway Works 1 (Banbury Road Roundabout) – Cost TBC
    - e) An obligation to enter into a Section 278 agreement
  - 2) The following conditions (and any amendments to those conditions as deemed necessary):

**CONDITIONS**

**Time Limit and Plans**

1. 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 (Development Management Procedure) (England) Order 2015 (as amended).

2. Details of the layout, scale, appearance 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).

3. 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:

Plans

- 5002854-RDG-Z05-ST-PL-A-0012 – Site Location Plan A
- 5002854-RDG-Z05-ST-PL-A-0010 Rev D – Site Location Plan B
- 5002854-RDG-Z05-ST-PL-A-0030 Rev H – Indicative Layout Plan
- 5002854-RDG-Z05-ST-PL-A-0090 Rev H – Parameter Plan: Proposed Land Use
- 5002854-RDG-Z05-ST-PL-A\_0092 Rev K – Parameter Plan: Proposed Developable Area
- 5002854-RDG-Z05-ST-PL-A-0094 Rev K – Parameter Plan: Existing and Proposed Heights and Massing
- 5002854-RDG-Z05-ST-PL-A-0096 Rev F – Parameter Plan: Proposed Open Space/Landscape
- 5002854-RDG-XX-ST-PL-C-0503 Rev B – Surface Water Drainage Strategy

Documents

- Planning Statement prepared by Edgars dated November 2019
- Design and Access Statement prepared by Ridge and Edgars dated June 2019
- Heritage Report prepared by Worlledge Associates dated November 2019
- Archaeological Desk Based Assessment prepared by Oxford Archaeology dated September 2018
- Landscape Character and Visual Impact Assessment prepared by Anthony Stiff Associates Ltd dated November 2019
- Arboricultural Implications Assessment prepared by Brian Higginson (On Centre Surveys Ltd) dated April 2019
- Flood Risk and Drainage Assessment prepared by Ridge dated November 2019
- Phase 1 Land Contamination and Ground Condition Report prepared by Crestwood Environmental Ltd dated July 2018

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.

4. No development shall take place until a phasing plan covering the entire application site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in the interests of well-planned development, in accordance with Policies ESD15, Bicester 8

and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Design**

5. Prior to the submission of any reserved matter application, a Design Code shall be submitted to and approved in writing by the Local Planning Authority covering at least such matters as the distribution of land uses, forms of buildings, identification of building frontages, materials, boundary treatment positions and types, strategic landscape, servicing, parking and sustainability features. Thereafter the reserved matters shall be made in accordance with the agreed Design Code.

Reason: To ensure high quality development in accordance with Policies ESD13, ESD15 and Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. 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 in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with Policies ESD13, ESD15 and Bicester 8 of the Cherwell Local Plan 2011-2031 Part 1 and advice 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.

7. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.

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

8. A Signage Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external signage (either free-standing or on buildings). The signage shall be installed in accordance with the approved scheme thereafter.

Reason: In the interests of visual amenity, to preserve the character

and appearance of the conservation area and to comply with Policy ESD15 and Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

9. Full details of the refuse/recycling bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that work. Thereafter and prior to the first occupation of the development, the refuse/recycling bin storage area(s) shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse/recycling bins.

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

### **Landscaping**

10. Each reserved matters application shall be accompanied by an updated Landscape Character and Visual Impact Assessment considering the impact of the final design of the building(s), identifying any changes to the level of impact, and setting out how the building(s) have been designed to reduce impact.

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

11. A schedule of landscape maintenance for a minimum period of 10 years starting from first occupation or completion of the development (whichever is sooner) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. Thereafter the approved landscaping shall be maintained in accordance with the approved schedule.

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.

### **Highways**

12. No development shall take place until a Construction Travel Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following:

- The CTMP must be appropriately titled, include the site and

planning permission number.

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, in accordance with guidance contained in 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.

13. No development shall take place until full specification details (including construction, layout, surface finish and drainage) of the turning areas which shall be provided within the curtilage of the site so that motor vehicles, including HGVs, refuse vehicles and fire tenders

may enter, can turn and leave the site in a forward direction, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area shall be constructed in accordance with the approved details and shall always be retained for the manoeuvring of motor vehicles thereafter.

Reason: In the interest of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and the 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.

14. No development shall take place until a plan showing car parking provision for an agreed number of spaces to be accommodated within the site to include layout, surface details, and drainage, has been submitted to and approved in writing by the Local Planning Authority. The number of spaces to be provide shall be based on an indicative breakdown of the Gross Internal Area (GIA) between the proposed land uses and in line with the County Council's car parking standards. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason: In the interest of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and the 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.

15. 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 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 Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.

16. Prior to the first occupation of the development, the submitted Framework Travel Plan shall be revised and resubmitted for approval in writing by the Local Planning Authority. Thereafter the development shall be carried out and operated in accordance with the measures and recommendations contained in the approved Framework Travel Plan.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and the Government guidance contained

within the National Planning Policy Framework.

### **Drainage**

17. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods, to include a fully detailed list of all SuDS features to be used on site, has been submitted to and approved in writing by the Local Planning Authority.

The detailed design shall be based on the principles as set out in: Ridge Flood Risk and Drainage Assessment, 12th November 2019. 5002854-RDG-XX-ST-PL-C-0503-B-F.A.S.T. - Surface Water Drainage DRAWING 5002854-RDG-XX-XX-DOC-C-0552 App D SW Drainage Strategy 5002854-RDG-XX-XX-DOC-C-0552 App E Source Control Calc 5002854-RDG-XX-XX-DOC-C-0552-3.0-F.A.S.T. - Flood Risk and Drain REPORT and shall include:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) Site investigation and test results to confirm infiltrations rates.

The surface water drainage scheme shall be implemented in accordance with the approved detailed design prior to the first use of any building commencing and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the development 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

18. No buildings hereby permitted shall be brought into use until confirmation has been provided to the Local Planning Authority that either:
- a) all water and wastewater network upgrades required to accommodate the additional flows from the development have been

completed; or

b) an infrastructure phasing plan has been agreed with Thames Water to allow additional business units to first be brought into use. Where an infrastructure phasing plan is agreed no use of the buildings shall take place other than in accordance with the agreed infrastructure phasing plan.

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, to comply with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1.

### **Contaminated Land**

19. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation (Stage 2 contaminated land report) 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.

20. If contamination is found by undertaking the work carried out under condition 19, 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.

21. If remedial works have been identified in condition 20, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 20. 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.

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

### **Ecology**

23. The development hereby approved shall be carried out in accordance with the recommendations set out in the Ecological Assessment carried out by Ecology Solution dated November 2019.

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.

24. No development shall take place until a Landscape and Ecology Management Plan (LEMP) including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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.



25. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

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

### **Noise**

27. Prior to the first use of any building hereby permitted, all mechanical plant or machinery to be installed within the relevant building shall be identified and assessed in accordance with BS4142:2014 and the report, along with any mitigation or acoustic enclosure required, submitted to and approved in writing by the Local Planning Authority. Where the approved assessment identifies the need for any mitigation or acoustic enclosure, these measures shall be put in place prior to the first occupation of any building.

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 in the National Planning Policy Framework.

### **Electric Vehicle Charging**

28. Prior to the commencement of the development of any phase, full details of Electric Vehicle Charging (EVC) points and EVC infrastructure to be provided in that phase shall be submitted to and approved in writing by the Local Planning Authority. The Electric Vehicle Charging (EVC) points and EVC infrastructure shall be installed and operational prior to the first use or occupation of any building within that phase of the development hereby permitted and retained thereafter.

Reason: To ensure energy and resource efficiency practices are incorporated into the development and sustainable modes of transport encouraged in accordance with Policies SLE4 and ESD 1 - 5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

### **Lighting**

29. Details of all external lighting including the design, position, orientation, illumination and its intensity together with 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, operated and retained in accordance with the approved scheme at all times thereafter.

Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area, to accord with the findings of the ecological survey and to comply with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

### **BREEAM**

30. The development hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' standard.

Reason: To ensure sustainable construction, reduce carbon emissions and to ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to accord with Policy ESD3 of the Cherwell Local Plan 2011-2031.

### **Energy Strategy**

31. No development shall take place until an Energy Strategy has been submitted to and approved in writing by the Local Planning Authority. This should include proposals to reduce energy demand, increase energy efficiency, and generate energy from renewable energy sources. It should also propose ways in which carbon emissions will be reduced and low carbon measures be embodied into the proposals. The development shall proceed in accordance with the approved Strategy.

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework and to ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to accord with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**Use**

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and subsequent amendments, the buildings hereby approved shall be used only for purposes falling within Class B1 (c), B2, B8 and/or D1 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or reenacting that order and for no other purpose(s) whatsoever.

Reason: In accordance with Policy Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1.

33. Any building hereby approved that is used for purposes falling within Class D1 shall only be so used ancillary to or in association with other permitted uses taking place within the land outlined in blue on Drawing No: 5002854-RDG-Z05-ST-PL-A-0010 Rev D – Site Location Plan B.

Reason: To define the permission, and in the interests of highway safety and well-planned development, In accordance with Policies SLE4, ESD15 and Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1.

It was further resolved:

- (2) That authority be delegated to the Assistant Director Planning and Development to refuse permission for application 19/02708/OUT if the statutory determination period for application 19/02708/OUT expired on 17 July 2020 and the section 106 agreement/undertaking was not completed and the permission was not able to be issued by that date and no extension of time had been agreed between the parties, 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 highway mitigation works required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, contrary to Government Guidance contained with the National Planning Policy Framework.

43 **Land South East Of Town And Country Scaffolding Ltd, Tramway Road, Banbury**

The Committee considered application 20/00247/F for the erection of three B1 (c) light industrial units at Land South East of Town and Country Scaffolding Limited, Tramway Road, Banbury for Mr R Levenston.

Mark Schmull of Arrow Planning Limited addressed the Committee in support of the application.

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

## **Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/00247/F subject to:
  - 1) The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and compensation Act 1991, to secure the following (and any amendments as deemed necessary):
    - a) Provision of a financial contribution towards the provision of new bus stop infrastructure on Tramway Road.
    - b) The safeguarding of a footpath/cycle way route on the northern boundary of the site (adjacent to the River Cherwell) and option to transfer this land to the Council at no cost to the Council.
  - 2) The following conditions (and any amendments to those conditions deemed necessary):

### CONDITIONS

#### **Time Limit**

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

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

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Preliminary Arboricultural Assessment, Flood Risk Assessment and Drainage Strategy (issue 02), Preliminary Ecological Appraisal (May 2020), Reptile Survey (Report No: RT-MME-150960-02), Reptile Mitigation Strategy (Report No: RT-MME-150960-01 Rev A), Bat Survey (Report No: RT-NME-152681-01), Otter and Water Vole Survey and Mammal Hole Monitoring (Report RT-NME-152681-02) and drawing numbers 0700 003, 0705 008, 0706 001, 0710 003, 0771001, 0720 002, 19-088/310 P2, 19-088/311 P1.

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.

**Detailed Drainage Strategy**

3. Development shall not begin until a detailed surface water drainage scheme for the site, in accordance with the approved Drainage Strategy drawing 19-088 / 310 P2, has been submitted to and approved in writing by the planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied and shall be managed and maintained in perpetuity with the agreed details. The scheme shall also include:
- A Flood Exceedance Conveyance Plan;
  - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
  - Explanation of "Flood" on PN 2.000 SP2
- Reason: To ensure the site is appropriately drained and does not contribute to flood risk in the locality in accordance with the National Planning Policy Framework.

4. Prior to occupation of the development hereby permitted, a record of the approved SuDS details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:
- As built plans in;
  - Photographs to document each key stage of the drainage system when installed on site;
  - Photographs to document the completed installation of the drainage structures on site.

Reason: In accordance with section 21 of the Flood and Water Management Act 2010.

**Arboricultural Method Statement and Protection Plan**

5. No development shall commence until an Arboricultural Method Statement and Protection Plan has been submitted 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.

Reason: To protect the existing trees and vegetation on site in the interests of visual amenity and ecology and the significance of the Oxford Canal Conservation Area. To accord with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and advice in the National Planning Policy Framework.

**Construction Environmental Management Plan**

6. No development shall commence until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site

together with details of the consultation and communication to be carried out with local residents has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with approved CEMP.

Reason: To safeguard the amenity of the neighbouring occupiers including residential moorings on the Oxford Canal and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and advice in the National Planning Policy Framework.

### **Landscaping and Boundary Treatment**

7. 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. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- (d) details of the proposed boundary treatment

The development shall not be carried out other than in accordance with the approved details and the hard landscape elements shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To protect the visual amenity and ecology of the area including the setting of the Oxford Canal Conservation Area. To accord with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

8. 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.

**Electrical vehicle charging points**

9. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the car park or a scheme showing the provision of electrical vehicle charging points to serve the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of any building.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

**Renewable Energy**

10. No development shall commence above slab level until a feasibility assessment for the potential of on-site renewable energy provision has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the buildings hereby permitted and unless otherwise agreed in writing by the Local Planning Authority shall be retained as such thereafter.

Reason: To encourage the use of sustainable construction and renewable energy in accordance with Policy ESD1 and ESD5 of the Cherwell Local Plan and advice in the National Planning Policy Framework.

**External Materials**

11. No development shall commence above slab level until a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved 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 schedule 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 to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**Plant and machinery**

12. Prior to the installation of any mechanical plant, such as extraction equipment, into any of the buildings hereby permitted, full details of its appearance, noise output and/or odour suppression shall be submitted and approved in writing by the Local Planning Authority. This may require the submission of a noise report to BS4142:2014

(or future amendments). The development shall be carried out in strict accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the amenity of the neighbouring occupiers including residential moorings on the Oxford Canal and to comply with Policy ESD15 of the Cherwell Local Plan, Saved Policy ENV1 of the Cherwell Local Plan 1996 and advice in the National Planning Policy Framework.

### **External lighting**

13. No external lights/floodlights shall be erected on the land or building unless a scheme of lighting including lux plans has been first submitted and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and shall be retained as such thereafter.

Reason - In order to safeguard the amenities of the area and ecology and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2015, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

### **Contamination**

14. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - This site has been previously land filled. Although the site investigation concluded that the site does not pose a threat to controlled water, there is the possibility that undetected contamination may exist on site.

15. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason - Given the land filling operation it is not possible to exclude the possibility of unexpected contamination existing on site. Details of piling operations would be required to confirm that there is no danger that contamination may be mobilized.

### **Flood Risk Compliance**

16. The development shall not be carried out other than in accordance with the submitted Flood Risk Assessment, prepared by Bradbrook Consulting, reference 19-088, dated 10 January 2020 and the Drainage Layout and Levels Drawing, prepared by Bradbrook



Consulting, reference 19-088 / 310, revision P1, dated 8 January 2020, and the following mitigation measures it details:

- Finished floor levels should be set no lower than 91.20m AOD.
- There shall be no raising of existing ground levels.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure the site is appropriately in respect of Flood Risk and does not contribute to flood risk in the locality in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 part 1 and Government guidance in the National Planning Policy Framework.

### **Parking and Manoeuvring**

17. The development shall not be used or occupied until the parking and manoeuvring areas have been provided in accordance with the plan hereby approved and have been constructed, laid out, surfaced, drained and completed in accordance with specification details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, 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. Specification details are required prior to commencement of development to ensure the details are appropriate before groundwork is commenced.

### **Vision Splays**

18. The vision splays shall not be obstructed by any object, structure, planting or other material.

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

### **Cycle parking**

19. Prior to the first use or occupation of the development hereby permitted the cycle parking as shown on the approved plans shall be provided in accordance with the approved plans, except that they shall be covered. The said cycle parking facilities shall be permanently retained and maintained thereafter 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.

### **PD withdrawal**

20. Notwithstanding the provisions of Class H of Part 7, Schedule 2 of

the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved building shall not be extended or altered without the grant of further specific planning permission from the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**BREEAM very good**

21. The development hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision. Verification of this standard shall be submitted and approved in writing within 3 months of the first occupation of any part of the building hereby permitted

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with ESD3 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

22. The development hereby approved shall be carried out in strict accordance with:

- Reptile Mitigation Strategy RT-MME-150960 Rev A May 2020 (which includes monitoring and protection during construction)
- Recommendations R1, R2, R3, R4 of Bat Surveys RT-MME-152681-01 July 2020
- Recommendations R1, R2, R3, R4, R5 of Otter and Water Vole Survey RT-MME-152681-02 (interim) July 2020
- Recommendations R1, R6, R10, R11 of updated Preliminary Ecological Assessment RT-MME-151182 Rev B May 2020

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.

23. A method statement for enhancing biodiversity on site, to include features integrated into the fabric of the buildings, planting and bird and bat boxes, 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.

44 **Land To Rear of 1 and 2 Langford Park Cottages, London Road, Bicester**

The Committee considered application 20/01195/F for the demolition of an existing garage and the erection of 2no single storey dwellings at the rear of 1, 2 & 3 Langford park cottages at Land to the rear of 1 and 2 Langford Park Cottages, London Road, Bicester for Stuart Newynskyj and Alan Tucker. This application was a re-submission of application 19/02416/F.

Councillor Dan Sames, local Ward Member addressed the Committee in support of the application.

Stuart Kirkwood of SK Architects addressed the Committee in support of the application.

It was proposed by Councillor Lynn Pratt and seconded by Councillor Ian Corkin that application 20/01195/F be approved with appropriate conditions contrary to the officer recommendation as these were much needed single storey homes within easy reach of local amenities.

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

**Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/01195/F subject to suitable conditions. (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning and Development)

45 **112 Mold Crescent, Banbury, OX16 0EU**

The Committee considered application 20/01427/F for alterations, a rear extension, removal of a chimney and conversion of an existing 3 bed dwelling into 2 independent flats at 112 Mold Crescent, Banbury, OX16 0EU for Mr Balbir S Dhesi.

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

**Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/01427/F subject to the following conditions (and any amendments to those conditions deemed necessary):

CONDITIONS

**Time Limit**

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

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

**Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and drawings numbered: 00-ST-001/A, 00-ST-02/A, 00-PR-01/A and 00-PR-02/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.

**Transport**

3. Prior to the first 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.

4. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby approved, the parking area shall be provided in accordance with the plan approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring area shall be retained in accordance with

this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

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

46

**Jamar, 5 Hightown Leyes, Banbury, OX16 9NP**

The Committee considered application 20/01444/F for the erection of one, 3-bedroom residential dwelling at Jamar, 5 Hightown Leyes, Banbury, OX16 9NP for Mr Mike Bishop.

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

**Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/01444/F subject to the following conditions (and any amendments to those conditions deemed necessary):

CONDITIONS

**Time Limit**

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

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

**Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and drawings numbered: 001, 104, 105 and 106.

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.

**Materials**

3. No development shall commence above slab level unless and until a detailed schedule of materials and finishes for the external walls and roofs of the development hereby approved, including samples of such materials, 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 schedule and shall be

retained as such thereafter.

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

**Transport**

4. Prior to the first occupation of the development hereby approved, the parking area shall be provided in accordance with the plan approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

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

5. Prior to the first occupation of the development hereby approved, details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. No development shall commence above slab level unless and until a Construction Traffic Management Plan, which shall identify:
  - Access and parking arrangements for construction vehicles,
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

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 details

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

7. No development shall commence above slab level until a scheme for

a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

### **Waste and Recycling**

8. Prior to the first occupation of the development hereby approved, full details of the arrangements for the storage of waste and recycling bins including the siting, design, construction, materials, and finished appearance of any bin store enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the bin store shall be completed and made available for use in accordance with the approved details and shall remain available for use as such thereafter.

Reason: In the interests of the general amenity of the area, 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.

### **Permitted Development Rights**

9. Prior to the first occupation of the dwelling the approved window in the first-floor side (western) elevation of the dwelling shown on drawing no. 103 shall be glazed with obscured glass that achieves a minimum of level 3 obscurity and shall be non-opening below a height of 1.7 metres taken from internal finished floor level and shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## **47 Land Adjacent to the Oxford Canal Spiceball Park Road Banbury (1204)**

The Committee considered application 20/01204/DISC for the discharge of Condition 3 (external lighting) in relation to Block A (Hotel) of 17/00284/REM at land adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Ian Wallace.

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

**Resolved**

- (1) That permission be granted for application 20/01204/DISC in accordance with Condition 3 Block A Hotel, Lighting Application, 941-Banbury Castle Quay, Project 8388, Rev J-LA, Dated 12.06.2019.

48 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (1203)**

The Committee considered application 20/01203/DISC for the discharge of Condition 2 (materials) of application 17/00284/REM at land adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Ian Wallace.

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

**Resolved**

- (1) That permission be granted for application 20/01203/DISC in accordance with Condition 2 - Additional Materials to Blocks B and C. Leslie Jones Architecture, 3787, Report on Revised Planning Drawings and Changes, dated 13th September 2019.

49 **General Foods Sports and Social Club, Spiceball Park Road, Banbury, OX16 2PA**

The Committee considered application 20/01104/DISC for the discharge of condition 3 (parking space specification) of 17/01113/F at General Foods Sports and Social Club, Spiceball Park Road, Banbury, OX16 2PA for Cherwell District Council.

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

**Resolved**

- (1) That permission be granted for application 20/01104/DISC in accordance with Condition 3 - Proposed Ground Floor Plan Cq2-Lja-E0-00-Dr-A4300 Block D – Social Club Drainage G.A Cq2-Mjm-Sc-B2-Dr-C-1575

50 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury (1105)**

The Committee considered application 20/01105/DISC for the discharge of condition 18 (Arboricultural Method Statement) of application 16/02366/OUT at Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Mr Ian Wallace.

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



**Resolved**

- (1) That permission be granted for application 20/01105/DISC in accordance with Condition 18 – Arboricultural Method Statement. Leslie Jones Architecture, 3787, Report on Revised Planning Drawings and Changes, dated 13th September 2019.

51 **Appeals Progress Report**

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

**Resolved**

- (1) That the position statement be accepted.

52 **Planning Enforcement Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning enforcement cases at Cherwell District Council and updated the Committee on the current position regarding case numbers and how the team was operating during the COVID19 pandemic.

**Resolved**

- (1) That the contents of the report be noted.

The meeting ended at 7.25 pm

Chairman:

Date: