

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 8 December 2022 at 4.00 pm

#### Present:

Councillor George Reynolds (Chairman)  
Councillor Rebecca Biegel  
Councillor John Broad  
Councillor Hugo Brown  
Councillor Ian Corkin  
Councillor Ian Harwood  
Councillor Simon Holland  
Councillor Richard Mould  
Councillor Lynn Pratt  
Councillor Les Sibley  
Councillor Dorothy Walker

#### Substitute Members:

Councillor Sandy Dallimore (In place of Councillor Colin Clarke)  
Councillor Matt Hodgson (In place of Councillor Amanda Watkins)  
Councillor Douglas Webb (In place of Councillor Bryn Williams)

#### Apologies for absence:

Councillor Maurice Billington (Vice-Chairman)  
Councillor Andrew Beere  
Councillor Colin Clarke  
Councillor Jean Conway  
Councillor Fiona Mawson  
Councillor Amanda Watkins  
Councillor Bryn Williams

#### Officers:

Andy Bateson, Team Leader – Major Developments  
David Mytton, Solicitor  
Aaron Hetherington, Democratic and Elections Team Leader  
Matt Swinford, Democratic and Elections Officer

#### Officers Attending Virtually:

Alex Chrusciak, Senior Manager - Development Management

Paul Ihringer, Householder Team Leader  
Wayne Campbell, Principal Planning Officer

91 **Declarations of Interest**

**8. Unit D1 Graven Hill, Circular Road, Ambrosden.**

Councillor Ian Corkin, Other Registerable Interest, as a Non-Executive Director of Graven Hill Development Company Limited and would leave the meeting for the duration of the item.

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

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

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

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

**11. Car Parking Area West Of 37 Holm Way, Bicester.**

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

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

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

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

**12. St Georges Barracks Arcott Wood Road, Arcott, OX25 1PP.**

Councillor Les Sibley, Other Registerable Interest, as a former employee of the Ministry of Defence Bicester.

92 **Requests to Address the Meeting**

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

93 **Minutes**

The Minutes of the meeting held on 3 November 2022 were agreed as a correct record and signed by the Chairman.

94 **Chairman's Announcements**

The Chairman made the following announcements:

1. That the Chairman had received a Freedom of Information request regarding telephone masts which he has referred to the Monitoring Officer. The Chairman advised the Committee that if they received a Freedom of Information request to refer it to the Monitoring Officer.
2. The Chairman thanked the Interim Senior Manager – Development Management for his work especially at Planning Committee's as this would be his last Planning Committee with Cherwell District Council.

95 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Pre-Committee site visits.

97 **Unit D1 Graven Hill Circular Road Ambrosden**

The Committee considered application 22/01829/OUT, an outline (fixing 'Access' only) application for the redevelopment of Graven Hill D1 Site, including demolition of existing buildings, development of B8 'Storage or Distribution' use comprising up to 104,008 sq. m (GIA), creation of open space and associated highway works, ground works, sustainable drainage systems, services infrastructure and associated works at Unit D1, Graven Hill, Circular Road, Ambrosden for Graven Hill Purchaser Ltd (c/o Resolute Property Consultancy Ltd).

Mark Humphreys, agent for the application and Ben Taylor, from the Trust for Oxfordshire Environment addressed the committee in support of the application.

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

**Resolved**

- (1) That the authority be delegated to the Assistant Director – Planning and Development to grant permission subject to:

- i) The expiry of the current consultation period on 5 December 2022 and confirmation that at the close of this consultation period, no responses have been received raising new material issues which, in the view of the Assistant Director, have not been dealt with in the assessment of the application.

And subject to

- ii) The conditions set out below (and any amendments to those conditions as deemed necessary); and
- iii) 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 heads of terms set out in the annex to the Minutes, as set out in the Minute book (and any amendments to those conditions as deemed necessary)

## Conditions

### **Time Limits and General Implementation Conditions**

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') for each phase shall be submitted to and approved in writing by the Local Planning Authority before construction of that phase takes place and the development shall be carried out as approved.

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

3. The development shall not be carried out otherwise than in complete accordance with the approved plans:
  - 410-S-00 (Revision. P9) Site Location Plan 1:2500
  - 410-S-10 (Revision. P15) Existing Plan 1:2000
  - 410-S-12 (Revision. P6) Proposed Demolition Plan 1:2000
  - 410-S-13 (Revision. P2) Existing Block Plan 1:2000
  - 410-S-51 (Revision. P4) Proposed Layout Parameter Plan 1:2000

- 410-GA-10 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - Ground Floor 1:500 (For Information Only)
- 410-GA-11 (Revision P3) Indicative Proposed Unit 3 Floor Plans 1:100 (For Information Only)
- 410-GA-12 (Revision P3) Indicative Proposed Unit 2 Floor Plans 1:100 (For Information Only)
- 410-GA-13 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - Roof 1:500 (For Information Only)
- 410-GA-50 Proposed Bat Barn 1:50 • 410-GS-00 (Revision P4) Existing Site Sections 1:1250
- 410-GS-01 (Revision P3) Indicative Proposed Site Sections 1:1250 (For Information Only)
- 410-GS-10 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - South Elevations (For Information Only)
- 410-GS-11 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - North Elevations (For Information Only)
- 410-GS-12 (Revision P3) Indicative Proposed Unit 2 (Area2) - East & West Elevations 1:200 (For Information Only)
- JSL3697\_Fig10.76 Indicative Landscape Strategy 1:2000 (For Information Only)
- 1923-050-010 (Rev D) EAR Gate1 & 2 Highway Improvements, Future Scenario 1:500
- 1923-050-011 EAR Gate 3 Highway Improvements, Future Scenario 1:500
- 1923-050-012 (Rev C) EAR Gate 4 Highway Improvements, Future Scenario 1:500
- 1923-050-015 (Rev C) EAR Gate1 & 2 Highway Improvements, Proposed Scenario 1:500 • 1923-050-016 (Rev B) EAR Gate 3 Highway Improvements, Proposed Scenario 1:500
- 1923-050-017 EAR (Rev B) Gate 4 Highway Improvements, Proposed Scenario 1:500

Unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

#### **Development Parameters**

4. The development shall come forward in accordance with the approved parameter plan ref: 410\_S-51 Rev P4 received October 2022 and the floor space for the proposed B8 uses as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not exceed the following maximum:

Gross internal area for the whole site: 104,008 sq. metres

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, in accordance with the submitted Environmental Statement and to accord

with Policy Bicester 2 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The maximum height of the buildings on site to the ridge shall not exceed 20 metres (as defined by the Proposed Layout Parameter Plan shown on drawing 410\_S-51 Rev P4). Reason: For the avoidance of doubt, to safeguard the visual amenities of the area and to accord with Policy ESD15 of the Cherwell Local Plan and with Government advice in the National Planning Policy Framework.

#### **Phasing Plan**

6. No part of the development shall take place until a phasing plan to cover the entire site to identify each phase, sub-phase and development parcel has been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved Phasing Plan. Thereafter each reserved matters application shall refer to a phase, phases or part thereof identified in the approved phasing plan. Any subsequent amendment to the phasing of the development shall be submitted to the Local Planning Authority in the form of a revised phasing plan and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development throughout the duration of the construction phase and to comply with Policy PSD 1 of the Cherwell Local Plan and with Government advice in the National Planning Policy Framework.

#### **Tree Protection**

7. No development shall take place until a scheme for the phasing of the tree protection works in accordance with the following drawings and documents:
  - Arboricultural constraints plan sheets 1 to 8 dated May 2022;
  - Tree retention and removal plan sheets 1 to 8 dated May 2022; and
  - Arboricultural Impact Assessment dated June 2022;

has been submitted to and been agreed in writing by the Local Planning Authority. The tree protection measures shall thereafter be erected in accordance with the approved details and timings and shall be maintained until all equipment, machinery and surplus material has been removed from that phase or sub phase of the development.

Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies ESD10 and ESD13 of the Cherwell Local Plan 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.

### **Ecology**

8. 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 protect species of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 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.

9. The development shall be implemented fully in accordance with the approved Ecological Assessment by RPS Group, dated June 2022 (Ref: ECO01318 v.4)

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

10. Where an offence under Regulation 41 of the "The Conservation of Habitats 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 bat species and great crested newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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

11. All species used in the planting proposals associated with the development's ecological mitigation and biodiversity enhancement areas shall be native species of UK provenance.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

12. No development shall commence (including demolition, ground works, vegetation clearance), unless and until a certificate confirming the agreement of an 'Off-Site Biodiversity Net Gain' or 'Offset' Provider, approved by the Local Planning Authority to deliver a Biodiversity Offsetting Scheme of no less than 10% biodiversity units (in accordance with the Defra Biodiversity metric 3.1 calculation tool) above the baseline (138 units), with management guaranteed for a minimum of 30 years, has been submitted to and agreed in writing by the Local Planning Authority. The written approval of the Council shall not be issued before the certificate has been issued by the Off-Site Biodiversity Net Gain Provider. The details of biodiversity enhancements shall be documented by the Off-Site Biodiversity Net Gain Provider and issued to the Council for their records. For the avoidance of doubt, the finalised unit number and cost shall be agreed following an updated habitat assessment.

The approved scheme shall thereafter be implemented in accordance with the approved details.

Reason: To compensate of the net loss of biodiversity resulting from the development by providing biodiversity enhancements off-site in accordance with Policy ESD10 of the Cherwell Local Plan and paragraphs 170, 174 and 175 of the National Planning Policy Framework

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

13. No development shall take place on any phase, sub-phase or development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) including any works of demolition until a Construction Traffic Management Plan for that phase, sub-phase or development parcel for the development has been submitted to and been approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
  - a. The location and design of the construction site accesses, and details of remedial works included in the closure of the construction accesses;
  - b. The design and location of the site compound;
  - c. The parking of vehicles of site operatives and visitors;
  - d. The routeing of HGVs to and from the site both before and after the completion of the Employment Access Route (EAR);
  - e. Full details of the off-site signage for the routing of Heavy Goods Vehicle construction traffic;
  - f. The proposed hours of HGV construction traffic to and from the site;
  - g. Loading and unloading of plant and materials;
  - h. Storage of plant and materials used in constructing the development;
  - i. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - j. Wheel washing facilities for each access point including type of operation (automated, water recycling etc) and road sweeping;
  - k. Measures to control the emission of dust and dirt during construction as based on assessment of the dust risk undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on Assessment of Dust from Demolition & Construction 2014(v1.1) & Guidance on Air

Quality Monitoring in the vicinity of Construction & Demolition Sites 2018(v1.1);

- l. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- m. A commitment to deliveries only arriving or leaving the site outside peak traffic periods.

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

Reason: To ensure that the M40 and A34 continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy ESD3 of the Cherwell Local Plan 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.

### **Construction Environmental Management Plan**

14. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
  - a. Risk assessment of potentially damaging construction activities;
  - b. Identification of 'Biodiversity Protection Zones';
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d. The location and timing of sensitive works to avoid harm to biodiversity features;
  - e. The times during construction when specialist ecologists need to be present on site to oversee works;
  - f. Responsible persons and lines of communication;
  - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h. Use of protective fences, exclusion barriers and warning signs;
  - i. Reptile Method Statement;
  - j. Great Crested Newt Method Statement.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies ESD10 and ESD 15 of the Cherwell Local Plan 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.

### **Archaeology – Written Scheme of Investigation**

15. No development shall take place in any phase, sub-phase or development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) until the applicant, or their agents or successors in title, has submitted to and had approved in writing by the local planning authority a programme of archaeological work in accordance with a Written Scheme of Investigation and a timetable for that work for that phase of the development. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable for that phase or sub phase of the development.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Policy ESD 15 of the Cherwell Local Plan and 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.

### **Archaeological Reporting**

16. Following the approval of the Written Scheme of Investigation referred to in condition 15, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including 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 recording and inspection of matters of archaeological importance on the site in accordance with Policy ESD 15 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework (NPPF) (Section 16).

### **Framework Operational Management Plan**

17. Prior to occupation of any part of development hereby permitted, a Framework Operational Management Plan (FOMP) will be submitted to and agreed in writing by the Local Planning Authority. The FOMP will detail the proposals for the management of the impact of the development on the surrounding highway network, including but not limited to the following:
  - a. Details of staff shift changes at the development (or the relevant part thereof) which seek to minimise the effect during peak (0800-0900 & 1700-1800) operational periods of the surrounding highway network;
  - b. A car park management plan for the development (or the relevant part thereof);
  - c. A strategy for road signs at the development (or the relevant part thereof); This includes both scenarios both 'before' and 'after' completion of the South East Perimeter Road;

d. A site delivery and service plan, detailing the routing and timing of delivery vehicles at the development (or the relevant part thereof).

Reason: To ensure that the M40 and A34 continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. This is also to minimise the effect during peak (0800-0900 & 1700-1800) operational periods.

**Site Access – Full details**

18. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the Employment Access Road, including position, layout, drainage, lighting, visibility splays and footways shall be submitted to and approved in writing by the Local Planning Authority. There shall be no obstruction of the visibility splays above 0.6m high. 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 and to comply with Government guidance contained within the National Planning Policy Framework.

**Site Roads, Parking and Turning Areas**

19. Prior to the commencement of each phase, sub-phase and development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) hereby approved, full specification details of the site roads, parking and turning areas, which shall include swept path analysis, construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.

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

**Cycle Parking**

20. The development hereby approved shall not be occupied until cycle parking spaces to serve the development have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

**Pedestrian/Cycle connection**

21. Prior to the commencement of the development hereby approved, full details of the pedestrian/cycle connections within the site and from the site to the Employment Access Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the connections will be provided in accordance with the agreed details prior to occupation of the development.

Reason: To ensure safe and suitable access to the development for all people and to comply with Government guidance contained within the National Planning Policy Framework.

**Crime Prevention**

22. All reserved matters applications for the construction of buildings (excluding temporary, service building e.g. substation or buildings used for security purposes) shall be submitted with a detailed scheme for crime prevention which will include both electronic and physical measures to demonstrate compliance with the guidance contained in 'Secured by Design - Commercial 2015'. The development approved under the reserved matters consent shall thereafter be implemented fully in accordance with the approved scheme prior to its first occupation and all measures shall be maintained in full working condition.

Reason: In the interest of crime prevention and to comply with Policy BSC9 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework.

**Hours of operation**

23. Any reserved matters applications for B8 uses (as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended)) shall include full details of proposed opening hours for those proposed uses. The premises granted reserved matters consent shall thereafter be operated in accordance with the approved details.

Reason: To protect the amenities of nearby residents and to comply with Policy C28 of the Cherwell Local Plan and Government guidance in the National Planning Policy Framework.

**Landscape Environmental Management Plan**

24. No part of the development shall take place on a phase, sub-phase, or development parcel (as defined on by the phasing plan to be submitted and approved under condition 6). until a detailed Landscape and Ecological Management Plan (LEMP) for that phase, sub-phase, or development parcel has been submitted to and approved in writing by the Local Planning Authority. Each phase of the development hereby permitted shall be constructed in accordance with LEMP approved for that phase.

Reason: To ensure that the mitigation measures detailed within the Environmental Statement are adequately addressed in order to protect and preserve wildlife and its habitats in accordance with Policies ESD 10

and ESD 13 of the Cherwell Local Plan and guidance contained within the NPPF.

### **Outline Strategic Landscaping**

25. No development shall take place until full details of the proposed strategic landscaping as defined on drawing 'Indicative Landscape Strategy' ref: 10.76, received June 2022 have been submitted to and approved in writing to the Local Planning Authority. The details shall include:
- a. details of all earth bunding and earth retaining features;
  - b. details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e., depth of topsoil, mulch etc);
  - c. 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.

The approved landscaping works within the Strategic Landscape Strategy shall thereafter be implemented in the first planting season following the practical completion of the first phase, sub-phase or development parcel of development, (as defined on by the phasing plan to be submitted and approved under condition 6).

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD13 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Site wide lighting scheme**

26. A scheme detailing all external lighting/security lighting/flood lighting, including the design, position, orientation and any screening of the lighting in accordance with the BWB Lighting Impact Assessment Ref BSB-BWB-ZZ-XX-RP-E0001\_LIA received June 2022 shall be submitted with each reserved matters for the erection of a building and or the construction of a parking area.

Reason: In order to safeguard the visual amenities of the area and the residential amenity of nearby properties in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan and Government advice in The National Planning Policy Framework.

### **Colour banding/design**

27. All reserved matters applications for any building (excluding temporary, service buildings e.g., substation, or buildings used for security purposes) shall include full details of the colours of materials used for the elevations and roofs and shall adopt a horizontal colour banded approach as set out in section 5.11 of the Design and Access Statement received June 2022.

Reason: To ensure that the materials and the appearance of the buildings are appropriate to the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD13 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Mezzanine Floors**

28. All reserved matters applications shall include full details of any proposed mezzanine floors where they are proposed to be included with any of the units that form part of the reserved matters submission.

Reason: To ensure the development complies with the development parameters and the submitted Transport Assessment and to accord with policy SLE 1 and Bicester 2 of the Cherwell Local Plan and guidance contained with the National Planning Policy Framework.

### **Scheme for Control of Noise Emissions and Vibration from Plant/ Equipment**

29. Each Reserved Matters application shall be accompanied by a Noise and Vibration Impact Assessment and mitigation scheme to control emissions of noise and/or vibration from within buildings and noise and/or vibration from any activity in external areas. The noise assessment shall be undertaken in accordance with procedures detailed in BS4142:2014: +A1:2019 Methods for rating and assessing industrial and commercial sound for any noise sensitive premises, and shall not exceed the levels set out in Table 14.16 (paragraph 14.9.3) and the information provided in paragraphs 14.9.4 to 14.9.8 (inclusive) contained within Appendix 14 of the Environmental Statement by Stantec dated June 2022. The vibration assessment will be undertaken in accordance with procedures detailed in BS 6472- 1992 Guide to the Evaluation of human exposure to vibration in buildings and BS 7385-2:1993 Evaluation and measurement for vibration in buildings - Guide to damage levels from ground borne vibration. The units shall be built and operated in full accordance with the approved Noise and Vibration Impact Assessment and any noise control measures and vibration control measures shall be implemented in full prior to the first occupation of the building and retained in full working order thereafter.

Reason: To protect nearby properties from unacceptable noise pollution and vibration and to comply with policy PSD1 of the Cherwell Local Plan and guidance contained with the National Planning Policy Framework.

### **Foul Water Provision**

30. No development shall be occupied until confirmation has been provided that either:
- a) Foul water Capacity exists off site to serve the development; or
  - b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation

shall take place other than in accordance with the agreed development and infrastructure phasing plan; or

c) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents and to comply with Government guidance contained within the National Planning Policy Framework.

### **Odour Modelling Assessment**

31. No development shall commence until an odour modelling assessment has been submitted to and approved by the Local Planning Authority (LPA) in consultation with Thames Water (TW). The odour assessment should be based on assessing on-site odour emissions. The assessment should include an odour mitigation measures strategy. Where the odour modelling assessment identifies a need for mitigation there should be no occupation of the development until the recommendations of the odour mitigation strategy are agreed by the LPA in consultation with TW and have been implemented and are operational. The applicant should submit an appropriate appraisal of amenity whereby the conclusions and recommendations satisfy the LPA. The applicant should within its submission include a detailed odour assessment, which should be prepared in consultation with TW.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, in accordance with Policy BSC8 and Government guidance contained at paragraph 123 within the National Planning Policy Framework.

### **Water Network Provision**

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

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development, in accordance Government guidance contained within the National Planning Policy Framework.

### **Strategic Surface Water Management Scheme**

33. Prior to the commencement of development, a detailed surface water drainage scheme for the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- a) A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
  - b) Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - c) A Flood Exceedance Conveyance Plan;
  - d) Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
  - e) Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
  - f) Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
  - g) Details of how water quality will be managed during construction and post development in perpetuity;
  - h) Confirmation of any outfall details;
  - i) Consent for any connections into third party drainage systems.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

#### **Surface Water Management Scheme**

34. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase, sub-phase or development parcel of the development (as defined on by the phasing plan to be submitted and approved under condition 6), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme approved under condition 33) and include all supporting information as listed in condition 33. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

#### **SuDS as Built and Maintenance Details**

35. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans in both .pdf and .shp file format;

- b) Photographs to document each key stage of the drainage system when installed on site;
- c) Photographs to document the completed installation of the drainage structures on site;
- d) The name and contact details of any appointed management company.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

### **Waste Management Strategy**

36. Prior to the first occupation of any building on the site (excluding temporary, service buildings e.g., substation, or buildings used for security purposes) details of the waste management strategy (i.e. storage of bins and collection) for that building shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved at all times thereafter.

Reason: In the interests of sustainability and to ensure a satisfactory form of development and to accord with Policy ESD1 and with Government advice in the National Planning Policy Framework.

### **Restriction of Use**

37. Any premises first used for purposes within Class B8 shall thereafter only be used for purposes within Class B8 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure proper planning control of the uses on site, to ensure compliance with Transport Assessment, to protect the amenities of nearby residents, to safeguard and to ensure adequate provisions of access and parking and to accord with Policies SLE1 and Bicester 2 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Hours of Construction Work**

38. No construction work including site clearance shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Policy PSD 1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Sustainability**

39. The development hereby permitted shall be constructed to at least a BREEAM 'Excellent' standard, or any future national equivalent standard that replaces it. Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to comply with Policies ESD1, 2,

3, 4 and 5 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

40. A scheme detailing the methods for generation of energy from decentralised and renewable or low carbons sources in accordance with BWB Energy and Sustainability Statement ref: BSB-BWB-00-XX-RP-ME-0001 received June 2022 shall be submitted with each reserved matters application for the erection of a building (other than the erection of services buildings) and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details so approved.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development, in accordance with Policies ESD 1 and ESD 2 and as set out in the National Planning Policy Framework.

41. No building shall be first occupied until a scheme for the provision of electric vehicle charging points and associated ducting (including the specification of the charging points and the timing of the installation of the charging points) has been submitted to and been approved in writing by the Local Planning Authority. The ducting should be in place to allow for the easy expansion of the electric vehicle charging system. The car charging equipment shall thereafter be installed in accordance with the approved details and shall thereafter be available for use at all times and be maintained in full working order.

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

#### **Land Contamination – Intrusive Investigation Scheme**

42. In accordance with the recommendations set out in section 5.3 of the Ground Conditions Summary Report by RPS Group dated 16 May 2022, no part of the development within a phase, sub-phase, or development parcel hereby permitted shall take place until a scheme of intrusive investigation for that phase, subphase, or development parcel 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 shall be 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 Policy ESD 10 of the Cherwell Local Plan.

#### **Contaminated Land Remediation Scheme**

43. If contamination is found in any phase, sub-phase, or development parcel by undertaking the work carried out under condition 42, prior to the commencement of the development within that phase, sub-phase, or development parcel 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 shall be submitted to and approved in writing by the Local Planning Authority. No further development shall take place within that phase, sub-phase, or development parcel 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 Policy ESD 10 of the Cherwell Local Plan.

#### **Unsuspected Contamination**

44. If, during development, contamination not previously identified is found to be present at the site, development will cease within that area of the site, until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ESD 10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **External Storage**

45. Following the first occupation of each building on the site, no goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings (beyond the areas shown as open storage on plans approved through reserved matters applications). Reason: In order to safeguard the visual amenities of the area and to ensure adequate parking and manoeuvring space within the site in accordance with Government guidance contained within the National Planning Policy Framework.

#### **Refrigerated Trailers**

46. In the event that refrigerated trailers operate from the site, all HGV waiting and loading bays necessary to park the refrigerated trailers shall be provided with electrical hook up points to allow refrigerated trailers to operate without using their diesel engines when stationary. Any hook up

points required by this condition shall be provided prior to first use of the site by refrigerated vehicles and thereafter be maintained in a serviceable condition for the lifetime of such vehicular activities taking place on the site.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policies PSD 1 and ESD 10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Skills and Training**

47. Prior to the commencement of development, a Training and Employment Plan (TEP) for the development shall be 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 TEP.

Reason: To support and encourage sustainable economic growth, to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and strengthen the skills base of the local economy, in accordance with paragraph B14 and Strategic Objective 3 of the Cherwell Local Plan and Government guidance contained in paragraphs 80 and 81 of the National Planning Policy Framework.

### **98 Land South of Faraday House Woodway Road Sibford Ferris**

The Chairman advised that application 22/01773/F had been withdrawn by the applicant.

### **99 Land To Rear Of Gracewell Care Home Gardner Way Adderbury**

The Committee considered application 21/01966/F for the erection of 18 dwellings and access road at land to the rear of Gracewell Care Home, Gardner Way, Adderbury for Malvern Homes Limited.

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

### **Resolved**

- (1) That the authority be delegated to the Assistant Director - Planning and Development to grant permission subject to:
  - i) The resolution of;
    - a) No objections from the Ecology officer
  - ii) The conditions set out below (and any amendments to those conditions as deemed necessary)

- iii) The completion of a planning obligation under section 106 of the town and country planning act, as substituted by the Planning and Compensation Act 1981, to secure the following (and any amendments as deemed necessary)

Planning Obligation		Regulation 122 Assessment	
Detail	Amount	Trigger point	
Provision of off-site commuted sum for improvements to local play area	£TBC	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p><b>Necessary</b> – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p><b>Directly related</b> – For the use of future occupiers of the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with the policy and guidance provisions adopted by the Council</p>

### Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development shall not be carried out otherwise than in complete accordance with the approved plans reference SLP1, 03, 05, received 04/06/2021 revised plans reference 01 Rev A, 02 Rev A, 03 Rev A, 04, 06 rev B, 07 Rev A, 08 Rev A, 09, 10, 11 Rev A, 12 Rev A, 14, 15 received 09/09/2022 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

3. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The

development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

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.

4. Following the approval of the Written Scheme of Investigation referred to in condition 3, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF

5. Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall include:
  - A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
  - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change and 10% urban creep (Note: the Cv values should be set to 0.95 and MADD should be 0.0);
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive infiltration testing across the site to BRE DG 365;
  - Detailed design drainage layout drawings of the SuDS proposals including cross section details;
  - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
  - Details of how water quality will be managed during construction and post development in perpetuity; and
  - Consent for any connections into third party drainage systems

Reason: To ensure that there is no flooding due to the site drainage and that the water environment is protected and in accordance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- 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;
  - The name and contact details of any appointed management company information.

Reason: In accordance with section 21 of the Flood and Water Management Act 2010 and Government guidance contained within the National Planning Policy Framework.

7. A schedule of materials and finishes to be used in the external walls and roof(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

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

8. No development shall commence unless and until a report has been submitted to and approved in writing by the local planning authority that demonstrates all habitable rooms within the dwellings will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required, then the methods for rating noise in BS4142:2014 should be used, such as for noise from industrial sources). Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with approved details.

Reason: To avoid noise giving rise to significant adverse impacts on health and quality of life and to comply with advice in the NPPF (section 15) and Saved Policy ENV1 of the Cherwell Local Plan 1996

9. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a. The parking of vehicles of site operatives and visitors;
  - b. The routing of HGVs to and from the site;
  - c. Loading and unloading of plant and materials;
  - d. Storage of plant and materials used in constructing the development;

- e. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f. Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g. Measures to control the emission of dust and dirt during construction;
- h. A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i. Delivery, demolition and construction working hours; The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. 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.

11. If a potential risk from contamination is identified as a result of the work carried out under condition 10, 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.

12. If contamination is found by undertaking the work carried out under condition 10, 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.

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

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

14. 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.

15. A plan detailing the proposed parking and turning provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), shall be submitted to and

approved in writing by the Local Planning Authority prior to commencement of those works. The approved parking and turning facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking and turning spaces shall be retained for the parking turning of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate offstreet car parking and turning and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

16. Details of a turning area to be provided within the site so that motor vehicles may enter, turn around and leave in a forward direction including refuse and emergency service vehicles (including surfacing and drainage details) shall be submitted to and approved in writing by the Local Planning Authority before the development reaches slab level. The turning area shall be constructed and completed in accordance with the approved details before the development is first occupied and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

Reason: In the interests of highway safety and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

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

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

18. Prior to the first occupation of the development a Residential Travel Plan and Residential Travel Information Pack 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.

19. No temporary obstructions including any materials, plant, temporary structures or excavations of any kind shall be deposited / undertaken on or adjacent to the public right of way that may obstruct or dissuade the public from using the public right of way whilst the development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

20. No development shall commence unless and until full details of the tree protection measures for all trees and hedges to be retained have been submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed Arboricultural Method Statement to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas, all to be in accordance with the British Standard for Trees in Relation to Construction 5837: 2012, and the monitoring of tree protection measures during construction. All tree protective measures shall be carried out as set out in the approved Arboricultural Method Statement.

Reason: To protect the visual amenity of the area in accordance with policies

21. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-
- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
  - (b) details of the 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 landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

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

22. No development above slab level shall be carried out until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in full compliance prior to the first occupation on the site.

Reason: To protect the amenities of nearby residents, visual amenity 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

23. 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. The development shall not be carried out other than 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.

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

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

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

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

25. Full details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on the external elevations of the buildings shall be submitted to and approved by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

26. Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order), the garage(s) shown on the approved plans shall be retained for the garaging of private motor vehicles and shall not be converted to provide additional living accommodation without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of highway safety, to ensure the provision of adequate offstreet car parking to comply with Government guidance in Section 12 of the National Planning Policy Framework.

27. Notwithstanding the provisions of Classes A-D (inc) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement alteration or improvement of any dwellinghouse shall be undertaken at any time without the grant of further specific planning permission from the Local Planning Authority.

Reason: Taking into account the density of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected 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 Section 12 of the National Planning Policy Framework.

28. The first-floor window in the east elevation of plot 9 shall be obscure glazed, using manufactured obscure glass, (not an applied adhesive film) before the dwelling is first occupied and shall be permanently retained as such thereafter. The window shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed 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.

29. 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. Such approved means of enclosure, in respect of those dwellings which are intended to be screened, shall be erected prior to the first occupation of those dwellings and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development, 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.

30. 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.

## 100 **Car Parking Area West Of 37 Holm Way Bicester**

The Committee considered application 22/02493/F for the erection of 4 no. residential dwellings (Class C3) with additional parking, access and landscaping at Car parking Area West of 37 Holm Way, Bicester for LCP Estates Ltd.

David Rigby, a local resident, addressed the Committee in objection to the application.

Henry Courtier, agent for the applicant and Melanie Dobson, Transport Consultant to the applicant, addressed the Committee in support of this application.

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

### **Resolved**

That application 22/02493/F be refused for the following reasons:

1. The loss of the public car park would result in an increased demand for on-street parking provision that cannot be safely or realistically accommodated within the vicinity of the site, resulting in significant harm to highway safety. The proposal is therefore contrary to Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

2. Adequate pedestrian and vehicular vision splays from the off-street parking areas serving the proposed dwellings have not been demonstrated. In the absence of the required vision splays the proposal has the potential to cause significant harm to highway safety. The proposal is therefore contrary to Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

## **St Georges Barracks Arccott Wood Road Arccott OX25 1PP**

The Committee considered application 22/02567/F, for the demolition of an existing three storey single living accommodation block and the erection of three storey single living accommodation block at St Georges Barracks Arccott, Wood Road, Arccott, OX25 1PP for Defence Infrastructure Organisation.

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

### **Resolved**

- (1) That the authority be delegated to the Assistant Director - Planning and Development to grant permission subject to
  - i.. the resolution of drainage matters or the identification of a suitable condition to address the issues
  - ii. the conditions set out below (and any amendments to those conditions as deemed necessary)

### **Conditions**

#### Time Limit

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

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

#### Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
  - Application Form
  - Planning Statement
  - Drawing number Z9A8409 Y20 -HLM -00 -00 -DR - A -000001 Rev P03 – [Site Location Plan] • Drawing number Z9A8409Y20-HLM-10-00-DR-A-00010 Rev P01 – [Proposed Site Block Plan]
  - Drawing number Z9A8409Y20-HLM-11-00-DR-A-001110 Rev P07 – [Proposed Ground Floor Plan]
  - Drawing number Z9A8409Y20-HLM-11-01-DR-A-001111 Rev P07 – [Proposed First Floor Plan]
  - Drawing number Z9A8409Y20-HLM-11-02-DR-A-001112 Rev P07 – [Proposed Second Floor Plan]
  - Drawing number Z9A8409 Y20 -HLM -11 -03 -DR - A -001113 Rev P07 – [Proposed Roof Plan]
  - Drawing number Z9A8409Y20-HLM-10-00-DR-A-000103 Rev P06 – [Proposed Landscape Pan]

- Drawing number Z9A8409Y20-HLM-11-XX-DRA-003110 Rev P06 – [Proposed Elevations]
- Drawing number SLA-HLM-XX-ZZ-DR-A-00250 Rev P04 – [Typical Strip Section]
- Drawing number Z9A8409Y20-HLM-11-XX-DR-A-002110 Rev P05 – [Sections]

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

3. The premises shall be used only for the purpose of service personnel living accommodation and for no other purpose whatsoever, including any other purpose in Class C2A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant.

4. A schedule of materials and finishes to be used in the external walls and roof(s) 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 thereafter be completed in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality 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.

5. The building hereby permitted shall be constructed to DREAM excellent standard. Written confirmation, from a suitably qualified person, that the building has been constructed to DREAM excellent shall be provided to the local planning authority prior to the first occupation of the building.

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. 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,] [or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority] 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.

7. Prior to commencement of the development, an arboricultural method statement (in line with BS58737:2012) setting out protective measures and working practices to ensure the protection of any retained tree, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved arboricultural method statement.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

8. Prior to commencement of any works to the trees on the site, full details of replacement tree planting, including number, location, species and size at time of planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the replacement tree(s) shall be planted in the first planting season (mid November to end of March) following the removal of the tree(s) for which consent has been granted and any tree which, within a period of five years from being planted dies, is removed or becomes seriously damaged or diseased, shall be replaced in the current/next planting season in accordance with the approved details and the wording of this condition.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

9. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal Report by Arcadis dated November 2021 and the Bat Survey Report by Arcadis dated July 2022 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework

10. 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 the National Planning Policy Framework.

11. Prior to the first use or occupation of the building hereby permitted, secure cycle parking facilities shall be provided in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the secure cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

102 **Recreation Ground Keble Road Bicester Oxfordshire OX26 4UX**

The Chairman advised that application 22/02491/CDC had been withdrawn from the agenda as issues had been discovered with the submitted plans that required correction. The application would be submitted to a future meeting.

103 **The Paddocks 2 Foxtowns Green Kirtlington OX5 3JW**

The Committee considered application 22/02721/F, for the addition of a small stable (on skids) alongside the existing stable block which comprises 2 stables, tack room and hay barn (retrospective) at The Paddocks, 2 Foxtowns Green, Kirtlington, OX5 3JW for Ms Jean Conway.

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

**Resolved**

- (1) That permission be granted subject to the conditions below

**Conditions**

Compliance with plans

1. Except where otherwise stipulated by conditions attached to this permission, the development shall remain in accordance with the following plans and documents: BWC2022/TR/2FGK.

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.

Private use only

2. The stable hereby permitted shall be used for private use only and no commercial use, including livery, shall take place at any time.

Reason – In order to maintain the character of the area and safeguard the amenities of the occupants of the nearby properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

104

### **Appeals Progress Report**

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

### **Resolved**

(1) That the position statement be accepted.

The meeting ended at 5.56 pm

Chairman:

Date: