

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held as a Virtual meeting, on 8 October 2020 at 4.00 pm

Present:

Councillor James Macnamara (Chairman)
Councillor Maurice Billington (Vice-Chairman)
Councillor Andrew Beere
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Chris Heath
Councillor Simon Holland
Councillor David Hughes
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Barry Richards
Councillor Les Sibley
Councillor Katherine Tyson

Also Present:

Amrik Manku, Oxfordshire County Council for 20/1830/F
Anthony Kirkwood, Oxfordshire County Council for 20/1830/F
Barbara Chilman, Oxfordshire County Council for 20/0293/F
Julie-Anne Howe Oxfordshire Clinical Commissioning Group, for 20/0293/F
Peter Redman, Oxfordshire Clinical Commissioning Group, for 20/0293/F

Officers:

Sarah Stevens, Interim Senior Manager – Development Management
Matt Chadwick, Principal Planning Officer
Caroline Ford, Interim Majors Team Leader
Lewis Knox, Planning Officer
Rebekah Morgan, Principal Planning Officer
Bob Neville, Senior Planning Officer
Amy Sedman, Enforcement Team Leader
Nat Stock, Minors Team Leader
Emma Whitley, Planning Officer
Karen Jordan, Deputy Principal Solicitor
Natasha Clark, Governance and Elections Manager
Lesley Farrell, Democratic and Elections Officer

Declarations of Interest

7. Proposed Roundabout Access to Graven Hill and Wretchwick Green, London Road, Bicester.

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

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.

8. 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.

11. Land North and West of Bretch Hill Reservoir, Adj to Balmoral Avenue, 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.

12. Magistrates Court, Warwick Road, Banbury, OX16 2AW.

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.

14. 4 Drapers House, St Johns Road, Banbury, OX16 5BE.

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.

15. 17 Fair Close, Bicester, OX26 4YW.

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.

16. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury - 01854.

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 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 Executive and would leave the meeting for the duration of the item.

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

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

17. Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury- 00125.

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 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 Executive and would leave the meeting for the duration of the item.

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

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

71 **Requests to Address the Meeting**

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

72 **Minutes**

The Minutes of the meeting held on 10 September 2020 were agreed as a correct record and would be signed by the Chairman in due course.

73 **Chairman's Announcements**

There were no Chairman's announcements.

74 **Urgent Business**

There were no items of urgent business.

75 **Proposed Roundabout Access to Graven Hill and Wretchwick Green, London Road, Bicester**

The Committee considered application 20/01830/F for a proposed roundabout junction to access Graven Hill and Wretchwick Green, London Road, Bicester for Mr Adrian Unitt.

Councillor Nick Cotter, local ward member, addressed the Committee.

Mr Paul Troop addressed the Committee in objection to the application.

Mr John Jowitt, Agent for the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Colin Clarke and seconded by Councillor George Reynolds that application 20/01830/F be approved in line with the officer recommendation.

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

It was proposed by Councillor Les Sibley and seconded by Councillor John Broad that consideration of application 20/01830/F be deferred for one committee cycle to allow for a review of the roundabout design, the speed limit and tree planting.

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

Resolved

- (1) That consideration of application 20/01830/F be deferred for one committee cycle to allow for a review of the roundabout design, the speed limit and tree planting.

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Bicester Gateway Business Park, Wendlebury Road, Chesterton

The Committee considered application 20/0293/OUT an outline application (Phase 1B) including access (all other matters reserved) for up to 4,413 sqm B1 office space (47,502 sqft) GIA, up to 273 residential units (Use Class C3) including ancillary gym, approximately 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.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 20/0293/OUT subject to:
 - a) The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the mitigation set out below:

Final Heads of Terms

- The provision of 30% Affordable Housing on site with the mix made up of 70% affordable rent and 30% intermediate tenures.
- Contribution towards outdoor sport – towards a project for increased tennis court provision at Whitelands Farm Sports Ground based upon a per unit contribution of £1,036.87 per 1 bed unit and £1,498.60 per 2 bed unit, all figures index linked from 2Q17. There will be no requirement to provide a MUGA on site.
- Contribution towards indoor sport – the expansion/enhancement of indoor sport facilities at Bicester Leisure

Centre based upon a per unit contribution of £429.21 per 1 bed unit and £620.34 per 2 bed unit, all figures index linked from 2Q17 if no ancillary gym is proposed on site. If an ancillary gym of no less than 27m² in area is provided, then contributions of £273.61 per 1 bed unit and £395.45 per 2 bed unit index linked from 2Q17 towards additional swimming pool capacity at Bicester Leisure Centre. The ancillary space to be retained for health and wellbeing purposes.

- The provision of a play area strategy to be provided for approval and for play areas to then be provided in accordance with the agreed strategy.
- Commuted sums for the management and maintenance of open spaces, mature trees/ hedgerows, SUDs features within open space, play facilities and the MUGA if these areas were to be transferred to the District Council or secure arrangements for a Management Company to carry out the long term management and maintenance in the event a transfer to the District Council does not take place with secure arrangements for the financing of the management and maintenance including monitoring by CDC.
- Contribution towards local primary health care – to contribute to existing expansion plans for additional primary care infrastructure at Bicester based upon a per unit contribution of £504 per 1 bed unit and £720 per 2 bed unit, all figures index linked from 2Q17.
- Biodiversity contribution of £6000 towards the offsite biodiversity mitigation works planned at Bicester Wetland Reserve.
- Contribution of £24,195.90 towards highway safety improvement measures on the A41, index linked from December 2019.
- Contribution of £289,578.66 towards improvements to the surrounding local and strategic road network – namely towards the western section of the South East Perimeter Route or to an alternative scheme or schemes which are expected to deliver similar or greater mitigation of the potential transport impacts of cumulative development at the site and elsewhere in Bicester index linked from October 2019
- Contribution of £3,120 (index linked from January 2020) towards the cost of administering a Traffic Regulation Order to enable the relocation of the existing 40mph/ national speed limit signage to a point south of the development's southern access for road safety reasons.

- Contribution of £4,691.28 (index linked from December 2019) towards the monitoring of the Travel Plans.
 - The requirement to agree to enter into a S278 agreement with the Local Highway Authority to deliver safe and suitable access to the development as approved by this application as well as the offsite measures identified:
 - Two bellmouth accesses off of Wendlebury Road with associated pedestrian and cycle facilities to link into existing infrastructure
 - A 3m shared use footway/ cycleway linking Vendee Drive link road and the Chesterton slip road to the site along the A41 including works to enable a crossing at the western end of Charles Shouler Way.
 - Relocation of the speed limit signage on Wendlebury Road.
 - Arrangements for a northbound pedestrian/ cycle link along the Wendlebury Road west side north including a crossing to the eastern end of Charles Shouler Way IF Phase 1b were to progress in advance of development on Phase 2.
 - Contribution of £442,600 (index linked from 3Q19) towards primary and nursery education – towards the new primary school at South West Bicester (with a matrix arrangement to be introduced to account for changes in the size of units that may result at the reserved matters stage should that final mix result in a change in pupil generation).
 - Contribution of £326,110 (index linked from 3Q19) towards secondary education – towards the cost of new secondary schools in the locality (with a matrix arrangement to be introduced to account for changes in the size of units that may result at the reserved matters stage should that final mix result in a change in pupil generation).
 - Contribution of £5000 to CDC to administer and monitor the development and a contribution to OCC for the same purpose, the amount for which is to be confirmed.
- b) The following conditions (and any amendments to those conditions as deemed necessary):

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. The development hereby permitted shall comprise no more than:
 - 4,413sqm (GIA) which shall be used only for the purpose of offices falling within Class B1a of the Town and Country Planning (Use Classes) Order 1987 (as amended)
 - 273 C3 residential units
 - 177sqm (GIA) which shall be used only for purposes falling within class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)
 - 794sqm (GIA) which shall be used as a mixed-use co-working hub

Reason – In order to retain planning control over the use of the site and to ensure that the impacts of the development are no greater than those considered under this application in accordance with Policies SLE4 and Bicester 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

2. No development shall commence on a phase identified within an approved phasing plan until full details of access (in so far as not approved by this decision), layout, scale, appearance and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that approved phase have been submitted to and approved in writing by the Local Planning Authority.

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. 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).

4. Except where otherwise stipulated by conditions attached to the Reserved Matters Permission(s), the development shall be

carried out strictly in accordance with the following plans and documents:

Site Location Plan PL01
Regulating Plan PL03C
Vehicle Access and Pedestrian Improvements 46462/5501/001
Rev C
Reserved Land PL05
Wendlebury Road Proposed Improvements 46463/5501/002
Rev A

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

5. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site as required.

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 to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Except to allow for the creation of means of access with associated vision splays hereby approved, the existing hedgerows along the western (A41), southern and eastern (Wendlebury Road) boundaries of the site shall be retained and properly maintained from the date of this planning permission (unless otherwise approved as part of the approval of reserved matters submitted in requirement of Condition 2), and if any hedgerow plant/tree dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies ESD13 and ESD15 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.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, and shall be maintained 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 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. 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 Government guidance contained within the National Planning Policy Framework.

9. All applications for approval of reserved matters relating to an approved phase shall be accompanied by details of the existing ground levels together with proposed finished floor levels of all buildings within that phase (with the level no less than 65.30m AOD as set out in the plans accompanying the LLFA Response reference number JAG//43386/Lt004). Development in that phase shall thereafter be undertaken in accordance with the ground/floor levels approved as part of the grant of reserved matters approval.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings 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.

10. All applications for approval of reserved matters relating to an approved phase shall be accompanied by details of the proposed ecological enhancement measures to be incorporated within that phase in line with the recommendations at paragraph 18 of the Ecology Briefing Note prepared by Ecology Solutions Limited. All proposed ecological enhancement measures shall thereafter be installed in accordance with the details approved as part of the grant of reserved matters approval.

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

11. All applications for approval of reserved matters relating to an approved phase shall be accompanied by an Energy Statement based upon Revision P02 of the Energy Statement prepared by Kyoob that demonstrates which sustainable design measures, including the provision of on-site renewable energy technologies, will be incorporated into that phase. The sustainable design measures shall thereafter be fully incorporated into the development of each phase and no occupation of development within the relevant phase shall take place until the approved sustainable design measures have been provided and, for on-site renewable energy provision, until such measures are fully installed and operational.

Reason – To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policies Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. The non-residential floorspace hereby permitted shall be constructed to at least a BREEAM 'Very Good' Standard.

Reason – To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policies Bicester 10, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water,

energy, power and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase.

Reason - In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity 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.

PRE COMMENCEMENT CONDITIONS

14. 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 identifying the phases by which development will take place. The phasing plan shall demonstrate the delivery of the 794sqm (GIA) mixed-use co-working hub to be delivered prior to the first occupation of any residential development. Thereafter the development shall be carried out in accordance with the approved phasing plan and applications for approval of reserved matters shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) to which they relate.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policies ESD15, Bicester 10 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 any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

15. No development shall take place on any phase, 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 be appropriately titled (site and planning permission number) and shall provide for at a minimum:

- The parking of vehicles of site operatives and visitors;
- The routing of HGVs to and from the site;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

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

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.

16. No development shall take place on any phase (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) Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;
 - b) Risk assessment of potentially damaging construction activities;
 - c) Identification of 'Biodiversity Protection Zones';
 - d) 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);
 - e) The location and timing of sensitive works to avoid harm to biodiversity features;
 - f) The times during construction when specialist ecologists need to be present on site to oversee works;
 - g) Responsible persons and lines of communication;
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - i) Best practice with regard to wildlife including 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.

17. No development shall take place on any phase until an Arboricultural Method Statement for that phase, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions to include a plan identifying which trees are to be retained and details of how they will be protected, is submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS and any tree protection measures 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.

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 built environment and to comply with Policy C28 of the adopted 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 construction shall take place until a Training and Employment Plan for the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum this Plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed Plan.

Reason: Paragraphs 80 and 81 of the National Planning Policy Framework support and encourage sustainable economic growth. Para B14 of the adopted Cherwell Local Plan 2011-2031 recognises that it is important to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and supports proposals to strengthen the skills base of

the local economy. Strategic Objective 3 of the adopted Cherwell Local Plan seeks to support an increase in skills.

19. No development shall take place on any phase until a Detailed Design, Surface Water Management Strategy, Drainage Strategy (including calculations, ground levels and plans) and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods for that phase has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage will follow the Outline Design principles set out in the following documents:

- 43386 Lt004 LLFA Response (JAG) COMPLETE

The approved Sustainable Drainage System shall be implemented in accordance with the approved Detailed Design prior to the first occupation of the development. The Sustainable Drainage Scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 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.

20. No development shall take place on any phase until full details of the means of access between the land and the highway on Wendlebury Road and the A41 pedestrian bridge including position, layout, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the development, the means of access shall be constructed and retained 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

21. No development shall take place until full details of combined footway/cycleways serving the site along both the A41 and Wendlebury Road, including details of the pedestrian/cycle bridge linking the site to the A41, have been submitted to and approved in writing by the Local Planning Authority. The

approved pedestrian and cycle facilities shall thereafter be provided prior to the first occupation any phase of the development.

Reason - In the interests of ensuring that suitable access is provided to the development that prioritises sustainable travel in accordance with the requirements of Policies Bicester 10 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and to comply with Government guidance contained within the National Planning Policy Framework. This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

22. No development shall take place (including any demolition) until and prior to the submission of the first reserved matters application, a professional archaeological organisation acceptable to the Local Planning Authority, has undertaken an archaeological evaluation of the site. This evaluation will need to be undertaken in accordance with a Written Scheme of Investigation, which has first been agreed with the Local Planning Authority. The Archaeological Evaluation of the site shall be submitted to and approved in writing by the Local Planning Authority. The conclusions of the Archaeological Evaluation shall be taken into account in the future layout of the application site.

Reason - To identify areas of significant archaeological interest not included in the previous evaluation to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

23. No development shall take place (including any demolition) and following the agreement of the results of the archaeological evaluation required by condition 22, full details of archaeological protection measures shall be approved in writing by the Local Planning Authority in a Construction Environmental Management Plan (CEMP) or equivalent document as set out in the Archaeological Mitigation Strategy (rev2 June 2020) submitted with this application.

Reason - To safeguard the physical preservation of significant archaeological deposits within the site to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme.

24. Following the approval of the archaeological protection measures required by condition 23, and prior to any demolition

on the site and the commencement of the development (other than in accordance with the archaeological protection measures required by condition 23), a second stage Written Scheme of Investigation, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

25. Following the approval of the second stage Written Scheme of Investigation referred to in condition 24, and prior to the commencement of the development (other than in accordance with the Written Scheme of Investigation), the programme of archaeological mitigation shall be carried out and fully completed in accordance with the approved second stage 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 in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019). This information is required prior to the commencement of the development as it is fundamental to the acceptability of the scheme

26. No phase of the development 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 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.

27. If a potential risk from contamination is identified as a result of the work carried out under condition 26, 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 Government guidance 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.

28. If contamination is found by undertaking the work carried out under condition 27, 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 Government guidance 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.

29. 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.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

30. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: In order to protect groundwater and to achieve sustainable development in accordance with Section 15 of the National Planning Policy Framework.

31. No development above slab level on any building proposed to contain residential units shall take place until a scheme for protecting the proposed dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall achieve internal levels of 30dB LAeq (8 hour) and 45dB LAmaxF in all sleeping areas between 2300 hours and 0700 hours. An internal level of 40dB LAeq 1 hour shall be achieved in all other areas of the building and an external level of 50dB LAeq (16 hours) shall be achieved in garden areas and balconies. Any works which form part of the scheme shall be completed in accordance with the approved details before any of the permitted dwellings to which the scheme relates are occupied.

Reason - To avoid noise giving rise to significant adverse impacts on health and quality of life and to comply with Saved

Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

32. No part of the 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 housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - 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. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues. In order to comply with Policy ESD8 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

33. If remedial works have been identified in condition 28, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 28. 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 Government guidance within the National Planning Policy Framework.

34. Prior to the occupation of the first residential dwelling hereby approved, and in the event that the Poultry Farm to the east of the site is operational, an odour impact assessment, which shall also identify mitigation where any odour nuisance to a proposed residential dwelling is identified, shall be submitted to and approved in writing by the Local Planning Authority. Any identified mitigation measures shall be installed and made operational prior to any dwelling being occupied.

Reason – To safeguard the amenities of the occupiers of the residential properties and to ensure an environment free from

odour nuisance in accordance with Saved Policy ENV1 of the Cherwell Local Plan.

35. Prior to the occupation of any phase of the development hereby approved, an updated Framework Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority for that phase. This Framework Travel Plan shall be based on the draft document 46463 dated January 2020. The travel plan for each phase shall be implemented in accordance with the details approved.

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

36. 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.

37. The development hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve the development. In addition, ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).

Reason: To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with Government guidance within the National Planning Policy Framework.

38. Prior to the first occupation of any development within a phase, a car park management plan relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The car park management plan shall include measures to ensure that the car parking areas within the phase are made available solely for use in connection with the use of

the development hereby approved and for no other purpose whatsoever. Thereafter, the entirety of the development on Phase 1B shall operate in accordance with the approved car park management plan.

Reason - To ensure that car travel is not unduly encouraged as a means of accessing surrounding development and to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

39. Details of 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 prior to the first occupation of the development and operated in accordance with the approved details at all times thereafter.

Reason: In order to safeguard the visual amenities of the area and to achieve a suitable lighting scheme which would minimise the impact to ecology and biodiversity in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

40. No development shall be occupied until a scheme for the commissioning and provision of public art to be accommodated within the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details prior to the occupation of any B1a floorspace or 150 residential units whichever is sooner.

Reason - To create an attractive and distinctive development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Policy C28 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

41. The dwelling(s) hereby approved shall not be occupied until domestic bins for the purposes of refuse, food waste, recycling and green waste have been provided for each of the approved dwellings, in accordance with the Council's current bin specifications and requirements.

Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policy INF1 of the Cherwell Local Plan 2011 - 2031.

42. The development shall be constructed so as to meet as a minimum the higher Building Regulation standard for water consumption limited to 110 litres per person per day.

Reason: The site is located in an area of water stress and therefore reaching a higher level of water efficiency is required to comply with Policy ESD3 of the Cherwell Local Plan 2011-2031.

- (2) It was further resolved that if the applicant did not agree to sign a Section 106 agreement to contain the matters set out above, or if the section 106 agreement/undertaking was not completed and the permission was not able to be issued by the statutory determination date which was currently 30 October 2020, and no extension of time had been agreed between the parties, authority be delegated to the Assistant Director Planning and Development to refuse application 20/0293/OUT, based upon the lack of a completed Section 106 agreement required to secure the necessary infrastructure to mitigate the impacts of the development (with reference to policy that required mitigation to be secured).

77

OS Parcel 9635 North East of HM Bullingdon Prison, Widnell Lane, Piddington

The Committee considered application 20/01122/F for a material change of use of land to use as a residential caravan site for 12no gypsy / traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of a package sewage treatment plant at OS Parcel 9635 North East of HM Bullingdon Prison, Widnell Lane, Piddington for Mr Patrick Foster.

In reaching its decision the Committee considered the officer's report and presentation, the written update and the supplementary written update.

Resolved

- (1) That application 20/01122/F be refused for the following reasons:
1. The proposed development, by virtue of its siting in the open countryside, overall scale and appearance, would have an urbanising effect on the open countryside, and would result in significant and demonstrable harm to the rural character and appearance of the area. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell local Plan Part 1, saved Policies C8 and C28 of the Cherwell local Plan 1996 and Government guidance within the National Planning Policy Framework.
 2. The planning application has not been supported by adequate information to demonstrate the impact of the proposed development on protected species has been properly understood and the

requirement for mitigation to secure a net gain in biodiversity can be met. The proposal is therefore contrary to Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

3. A Flood Risk Assessment has not been submitted with this application. Therefore, an assessment has not been made of the flood risks arising from the proposed development and it has not been clearly demonstrated that the development and its future users will be safe over the lifetime of the development. The proposal is therefore contrary to Policy ESD6 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

78

Land South Side of Widnell Lane, Piddington

The Committee considered application 20/01747/F for the change of use of land to a 6no pitch Gypsy and Traveller site to include 6no mobiles homes, 6no tourers and associated operational development including hardstanding and fencing at Land South Side of Widnell Lane, Piddington for J Sweeny.

In reaching its decision the Committee considered the officer's report and presentation, the written update and the supplementary written update.

Resolved

- (1) That application 20/01747/F be refused for the following reasons:
 1. The proposed development, by virtue of its siting in the open countryside, overall scale and appearance, would have an urbanising effect on the open countryside, and would result in significant and demonstrable harm to the rural character and appearance of the area. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell local Plan Part 1, saved Policies C8 and C28 of the Cherwell local Plan 1996 and Government guidance within the National Planning Policy Framework.
 2. The planning application has not been supported by adequate information to demonstrate the impact of the proposed development on protected species has been properly understood and the requirement for mitigation to secure a net gain in biodiversity can be met. The proposal is therefore contrary to Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
 3. A Flood Risk Assessment has not been submitted with this application. Therefore, an assessment has not been made of the flood risks arising from the proposed development and it has not been clearly demonstrated that the development and its future users will be safe over the lifetime of the development. The proposal is therefore

contrary to Policy ESD6 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

79 **Land North and West of Bretch Hill Reservoir, Adj to Balmoral Avenue, Banbury**

The Committee considered application 20/01643/OUT for the erection of up to 49 homes, public open space and other infrastructure, with all matters reserved except access at Land North and West of Bretch Hill Reservoir, Adjacent to Balmoral Avenue, Banbury for Lone Star Land Limited. Application 20/01643/OUT was a re-submission of application 19/01811/OUT.

Councillor Kieron Mallon, local ward member, addressed the Committee.

Andy Fathers, local resident addressed the Committee in objection to the application.

Rebecca Bacon, Agent to the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Colin Clarke and seconded by Councillor Chris Heath that application 20/01643/OUT be refused contrary to the officer recommendation on the grounds of the development of a greenfield site and the Council having sufficient housing land supply, the poor standard of amenity due to the water tower and communication mast, and impact on highway safety with particular regard to the very steep gradient of the road leading to the site and the unsuitability of the access.

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

Resolved

- (1) That application 20/01643/OUT be refused contrary to the officer's recommendation (with the exact wording of the reasons delegated to the Assistant Director Planning and Development).

80 **Magistrates Court, Warwick Road, Banbury, OX16 2AW**

The Committee considered application 20/01317/F for the conversion of an existing building from Magistrates Court (Use Class D1) to 23 No apartments incorporating extension and selective demolition at Magistrates Court, Warwick Road, Banbury, OX16 2AW for Mr Jamie Pyper.

Mr Jamie Pyper, the applicant 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 20/01317/F subject to the following condition (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: Protected Species Survey (prepared by 'Philip Irving', dated August 2019), Noise Impact Assessment (ref. AC108753-1r1, dated 16/04/2020), Energy Statement (ref. PA-ES-TH-BMC-20-01, dated April 2020), Flood Risk Assessment & Drainage Strategy (prepared by 'Waterco', dated August 2020), and drawings numbered: AA042/2.0/000-E, AA042/2.0/100-I, AA042/2.0/101-J, AA042/2.0/102-I, AA042/2.0/103-H, AA042/2.0/104-E, AA042/2.0/105-E, AA042/2.0/106-F, AA042/2.0/108-C, AA042/2.0/109-C, AA042/2.0/110-G, AA042/2.0/111-A, AA042/2.0/114-D and AA042/2.0/118-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.

Contaminated land investigation

3. 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.

4. If a potential risk from contamination is identified as a result of the work carried out under condition 3, 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.

5. If contamination is found by undertaking the work carried out under condition 4, 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.

6. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 5. 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.

Transport

7. 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 order to provide safe and suitable access to the site in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

8. No development shall commence on site until a Construction Traffic Management Plan (CTMP) addressing all phases of the development has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The CTMP shall be prepared in accordance with OCC guidelines. The approved Plan shall be implemented in full during the entire construction phase.

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

9. The proposed access and parking, turning areas shall be provided in accordance with the approved plans before first use of the development hereby permitted. The access parking, turning areas 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 car parking and turning areas to comply with Government guidance in the National Planning Policy Framework.

10. Prior to first occupation a Residential Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the Travel Information Pack shall be issued to all residents

on first occupation.

Reason: To encourage the use of sustainable transport options in accordance with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Drainage

11. No development shall commence until a Detailed Design, Surface Water Management Strategy and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing. The Detailed Design shall be based on the Outline Design as demonstrated in the Flood Risk Assessment reference;

- Flood Risk Assessment & Drainage Strategy, Revision 02 dated 26th August 2020.
- The detailed drainage design will discharge at a maximum 1l/s and attenuate up to and including the 1 in 100 year event plus climate change.
- Attenuation volumes to be described in Detailed Design.

No dwelling hereby permitted shall be occupied until the sustainable drainage scheme for this site has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal 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.

12. Prior to the first occupation of the development hereby approved, 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 both .pdf and .shp file format;
- 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

13. If piling is to take place, no piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and

the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

Construction and materials

14. Prior to any works above slab level, a Crime Prevention Design Strategy following the principles of Secured by Design shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to its first occupation.

Reason: To reduce the opportunity for crime and anti-social behaviour in the development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

15. No development shall commence unless and 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 shall not be carried out other than in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area and to protect the amenity of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance 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.

16. Full detailed scale drawings of the dormer window include external facing materials to be used in the construction of the dormer windows hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and building 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.

17. Notwithstanding the details shown on the approved plans, no development shall commence above slab level unless and until further details (including scale plans) of the architectural detailing of the exterior of the buildings, including the windows and doors (and their surrounds and recesses), together with the eaves and verge treatment, the parapet roofs, coping, the blank window panels on the extensions, banding or any other decorative architectural features have 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 and shall be retained as such thereafter.

Reason: In order to safeguard the character and appearance of the conservation area and the significance of the heritage asset 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 in the National Planning Policy Framework.

18. Notwithstanding the details on the approved plans the roof tiles to the proposed pitched roof extensions shall be stone slates to match the tiles on the existing building. Samples of the tiles and ridge tiles to be used in the covering of the roof of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason: In order to safeguard the character and appearance of the conservation area and the significance of the heritage asset 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 in the National Planning Policy Framework.

19. The external walls of the development hereby approved shall be constructed in stone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the stonework is commenced. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight. The panel shall be retained on site for the duration of the construction contract.

Reason: In order to safeguard the character and appearance of the conservation area and the significance of the heritage asset 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 in the National Planning Policy Framework.

20. Full details of the enclosures along all boundaries and within the site

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. This shall include details of the proposed railings to the front of the site and the screen fencing to the northern boundary with the properties in Arran Grove to ensure adequate screening from the ground floor windows in northern elevation. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: In order to safeguard the character and appearance of the Conservation Area and setting of the building and to safeguard the privacy of the occupants of the existing and proposed dwellings 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 and Government guidance contained within the National Planning Policy Framework.

21. Notwithstanding the details submitted, no development shall commence unless and until a detailed Method Statement for the protection of the dry-stone wall to the northern boundary 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 method statement.

Reason: In order to safeguard the character and appearance of the conservation area and the significance of the heritage asset 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 in the National Planning Policy Framework.

22. Notwithstanding the details submitted, full details of appearance and materials of the bin store hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the conservation area and the significance of the heritage asset 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 in the National Planning Policy Framework.

23. All rainwater gutters and downpipes, etc. shall be cast iron or aluminium manufacture and painted black unless alternative details are otherwise first approved in writing by the Local Planning Authority.

Reason: In order to safeguard the character and appearance of the conservation area and the significance of the heritage asset 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 in the National Planning Policy Framework.

24. All rooflights in the development shall be conservation grade and of a design which, when installed, fit flush with the plane of the roof and do not project forward of the general roof surface.

Reason: It is considered to be acceptable to provide daylight in the manner proposed provided the works do not detract from the character of the building in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

25. The first-floor window in the northern elevation serving the bathroom in unit 12 shall be obscure glazed, using manufactured obscure glass, before the dwelling is first occupied and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the adjoining occupier(s) are not adversely affected by loss of privacy in accordance with Policy ESD15 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.

26. Prior to the first occupation of any dwelling hereby permitted, the bin and cycle stores shall be provided on site and made available to use in strict accordance with the approved details. Thereafter they shall be retained for the occupants of the development and used for no other purpose whatsoever.

Reason: To ensure adequate bin and cycle parking provision for the residents of the development in accordance with the Cherwell Local Plan 2011-2031 Part1 and Government guidance contained within the National Planning Policy Framework.

Ecology and Biodiversity

27. No development shall commence above slab level unless and until a scheme for landscaping the site has been provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas

(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, including written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

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

(d) details of boundary treatments.

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

Reason: In the interests of the character and appearance 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.

28. 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 character and appearance 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.

29. All external works to the building should be timed so as to avoid the bird nesting season, this being during the months of March until August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site as required.

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 Government guidance contained within the National Planning Policy Framework.

30. Full details of a scheme for the location of at least 9 swift bricks shall

be submitted to and approved in writing by the Local Planning Authority. The approved swift provisions shall be installed on the site in accordance with the approved details prior to the occupation of any building 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.

31. 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 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.

Environment

32. Prior to the commencement of the development, 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 shall be 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 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.

33. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the dwelling they serve and shall be retained as such thereafter.

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.

34. No development shall commence above slab level unless and until full details of the proposed mitigation measures as outlined in the submitted Noise Impact Assessment (ref. AC108753-1r1) including their visual appearance and impact on the fabric of the building have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that an acceptable internal noise environment is provided for all residents whilst protecting the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and advice in the National Planning Policy Framework.

35. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

81 **The Ley Community, Sandy Lane, Yarnton**

The Committee considered application 20/01561/F for the erection of 10no dwellings (C3 Use Class) and Care Home (C2 Use Class), new access, parking, landscaping, demolition and other ancillary works at The Ley Community, Sandy Lane, Yarnton for 376 Estates and The Ley Community.

Mr Darren Worthington of the Ley Community addressed the meeting in support of the application.

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

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 20/01561/F subject to:
- a) the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):

- Provision of and commuted sum for maintenance (or detailed arrangements and provision for a management company) of the proposed open space (including informal open space, mature trees, hedgerows etc) in accordance with the Policy BSC11 of the CLP
 - Commuted sum of £3,989.04 per dwelling for off-site play area enhancement in the locality as no local area of play is being provided on site in accordance with Policy BSC11.
 - Community hall contribution of £19,0067.60, outdoor sports provision contribution of £28,594.80 and indoor sports provision contribution of £11,836.80.
 - £106 per dwelling for bins in accordance with the SPD
 - a contribution of £37,730 towards primary care in the locality.
- b) The following conditions (an 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:

20012 L00013 (Location Plan)
20012 PE0010 Rev C (Contextual Plan)
20012 PP0012-Rev C (Proposed Site Plan)
20012 PP1030 Rev D (Plot 1 plans)
20012 PP2030 Rev C (Plot 2 plans)
20012 PP3030 Rev B (Plot 3 plans)
20012 PP4030 Rev C (Plot 4 plans)
20012 PP6030 (Plot 6 plans)
20012 PP7030 (Plots 7 and 8 plans)
20012 PP8030 (Plots 9 and 10 plans)
G4405-WRD-XX-00-DR-A-0200 P8 (Care home ground floor plan)
G4405-WRD-XX-00-DR-A-0201 P7 (Care home first floor plan)
G4405-WRD-XX-00-DR-A-0202 P8 (Care home second floor plan)
G4405-WRD-XX-XX-DR-A-0500 P4 (Care home site plan)

G4405-WRD-XX-ZZ-DR-A-0300 P3 (Care home elevation drawings)
948.1_03F Landscape Layout - Site A
10598-P500A (drainage plan)
10598-P501A (drainage plan)
Energy Statement
Flood Risk Assessment ('FRA')
FRA Appendix B Survey Sheet 1 of 2
FRA Appendix B Survey Sheet 2 of 2
FRA Appendix C
Transport Statement
Ecological Update (June 2020)
Amended Biodiversity Metric 2.0 Calculation Tool Beta Test –
December 2019 (received in an email from Hugh Shepherd dated
25.09.2020 at 1645 hours.
Ecological Impact Assessment (2018)
Yarnton Noise Assessment
Yarnton Odour Assessment
Appendix 4 Site Investigation Report
Surface Water Calculations
Yarnton Care Needs Assessment
Archaeological Desk-based Assessment

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.

Contaminated land investigation

3. 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.

4. If a potential risk from contamination is identified as a result of the work carried out under condition 3, 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.

5. If contamination is found by undertaking the work carried out under condition 4, 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.

6. If remedial works have been identified in condition 5, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 5. 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.

Highways / Construction

7. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays and tie in with existing footpaths shall be 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 order to provide safe and suitable access to the site in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

8. No development shall commence on site until a Construction Traffic Management Plan (CTMP) addressing all phases of the development has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The CTMP shall be prepared in accordance with OCC guidelines. The approved Plan shall be implemented in full during the entire construction phase.

Reason: In the interests of highway safety and traffic impacts and to accord with Cherwell Local Plan 2011-2031 Part 1 and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

9. No development shall commence unless and until a Construction Environment and Traffic Management Plan (CEMP) 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 CEMP.

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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), the garages hereby permitted to plots 7 and 10 must only be used for the parking of private cars and for no other use whatsoever and shall not be converted to habitable accommodation.

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.

11. The car parking and any turning facilities within the development to serve the dwellings and care home hereby approved shall be provided hard surfaced and made available for use before the

respective dwelling and/or care home is first occupied and shall thereafter be permanently so maintained.

Reason: In the interests of highway safety, to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

12. Prior to first occupation a Residential Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the Travel Information Pack shall be issued to all residents on first occupation.

Reason: To encourage the use of sustainable transport options in accordance with Policies SLE4 and ESD1 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

13. 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.

14. Prior to the first occupation of the care home hereby approved, a Travel Plan Statement, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statement shall be implemented and operated in accordance with the approved details.

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 the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the dwelling they serve and shall be retained as such thereafter.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted 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.

Archaeology

16. 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 Government guidance in the National Planning Policy Framework.

17. Following the approval of the Written Scheme of Investigation referred to in condition 16, 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.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the Government guidance in the National Planning Policy Framework.

Trees

18. The development shall be carried out in strict accordance with the details in the Arboricultural Impact Assessment (ref: MW.19.1203.AIA Rev C issued 14.09.2020) and associated drawings. Prior to the removal of any tree identified for relocation in drawing number MW.19.1203.TPP.RevB, full details of the proposed relocation and methodology for removal, relocation and establishment shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To mitigate for the loss of trees on the site and ensure that appropriate mitigation is provided in the interest of the character and appearance of the area and biodiversity.

Design

19. 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. This shall include details of any retaining walls or features. The development hereby permitted shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area and to protect the amenity of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance 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.

20. The first floor window in the western elevation of the care home (shown to serve the laundry room on drawing number 4405-WRD-XX-00-DR-A-0201 Rev P7) hereby permitted shall be glazed with obscure glass (at least Level 3) only, and fixed with a ventilation stay restricting the opening of the window to no more than 30 degrees from the elevation in question, prior to the first occupation of the care home and must be permanently maintained as such at all times thereafter.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 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.

21. The flat roof above the kitchen and plant roof at the western end of care home hereby permitted shall not be used as an outdoor seating or amenity area at any time whatsoever.

Reason - To safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 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.

22. Full details of odour and ventilation in accordance with the Odour report and visual appearance.
23. Notwithstanding the details shown on the approved plans, further details (including scale plans) of the architectural detailing of the exterior of the buildings, including the windows and doors (and their surrounds and recesses), together with the eaves and verge treatment and parapet roofs, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter

Reason: In order to safeguard the visual amenities of the local area 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 in the National Planning Policy Framework.

24. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance, 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 safeguard residential amenity and 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.

25. 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.

26. No development shall commence above slab level unless and until samples of the timber boarding to be used externally in the development have been submitted to and approved in writing by the Local Planning Authority. The roof shall not be covered other than in 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 ensure that the completed development is in keeping with and conserves the special character of the historic environment, 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.

27. No development shall commence above slab level unless and until a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) has been constructed on site, inspected and approved in writing by the Local Planning Authority. The boundary wall of the development shall be constructed

in strict accordance with the approved brick sample panel and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the historic environment, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

28. No development shall commence above slab level unless and until a landscaping scheme has been 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,
- (d) screen planting to Arran House
- (e) details of boundary treatments

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

Reason: In the interests of the character and appearance 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.

29. 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 character and appearance 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.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no development within Parts 1 or 2 shall take place.

Reason - To safeguard the living conditions of neighbours to and future occupiers of the development, to protect the health and integrity of trees within the site and to safeguard the character and appearance of the area and to comply with Policy ESD15 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.

Ecology

31. Biodiversity enhancements scheme (bird and bat brick, hedgehog houses, log piles:

No development shall commence including any demolition and any works of site clearance unless and until 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, has been 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.

NOTE TO APPLICANT/DEVELOPER: It is advised that this condition include a Biodiversity Impact Assessment metric to show how a clear net gain for biodiversity will be achieved.

32. 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 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Drainage

33. No development shall take place until a Detailed Design, Surface Water Management Strategy and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing.

A detailed drainage strategy including calculations, ground levels and plans must be submitted for approval.

The Detailed Design shall be based upon the Outline Design principles set out in the following documents and drawings:

(19)20012 - PP0013 - PROPOSED SITE PLAN

948.1_02C Landscape Layout - Site C

Surface Water Calculations – Fully detailed calculation files to be provided.

948.1_03B Landscape Layout - Site A

948.1_04B Landscape Layout - Site B

10598- Flood Risk Assessment V1.0

10598-P502 drainage construction details

20012 - L00011 Location Plan TLC (1)

Appendix 1 SuDS LLFA pro-forma

Appendix 4 (i)12571 Site Investigation Report

Appendix 4 (ii)12571 Site Investigation Report

FRA-Appendix B survey-Sheet 1 of 2

FRA-Appendix B survey-Sheet 2 of 2

FRA-Appendix C (I) 10598-P500 residential development

FRA-Appendix C (ii)10598-P501 care home development

A compliance Surface Water Management Strategy report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water

Drainage on Major Development in Oxfordshire”

Detailed design drainage layout drawings of the SuDS proposals including cross section details.

Detailed design clearly demonstrating how exceedance events will be managed.

Pre and Post development surface water flow paths to be identified on plan.

Evidence that WFD requirements have been addressed to improve water quality.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal

34. Completion and Maintenance of Sustainable Drainage – Shown on Approved Plans - No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan, (including contact details of any management company).
35. SuDS Features and Drainage Maintenance Plan (Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, to be prepared and submitted as stand-alone document).

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

36. Outline Design Infiltration: The development hereby permitted shall not commence until full Detailed Design details of the proposal, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details 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; and

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development.

37. SuDS – Design Documentation Plans: Prior to occupation, 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 both .pdf and .shp file format;

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.

38. Prior to the first occupation of the development hereby permitted written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

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

The Committee considered application 20/02123/DISC, the discharge of condition 3 (windows) of application 20/00693/LB at 4 Drapers House, St Johns Road, Banbury, OX16 5BE for Mr Stephen Reynolds.

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

Resolved

- (1) That, application 20/02123/DISC be approved subject to no new issues being raised by the end the completion of the consultation period. Planning Condition 3 of 20/00693/LB be discharged based upon the following:

Condition 3 – Window Details

In accordance with drawings entitled "Proposed replacement sash window ground floor East Elevation" and "Proposed Replacement Window South Elevation"

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17 Fair Close, Bicester, OX26 4YW

The Committee considered application 20/01993/F for a first-floor extension above the garage to create an additional habitable room at 17 Fair Close, Bicester, OX26 4YW for Mr Paul Nicol.

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 20/01993/F subject to the following 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 numbers SAS MCT 01 200 Rev PL; SAS MCT 01 201 Rev PL; SAS MCT 01 202 Rev PL; SAS MCT 01 250 Rev PL; SAS MCT 01 251 Rev PL; SAS FCB 01 Site Plan Rev P1; and SAS FCB 01 Location Plan Rev P0.

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.

84 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury - 01854**

The Committee considered application 20/01854/DISC for the discharge of conditions 23 (surface water & foul sewage drainage) & 31 (SUDS Drainage) 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 the following details of conditions 23 and 31 of application 20/01854/DISC be approved:

Condition 23 – Surface Water and Foul Water Drainage

Drainage Strategy Report – Blocks A, B & C CQ2-CCE-A0-XX-RP-C-5002

Block A – Hotel Drainage G.A. CQ2-CCE-A0-00-DR-C-1500 Rev C2

Block B Drainage Overall Drainage Layout CQ2-CCE-B0-00-DR-C-1527 Rev C1

Block C Drainage Layout (Sheet 1) CQ2-CCE-C0-00-DR-C-1581 Rev C3
Block C Drainage Layout (Sheet 2) CQ2-CCE-C0-00-DR-C-1582 Rev C4
Block C Drainage Layout (Sheet 3) CQ2-CCE-C0-00-DR-C-1583 Rev C4
Block C Drainage Layout (Sheet 4) CQ2-CCE-C0-00-DR-C-1584 Rev C3

Condition 31 – SUDs Drainage

Drainage Strategy Report – Blocks A, B & C CQ2-CCE-A0-XX-RP-C-5002
Block A – Hotel Drainage G.A. CQ2-CCE-A0-00-DR-C-1500 Rev C2
Block B Drainage Overall Drainage Layout CQ2-CCE-B0-00-DR-C-1527 Rev C1
Block C Drainage Layout (Sheet 1) CQ2-CCE-C0-00-DR-C-1581 Rev C3
Block C Drainage Layout (Sheet 2) CQ2-CCE-C0-00-DR-C-1582 Rev C4
Block C Drainage Layout (Sheet 3) CQ2-CCE-C0-00-DR-C-1583 Rev C4
Block C Drainage Layout (Sheet 4) CQ2-CCE-C0-00-DR-C-1584 Rev C3

85 **Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury- 00125**

The Committee considered application 20/00125/DISC for the discharge of Condition 6 (Landscaping) 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 and the written update.

Resolved

- (1) That the following details of condition 6 application number 20/00125/DISC be approved:

Condition 6 – Landscaping

Softworks Plan 1 P11478-00-001-400 Rev 02
Softworks Plan 2 P11478-00-001-401 Rev 03
Softworks Plan 5 P11478-00-001-404 Rev 02
Plan 3 P11478-00-001-402 Rev 02
Softworks Plan 4 P11478-00-001-403 Rev 02
Zone A Hardworks and Furniture CQ2-LJA-G0-00-DR-A-04310
Zone A Kerbs, Edges and Walls CQ2-LJA-G0-00-DR-A-04311
Zone A Levels and Drainage CQ2-LJA-G0-00-DR-A-04312
Zone B Hardworks and Furniture CQ2-LJA-G0-00-DR-A-04320
Zone B Kerbs, Edges and Walls CQ20LJA-G0-00-DR-A-04321
Zone B Levels and Drainage CQ20LJA-G0-00-DR-A-04322

Zone C Hardworks and Furniture Sheet 1 of 2 CQ20LJA-G0-00-DR-A-04330

Zone C Hardworks and Furniture Sheet 2 of 2 CQ20LJA-G0-00-DR-A-04331

Zone C Kerbs, Edges and Walls Sheet 1 of 2 CQ20LJA-G0-00-DR-A-04332

Zone C Kerbs, Edges and Walls Sheet 2 of 2 CQ20LJA-G0-00-DR-A-04333

Zone C Levels and Drainage Sheet 1 of 2 CQ20LJA-G0-00-DR-A-04334

Zone C Levels and Drainage Sheet 2 of 2 CQ20LJA-G0-00-DR-A-04335

Zone D Hardworks and Furniture CQ20LJA-G0-00-DR-A-04340

Zone D Kerbs, Edges and Walls CQ20LJA-G0-00-DR-A-04341

Zone D Levels and Drainage CQ20LJA-G0-00-DR-A-04342

Step Details 1 CQ20LJA-G0-00-DR-A-24100

Walls and Balustrade Details CQ20LJA-G0-00-DR-A-24101

CQ2 Street Furniture

86 **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.

87 **Enforcement Report**

The Assistant Director Planning and Development submitted a report to inform Members of planning enforcement cases at Cherwell District Council and update on the current position following the update in July regarding case numbers and how the team continues to operate during the restrictions of COVID19.

Resolved

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

The meeting ended at 8.40 pm

Chairman:

Date: