

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 13 April 2023 at 4.00 pm

#### Present:

Councillor George Reynolds (Chairman)  
Councillor Maurice Billington (Vice-Chairman)  
Councillor Andrew Beere  
Councillor Rebecca Biegel  
Councillor John Broad  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Ian Harwood  
Councillor David Hingley  
Councillor Simon Holland  
Councillor Fiona Mawson  
Councillor Richard Mould  
Councillor Lynn Pratt  
Councillor Les Sibley  
Councillor Dorothy Walker

#### Substitute Members:

Councillor Phil Chapman (In place of Councillor Sandy Dallimore)  
Councillor Barry Wood (In place of Councillor Hugo Brown)

#### Apologies for absence:

Councillor Hugo Brown  
Councillor Jean Conway  
Councillor Sandy Dallimore

#### Officers:

David Peckford, Assistant Director Planning & Development  
Paul Seckington, Senior Manager Development Management  
Katherine Daniels, Principal Planning Officer  
Andy Bateson, Development Management Team Leader - North Area  
Imogen Hopkin, Senior Planning Officer  
Karen Jordan, Deputy Principal Solicitor  
Aaron Hetherington, Democratic and Elections Team Leader  
Matt Swinford, Democratic and Elections Officer

## **Declarations of Interest**

### **8. Land North And South Of Pingle Drive, 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.

### **9. OS Parcel 6920 East Of Oxford Road and Adjoining and South of Canal Lane, Bodicote.**

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

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

### **13. Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury.**

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

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

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

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

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

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

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

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

## **Requests to Address the Meeting**

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

148 **Minutes**

The Minutes of the meeting held on 9 March 2023 were agreed as a correct record and signed by the Chairman.

149 **Chairman's Announcements**

The Chairman made the following announcements:

1. Agenda items 10 and 12, Planning applications 22/02992/OUT – OS Parcel 4525 South of Council Depot Adjacent and West of Banbury Road Deddington, and 22/03829/F – Oathill Farm, Claydon Road, Cropredy, had been withdrawn by the respective applicants and would therefore not be considered the Committee.
2. As this was the last Planning Committee of the municipal year, the Chairman thanked Committee members and officers for their work during the last year.

150 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Pre-Committee site visits.

152 **Land North And South Of Pingle Drive, Bicester**

The Committee considered application 22/03513/F for the redevelopment of the site to provide a new public park, a car and cycle hub with electric vehicle charging and additional guest services, retail and food and beverage floorspace with associated access, parking, drainage and landscaping at Land North And South Of Pingle Drive, Bicester for Value Retail Management (Bicester Village) Limited.

Councillors Sames, Pruden and Cotter addressed the Committee as Local Ward Members.

Roger Wise, on behalf of Save Oxford Sports Grounds, addressed the Committee in objection to the application.

Richard Gough, on behalf of the applicant, Value Retail Management Limited, 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**

That authority be delegated to the Assistant Director for Planning and Development, or an officer nominated by them, to grant permission, subject to:

- i. The removal of the Environment Agency objection
- ii. The removal of CDC Ecology objection
- iii. The conditions set out below (and any amendments/additions to those conditions as deemed necessary) and
- iv. 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 contributions and infrastructure set out in the annex of the Minutes as set out in the Minute Book (and any amendments 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: [TO BE ADDED]

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. 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.

4. All plant, machinery and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that the rating noise level from the equipment shall be at least 10 dBA below the pre-existing background noise level (LA90) when measured at any noise sensitive premise. Measurements and rating of noise for the purpose of this condition shall be in accordance with BS4142:2014 + A1:2019 - "Methods for rating and assessing industrial and commercial sound.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996

5. 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

6. 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.

7. The retail floorspace within the Western Terrace, as shown on drawing [TO BE ADDED] shall not be used for the sale of high end, full price

goods or high end, full price confectionary/convenience goods unless and until a scheme/s has been submitted to and approved in writing by the local planning authority identifying the units (and/or parts of units) selling such goods. Thereafter the sale of such goods shall only occur within the units (and/or parts of units) identified for such purposes within the approved scheme.

Reason – To ensure that the limits on full price comparison and convenience goods sales are able to be monitored and enforced as necessary in the interests of preserving the vitality and viability of nearby town centres in accordance with the requirements of Policy SLE2 of the Cherwell Local Plan 2011-2031 Part 1.

8. The guest services within the Western Terrace, as shown on drawing [TO BE ADDED] shall be used for guest services only and for no other purposes.

Reason – In the interests of preserving the vitality and viability of nearby Town centres in accordance with the requirements of Policy SLE2 of the Cherwell Local Plan 2011-2031 Part 1.

9. The development hereby approved shall only be used for the purposes of providing a factory outlet shopping centre selling discounted high end designer goods, with ancillary office space for the management and operation of the centre, except to allow alternative uses subject to the following limits as apply to the whole of the Bicester Village Outlet Shopping Centre (as it exists at the date of this permission):  
5,000sqm floorspace (GIA) only for the display or retail sale of high end goods, other than hot food within Class E(a) use; for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises within Class E(b) use; for indoor sport, recreation or fitness (not involving motorised vehicles or firearms) within Class E(d) use; and for creche, day nursery or day centre (not including a residential use) within Class E(f) use ((as defined in the Schedule to the Town and Country Planning (Use Classes Order) 1987 [as amended]);  
1,000sqm floorspace (GIA) of high end, full price confectionary and convenience goods sales within Class E(a) use (as defined in the Schedule to the Town and Country Planning (Use Classes Order) 1987 [as amended]); 1,000sqm floorspace (GIA) at ground floor level across up to five retail units (Class E(a)) for the sale of full price high end designer goods but with no more than 330sqm of internal floorspace.

Reason – In the interests of clarity and in accordance with Government guidance set out in the National Planning Policy Framework.

10. Except where otherwise shown in the plans, no retail unit shall be formed or created including through subsequent amalgamation where that unit would exceed 450sqm floor space (gross internal area) without the prior written agreement of the Local Planning Authority.

Reason - In the interests of creating a development of bespoke smaller high end fashion retail units that do not risk competition with nearby town centres in accordance with the requirements of Policy SLE2 of the Cherwell Local Plan 2011-2031 Part1 as well as Government guidance set out in the National Planning Policy Framework.

11. Except where otherwise allowed through other conditions attached to this planning permission, none of the units within this development shall be used for the sale of the following category of goods (full price or otherwise): food, confectionary, convenience goods, pharmaceuticals and health produces, garden produce, dispense optical goods, books, newspapers and magazines, CDs/DVDs and other similar types of media, computers and software, mobile phones, toys, pets and pet accessories, arts and craft products.

Reason – In the interests of minimising harm to the vitality and viability of nearby town centres in accordance with the requirements of Policy SLE2 of the Cherwell Local Plan 2011 – 2031 Part 1.

### **Pre-commencement Conditions**

12. Prior to the commencement of development, a phasing plan covering the entire application site 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 phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

13. Where the submitted Ecological Assessment Report is more than two years old at the date of the commencement of the development, no development shall commence, until an updated Ecological Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - In the interests of biodiversity and to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

14. No development shall commence until a Construction Method Statement, incorporating a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to:

- a) The CTMP must be appropriately titled, include the site and planning permission number.
- b) Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- c) Details of and approval of any road closures needed during construction.
- d) Details of and approval of any traffic management needed during construction.
- e) Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- f) Measures to control the emission of dust and dirt during construction as detailed in paragraph 6.1.2 of the Air Quality Management Plan;
- g) Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
- h) The erection and maintenance of security hoarding / scaffolding if required.
- i) A regime to inspect and maintain all signing, barriers etc.
- j) Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- k) The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- l) No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- m) Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- n) Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- o) Any temporary access arrangements to be agreed with and approved by Highways Depot.
- p) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- q) Delivery, demolition and construction working hours;

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. 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.

16. No development shall take place until a Sustainable Waste and Resources Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason – To support the creation of a low carbon community to achieve the requirements of Policy ESD1 of the CLP 2011-2031. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

17. Prior to the commencement 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 development shall be managed in accordance with the approved details set out in the 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 Section 15 of the National Planning Policy Framework.

18. No development shall commence until a scheme to demonstrate that the development will achieve BREEAM 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out a timescale for the provision of evidence, including certificates at design stage and post construction stages. Evidence of the achievement of BREEAM Excellent shall be provided in accordance with the approved scheme.

Reason: To support the creation of a low carbon development to achieve the requirements of Policies ESD1 of the Cherwell Local Plan Part 1 2011-2031.

19. 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, Land contamination risk management (LCRM) and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

20. If contamination is found by undertaking the work carried out under condition [18], prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

21. If remedial works have been identified in condition [19], the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [19]. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

22. No development shall take place 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 be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
  - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - A Flood Exceedance Conveyance Plan;
  - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
  - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
  - Details of how water quality will be managed during construction and post development in perpetuity;
  - Confirmation of any outfall details.
  - Consent for any connections into third party drainage systems

Reason - To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORK TAKES PLACE**

23. Prior to their installation on any building, full details of the solar PV shall be submitted to and approved in writing by the Local Planning Authority. The solar PV shall be installed prior to the first occupation and retained and maintained in working order thereafter.

Reason: To support the delivery of renewable and low carbon energy in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework

24. A schedule of materials and finishes to be used in the external walls and roof(s) of the Western Terrace shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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.

25. A schedule of materials and finishes to be used in the external walls and roof(s) of the car and cycle hub shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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.

26. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the building itself), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the structure(s) and other parts of the application site and the hours at which such lighting is to be operated. This scheme shall ensure that light trespass at any light sensitive premises shall not exceed the requirements in the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01/20).

Reason: To protect the amenities of nearby residents and in the interest of biodiversity and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996

#### **PRIOR TO OCCUPATION**

27. 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 unit they serve, and 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

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

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.

29. 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 onsite;
  - (c) Photographs to document the completed installation of the drainage structures on site;
  - (d) The name and contact details of any appointed management company information.

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

30. No employment building shall be occupied until it has been provided with service connections capable of supporting the provision of high-speed

broadband from the building to the nearest broadband service connection outside The Site

Reason: To facilitate information delivery in accordance with Government guidance contained within the National Planning Policy Framework.

31. A schedule of landscape maintenance for a minimum period of 15 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule unless otherwise approved in writing by the Local Planning Authority

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.

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**OS Parcel 6920 East Of Oxford Road and Adjoining and South of Canal Lane, Bodicote**

The Committee considered application 22/03452/F for the erection of a new 128-bed residential care home (Use Class C2) together with associated access, parking and landscaping at OS Parcel 6920 East Of Oxford Road and adjoining and South of Canal Lane, Bodicote for Barton Willmore now Stantec.

Paul Reeves, on behalf of the applicant, addressed the Committee in support of the application.

In the course of the discussion, Councillor Broad highlighted that condition 12 stated policy ESD5 however the purpose of ESD5 was not included in the policy text. The Planning Officer advised the Committee that they believed it was appropriate to widen condition 12 to include policy ESD5 and it would be reflected in the conditions issued with the decision notice.

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

**Resolved**

That the authority be delegated to the Assistant Director for Planning and Development to grant permission, subject of:

1. The conditions set out below (and any amendments to those conditions as deemed necessary); and

2. 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 infrastructure identified in the heads of terms as set out below (and any amendments to them as may be deemed necessary).

## Conditions

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents:
  - 5196 LP01 – Site Location Plan;
  - 5196 PL02 Rev B – Proposed Site Plan;
  - 5196 PL03 – Proposed Ground Floor Plan;
  - 5196 PL04 – Proposed First Floor Plan;
  - 5196 PL05 – Proposed Second Floor Plan;
  - 5196 PL06 – Proposed Roof Plan;
  - 5196 PL07 – Proposed Elevations (Sheet 1 of 2);
  - 5196 PL08 – Proposed Elevations (Sheet 2 of 2);
  - 5196 PL09 – Proposed Sectional Elevations;
  - 5196 PL10 – Proposed Refuse Store;
  - 5196 PL13 – Boundary Treatment Plan;
  - ZTL 101 Rev B – Tree Constraints Plan;
  - Design & Access Statement by KWL Architects Ltd, Ref: 5196 Rev A, dated 9 November 2022;
  - Planning Statement by Barton Willmore, now Stantec, Ref: 33629 Rev 1, dated 14 November 2022;
  - Transport Statement by Connect Consultants, dated November 2022, as updated and revised by Technical Note 1, dated 11 January 2023;
  - Travel Plan by Connect Consultants, dated November 2022;
  - Noise Assessment by Hepworth Acoustics, Ref: P22-218-RO1v1, dated November 2022;
  - Air Quality Assessment by Syntegra Consulting Ref: 22-9316, dated 8 November 2022;
  - Arboricultural Impact Assessment by Zebra Trees, Ref: ZTL\_130 V1 Rev C, dated 5 January 2023;
  - Landscape Management Plan by Zebra Landscape Architects, Ref: ZLA\_1231 V1, dated 10 November 2022;
  - Preliminary Ecological Appraisal by Zebra Ecology, Ref: ZEL\_175 V1, dated 1 September 2022;
  - Biodiversity Net Gain Plan by Zebra Ecology, Ref: ZEL\_175 V2, dated 10 November 2022;

Sustainability & Energy Statement, incorporating Commercial Waste Management Plan by Envision, Ref: ESL 22-0238 Rev V3, dated 10 November 2022;

Drainage Strategy by JPP, Ref: R-FRA-24918-01-Rev A, dated November 2022;

Infiltration Testing Results by JPP, Ref: 24934/MC/AP/L01, dated 31 August 2022;

Phase 1 Contamination & Geotechnical Desk Study Report by JPP, Ref: R-DS-24934-01-00, dated August 2022;

Neighbouring Daylight, Sunlight & Shadow Assessment by Behan, Ref: 20223749, dated 4 November 2022.

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. 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.

4. 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.



5. No development shall commence until a Construction Method Statement, incorporating a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to:
- a. The CTMP must be appropriately titled, include the site and planning permission number;
  - b. Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site;
  - c. Details of and approval of any road closures needed during construction;
  - d. Details of and approval of any traffic management needed during construction;
  - e. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
  - f. Measures to control the emission of dust and dirt during construction;
  - g. Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions;
  - h. The erection and maintenance of security hoarding / scaffolding if required;
  - i. A regime to inspect and maintain all signing, barriers etc;
  - j. Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
  - k. The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
  - l. No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500;
  - m. Layout plan of the site that shows structures, internal roads, site storage, compound, pedestrian routes etc;
  - n. Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution;
  - o. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours; and
  - p. Delivery, demolition and construction working hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. Notwithstanding the submitted details, no development except site clearance and groundworks shall commence 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 subsequently be implemented in accordance with the approved details before the development is first occupied. In addition to the BRE DG 365 Infiltration Testing Results by JPP, Ref: 24934/MC/AP/L01 dated 31 August 2022, the scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

7. 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) 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.

8. Notwithstanding the submitted details, a schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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.

9. Prior to their installation on any building hereby approved, full details of any mechanical ventilation or extraction equipment (if applicable and including any air source heat pumps and their associated condenser units) shall be submitted to and approved by the Local Planning Authority. Thereafter the mechanical ventilation shall be installed, brought into use, and retained in accordance with the approved details.

Reason: In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Saved Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to first occupation details of improvements to provide safe cycling and pedestrian access to the site from Longford Park Road, including, position, layout, construction and drainage have been submitted to and approved in writing by the Local Planning Authority. The improvements shall be constructed in strict accordance with the approved details prior to first occupation.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities for the ten cycle spaces shown on drawing 5196 PL02 Rev B – Proposed Site Plan shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

12. Prior to the first occupation of the development, a scheme for the provision of the five vehicular electric charging points to serve the development, as shown on drawing 5196 PL02 Rev B – Proposed Site Plan 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 unit they serve, and 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.

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

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.

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

Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

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

15. Details of the external lighting, and security 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 the installation of any such lighting. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and in the interest of biodiversity and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

#### S106 Heads of Terms

Public Transport Service Contribution suggested by OCC Transport of £29,458 and agreed by Applicant, to be paid in full prior to first occupation;

Traffic Regulation Order suggested by OCC Transport of £3,320 and agreed by Applicant, to be paid in full prior to first occupation;

Travel Plan Monitoring Fee suggested by OCC Transport of £2,563 and agreed by Applicant, to be paid in full prior to first occupation; and

Primary Care Infrastructure Contribution suggested by the ICB Clinical Commissioning Board, initially of £110,592 but subsequently revised down to: 128 1-bed units x £360/person = £46,080, to be paid in full prior to occupation.

As reported under the Chairman's announcements, application 22/02992/OUT had been withdrawn by the applicant.

155 **Laurels Farm, Dark Lane, Wroxton, OX15 6QQ**

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

The Chairman referred to the published written update in which there was an amended officer recommendation for deferral to allow officers to seek view of an agricultural consultant and continue discussions with the applicant regarding principle, design, highway impact and drainage.

It was proposed by Councillor Reynolds and seconded by Councillor Clarke that consideration of application 23/00130/F be deferred to allow officers to seek the view of an agricultural consultant and continue discussions with the applicant regarding principle, design, highway impact and drainage.

**Resolved**

- (1) That consideration of application 23/00130/F be deferred to allow officers to seek the view of an agricultural consultant and continue discussions with the applicant regarding principle, design, highway impact and drainage.

156 **Oathill Farm, Claydon Road, Cropredy, OX17 1QA**

As reported under the Chairman's announcements, application 22/03829/F had been withdrawn by the applicant.

157 **Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 22/03035/DISC for the discharge of condition 5 (serving and waste) of 17/00284/REM at Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

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

**Resolved**

- (1) That is be approved that condition 5 to 17/00284/REM be discharged in accordance with approved drawings Compactor Location Plan - Centre Wide Plan Ref: CQ2-LJA-XX00-DR-A-03309; and Waste Compactor Detailed Plan Ref: N 22 SHA.

158 **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 5.42 pm

Chairman:

Date: