

SUPPLEMENTARY INFORMATION**Planning Committee****8 August 2013**

Agenda Item Number	Page	Title
5.	(Pages 1 - 24)	Addendum to minutes of meeting of Planning Committee held on 13 June 2013
As set out on written update	(Pages 25 - 41)	Written Update

If you need any further information about the meeting please contact Natasha Clark / Aaron Hetherington, Democratic and Elections natasha.clark@cherwellandsouthnorthants.gov.uk, 01295 221589 / aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Agenda Item 5

Planning Committee Minutes of 13 June 2013 Addendum

34 Land adjoining Foxhill and West of Southam Road, Banbury

The Committee considered application ~~12/00158/OUT~~ **13/00158/OUT** for an OUTLINE - Development of up to 90 residential (Use Class C3/extra care housing), Class A uses, Class D1 use with associated access, landscaping/open space, parking and related works.

Mr Robert Clarke, the agent, spoke in support to the application.

In reaching their decision, the committee considered the officers' report, presentation, written update and presentation of the public speaker.

Resolved

That application ~~12/00158/OUT~~ **13/00158/OUT** be approved, subject to the following conditions:

- (a) The delegation of the completion of the S106 negotiations to Officers in consultation with the Chairman
- (b) The completion of the S106 legal agreement
- (c) That, in accordance with the provisions of Regulation 24 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 that the report be approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the ES.
- (d) The following conditions:
 - (1) That no development shall be commenced until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
 - (2) That in the case of the reserved matters, application for approval shall be made not later than the expiration of eighteen months beginning with the date of this permission.
 - (3) That the development to which this permission relates shall be begun not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
 - (4) Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with the following documents and drawings:

Environmental Impact Assessment covering Socio-Economics, Ecology and Nature Conservation, Landscape and Visual, Air Quality, Noise and

Vibration, Hydrology, Flood Risk and Drainage, Ground Conditions, Cultural Heritage and Archaeology and Agricultural Circumstances, a Transport Statement, a Design and Access Statement, a Planning Statement and a Statement of Community Consultation.
Amended/alternative scheme and additional information to the ES received 05/04/13.

Red line Site Location Plan (original) PO-001A
Site Access Dukes Meadow Drive 13167-48-1
Site Access Southam Road 13167-48-2
Southam Road Junction (with pedestrian crossing) 13167-48-6
Southam Road Layby (with pedestrian crossing) 13167-48-7

- (5) That the site shall be developed with a mix of housing types/sizes to meet the local housing needs in accordance with the requirements of Policy BSC4 of the Proposed Submission Local Plan, details of the mix shall be submitted to and approved in writing to the local planning authority, prior to the commencement of the development.
- (6) No reserved matters applications shall be made or development commenced until Design Codes for the site have been submitted to and approved in writing by the Local Planning Authority. This shall include a density plan for the site, design influences / character area study, form of buildings, street frontage, materials, servicing, parking, sustainability features and design parameters in accordance with the zone plan provided with Clare Mitchell's email of 25th April 2013. Thereafter, the development shall be carried out in accordance with the approved Design Code.
- (7) Prior to the commencement of development hereby approved, a phasing plan covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.
- (8) Prior to the first occupation of any dwellings on the site, a final Code Certificate, certifying that the dwellings in question achieves Level 4 of the Code for Sustainable Homes shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority.
- (9) No more than 90 dwellings shall be accommodated on the site and these shall be in accordance with drawing no. P0-002 indicating the agreed area for built development (excluding strategic landscaping, potential strategic footpath and SUDs as appropriate)

Land contamination and mitigation

- (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.

- (11) 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.
- (12) If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. 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.
- (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.

Landscape, Trees, Maintenance, Public Open Space & Play

- (14) That no development shall take place on a phase identified in condition no. 7, until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
 - (a) details of the proposed tree and shrub planting including their species (which shall be native species of UK provenance), number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

- (15) That all planting (including any supplemental to existing hedgerows), 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 that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- (16) Prior to the commencement of the development a survey identifying trees to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved survey.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works
- (b) If any tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (17) No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established to protect retained trees.
- (b) a British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan
- (c) the specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
- (d) details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;

- (e) details of any levels changes within or adjacent to protection zones;
 - (f) details of the surface treatment to be applied within protection zones, including a full specification and method statement;
 - (g) the routing of overhead and underground services and provisions for reducing their impact on retained trees.
 - (h) a specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme.
- (18) All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.
- (19) Prior to the commencement of the development hereby approved, full details of a method of supervision and programme of works for the landscaping [including POS and play areas], which is appropriate to the scale and duration of the development works (to include the information set out below at (a) to (d) below), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the method of supervision and programme of works shall be carried out in accordance with the approved details.
- (a) developer's 'clerk of works' employed to undertake supervisory/monitoring role of approved landscape works. Applicant/Agent to provide written confirmation and contact details of chosen individual or company
 - (b) relevant persons/contractors to be briefed by project 'landscape architect'/'architect' on all on-site matters relating to the implementation of the approved landscaping
 - (c) timing and methodology of scheduled site monitoring visits to be undertaken by 'clerk of works'
 - (e) procedures for notifying and communicating with the LPA when dealing with unforeseen variations to agreed works.
- (20) Except to allow for the means of access and vision splays the existing hedgerow/trees along the Southam Road boundaries of the site shall be retained and properly maintained at a mature height for trees and not less than 3 metres for hedgerows, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

- (21) Prior to the commencement of the development hereby approved, a plan showing the existing and proposed levels of the 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 levels.
- (22) Prior to the commencement of the development of any phase identified in condition no. 7, hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority.
- (23) Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems, an appropriate method of mulching and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, 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 details and specifications.

Archaeology

- (24) Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
- (25) Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 24, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Ecology/Biodiversity

- (26) Prior to the commencement of any works on site including works of site clearance or preparation, a full assessment of the impacts on biodiversity and protected/notable species in the light of the proposed final landscape and layout plans shall be submitted for written approval which must include plans for mitigation, timings, details of ecological supervision and working methods and the results of all updated surveys.

- (27) Prior to the commencement of the development hereby approved, including any works of site clearance, a method statement for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- (28) 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 LEMP shall be carried out in accordance with the approved details.
- (29) Prior to the commencement of the development hereby approved, including any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, 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 CEMP.
- (30) The works hereby approved shall be carried out during daylight hours only; ceasing one hour before sunset and not commencing until one hour after sunrise.
- (31) No removal of hedgerows, trees or shrubs shall take place between the 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been 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.

Drainage

- (32) Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, based on sustainable drainage principles and an assessment of the hydrological and hydrological context of the development detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following corresponding rainfall event. The strategy shall also provide details of how the scheme shall be maintained and managed after completion. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

- (33) Prior to the commencement of the development, impact studies of the existing water supply infrastructure, which shall determine the

magnitude and timing of any new additional capacity required in the system and a suitable connection point, 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 details.

- (34) Prior to the commencement of the development full details of the foul drainage for the 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 details.

Highway/Access

- (35) Prior to the first occupation of the development, the approved means of access as detailed on drawing nos. 13167-48-1, 13167-48-2 and 13167-48-6 shall be constructed and retained thereafter in accordance with the approved details and all ancillary works specified shall be undertaken and the land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or other material.
- (36) No development shall commence on site for the development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
- (37) Prior to the commencement of the development, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Other

- (38) Prior to the commencement of the development, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.

- (39) All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details
- (40) That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority
- (41) No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.
- (42) Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
- (43) Prior to the commencement of the development full design details of the proposed strategic footpath and its route shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath(s) shall be constructed to adoptable standards unless otherwise agreed in writing by the Local Planning Authority.
- (44) Prior to the commencement of the development, details (including the siting) of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- (45) That prior to the commencement of the development hereby approved, full design details of the equipment and layout of the Local Areas of Play (LAPs) and the Local Equipped Area of Plan (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LAPs and LEAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The Committee considered application ~~12/00159/OUT~~ **13/00159/OUT** for the outline permission for the demolition of existing structures: Development of up to 510 residential (Use Class C3/extra care housing), Class D1 education use with associated access, landscaping/open space, parking and related works.

Robert Clarke, the agent, spoke in support of the application.

In reaching their decision, the committee considered the officers' report, presentation, written update and presentation of the public speaker.

Resolved

That application ~~12/00159/OUT~~ **13/00159/OUT** be approved, subject to the following conditions:

- (a) The delegation of the completion of the S106 negotiations to Officers in consultation with the Chairman
- (b) The completion of the S106 legal agreement
- (c) That, in accordance with the provisions of Regulation 24 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 the report be approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the ES.
- (d) The following conditions:
 - (1) That no development shall be commenced until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
 - (2) That in the case of the reserved matters, application for approval shall be made not later than the expiration of eighteen months beginning with the date of this permission.
 - (3) That the development to which this permission relates shall be begun not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
 - (4) Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with the following documents and drawings:

Environmental Impact Assessment covering Socio-Economics, Ecology and Nature Conservation, Landscape and Visual, Air Quality, Noise and Vibration, Hydrology, Flood Risk and Drainage, Ground Conditions, Cultural Heritage and Archaeology and Agricultural Circumstances, a Transport Statement, a Design and Access

Statement, a Planning Statement and a Statement of Community Consultation.

-) Red line Site Location Plan PO-010B
 -) Southam Road Junctions 13167-48-3
 -) Southam Road North Junction 13167-48-4
 -) Southam Road Layby 13167-48-5
 -) Southam Road Junction (with pedestrian crossing) 13167-48-6
 -) Southam Road Layby (with pedestrian crossing) 13167-48-7
- (5) That the site shall be developed with a mix of housing types/sizes to meet the local housing needs in accordance with the requirements of Policy BSC4 of the Proposed Submission Local Plan, details of the mix shall be submitted to and approved in writing to the local planning authority, prior to the commencement of the development.
- (6) No reserved matters applications shall be made or development commenced until Design Codes for the site have been submitted to and approved in writing by the Local Planning Authority. This shall include a density plan for the site, design influences / character area study, form of buildings, street frontage, materials, servicing, parking, sustainability features. Thereafter, the development shall be carried out in accordance with the approved Design Code.
- (7) Prior to the commencement of development hereby approved, a phasing plan covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.
- (8) Prior to the first occupation of any dwellings on the site, a final Code Certificate, certifying that the dwellings in question achieves Level 4 of the Code for Sustainable Homes shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority.
- (9) No more than 510 dwellings shall be accommodated on the site.

Land contamination and mitigation

- (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.

- (11) 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.
- (12) If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. 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.
- (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.

Landscape, Trees, Maintenance, Public Open Space & Play

- (14) That no development shall take place on a phase identified in condition no. 7, until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
 - (f) details of the proposed tree and shrub planting including their species (which shall be native species of UK provenance), number, sizes and positions, together with grass seeded/turfed areas,
 - (g) 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,
 - (h) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- (15) That all planting (including any supplemental to existing hedgerows), 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 that any trees and shrubs which within a period of five years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

- (16) Prior to the commencement of the development a survey identifying trees to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved survey.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works
- (b) If any tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (17) No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established to protect retained trees.
- (b) a British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan
- (c) the specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
- (d) details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
- (e) details of any levels changes within or adjacent to protection zones;
- (f) details of the surface treatment to be applied within protection zones, including a full specification and method statement;
- (g) the routing of overhead and underground services and provisions for reducing their impact on retained trees.

- (h) a specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme.
- (18) All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.
- (19) Prior to the commencement of the development hereby approved, full details of a method of supervision and programme of works for the landscaping [including POS and play areas], which is appropriate to the scale and duration of the development works (to include the information set out below at (a) to (d) below), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the method of supervision and programme of works shall be carried out in accordance with the approved details.
- (a) developer's 'clerk of works' employed to undertake supervisory/monitoring role of approved landscape works. Applicant/Agent to provide written confirmation and contact details of chosen individual or company
 - (b) relevant persons/contractors to be briefed by project 'landscape architect'/'architect' on all on-site matters relating to the implementation of the approved landscaping
 - (c) timing and methodology of scheduled site monitoring visits to be undertaken by 'clerk of works'
 - (i) procedures for notifying and communicating with the LPA when dealing with unforeseen variations to agreed works.
- (20) Except to allow for the means of access and vision splays the existing hedgerow/trees along the Southam Road boundaries of the site shall be retained and properly maintained at a mature height for trees and not less than 3 metres for hedgerows, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.
- (21) Prior to the commencement of the development hereby approved, a plan showing the existing and proposed levels of the 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 levels.
- (22) Prior to the commencement of the development of any phase identified in condition no. 7, hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority.

- (23) Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems, an appropriate method of mulching and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, 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 details and specifications.

Archaeology

- (24) Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
- (25) Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 25, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Ecology/Biodiversity

- (26) Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, an update to the mitigation strategy for badgers, which shall include details of a recent survey (no older than six months on the date of the submission to the Local Planning Authority), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, 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 details.
- (27) Prior to the commencement of any works on site including works of site clearance or preparation, a full assessment of the impacts on biodiversity and protected/notable species in the light of the proposed final landscape and layout plans shall be submitted for written approval which must include plans for mitigation, timings, details of ecological supervision and working methods and the results of all updated surveys.
- (28) Prior to the commencement of the development hereby approved, including any works of site clearance, a method statement for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity

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

- (29) 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 LEMP shall be carried out in accordance with the approved details.
- (30) The works hereby approved shall be carried out during daylight hours only; ceasing one hour before sunset and not commencing until one hour after sunrise.
- (31) No removal of hedgerows, trees or shrubs shall take place between the 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been 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.

Drainage

- (32) Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, based on sustainable drainage principles and an assessment of the hydrological and hydrological context of the development detailing all on and off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority.

The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following corresponding rainfall event. The strategy shall also provide details of how the scheme shall be maintained and managed after completion. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

- (33) Prior to the commencement of the development, impact studies of the existing water supply infrastructure, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, 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 details.
- (34) Prior to the commencement of the development full details of the foul drainage for the 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 details.

Highway/Access

- (35) Prior to the first occupation of the development, the approved means of access as detailed on drawing nos. 13167-48-3, 13167-48-4 and 13167-48-5 shall be constructed and retained thereafter in accordance with the approved details and all ancillary works specified shall be undertaken and the land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or other material.
- (36) No development shall commence on site for the development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
- (37) Prior to the commencement of the development, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Other

- (38) Prior to the commencement of the development, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.
- (39) All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details
- (40) That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority

- (41) No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.
- (42) Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
- (43) Prior to the commencement of the development full design details of the proposed strategic footpath and its route shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath(s) shall be constructed to adoptable standards unless otherwise agreed in writing by the Local Planning Authority.
- (44) That the reserved matters application(s) for housing development within the northern north eastern and eastern areas of the site must demonstrate that each dwelling can be attenuated to achieve that the World Health Organisations guideline noise value for Living Rooms LAeq(T) = 35dB and Bedrooms LAeq(T) = 30 Db, can be achieved. And that for the outdoor gardens and openspace areas of a noise value 55 dB LAeq(T) or less, can to achieved

Where (T) = the day time period of 16 hrs between 07:00 and 23:00 hrs or the nighttime period of 8 hrs between 23:00 and 07:00 hrs.

In addition there should not be a significant number of exceedances of the LAMAX criteria of 45 dB during the nighttime period.

Where acoustic barriers, bunding, planting or other features are required to achieve these standards, full details of these elements shall be submitted with the application. Thereafter and prior to the first occupation of the affected dwellings and the first use of the common areas, the acoustic barriers shall be installed and retained in accordance with the approved details.

- (45) That details (including the siting) of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved.
- (46) That prior to the commencement of the development hereby approved, full design details of the equipment and layout of the Local Areas of Play (LAPs) and the Local Equipped Area of Plan (LEAP) shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter the LAPs and LEAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

- (47) The details of the layout and construction of the small 10 space car park to the south east of the site including details of its porous surfacing, shall be submitted to and approved in writing to the Local Planning Authority prior the first occupation of the dwellings. The car park shall be provided in accordance with the approved details, prior to the final phase agreed under condition no. 7. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

39 Thornbury House, 40 The Moors, Kidlington OX5 2AL

The Committee considered application ~~12/00395/F~~ 13/00359/F for the erection of 54 Extra Care flats including new access road, communal facilities and car parking.

Councillor Williamson, addressed the committee as Ward Member

Dr Irina Byrson, a local resident, spoke in objection to the application.

Clare Keating, the applicant, spoke in support to the application.

Councillor Emptage proposed that application 12/00395/F be refused. Councillor Lawrie Stratford seconded the proposal. The proposal was voted on and subsequently lost.

Councillor Rose Stratford proposed that the application be approved. Councillor Milne Home seconded the proposal.

In reaching their decision, the committee considered the officers' report, presentation, written update and presentation of the speakers.

Resolved

That application ~~12/00395/F~~ 13/00359/F be approved, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions and the provision of affordable housing.
- b) the following 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.

- (2) Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, design and access statement, ecological survey carried out by Michael Woods Associates dated February 2012, Geo- Environmental site assessment carried out by RSK dated March 2012, drawing numbers BPHA.516.P11, topographic survey drawing and amended drawing numbers BPHA.516.P101, BPHA.516.P102, BPHA.516.P103, BPHA.516.P104, BPHA.516.P105, BPHA.516.P106 and detailed drawing of the site access – sketch showing available widths.
- (3) Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development including samples of each material hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
- (4) Prior to the commencement of the development, full design details of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- (5) Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
- (6) Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- (7) The submitted travel plan statement hereby approved shall be implemented and operated in accordance with the approved details.
- (8) Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
- (9) Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development

works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

- a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
 - b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
 - c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
 - d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
 - e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)
- (10) Prior to the commencement of any approved tree works, any operations that present a risk to retained trees, or any operations to facilitate specialised tree planting (eg: tree surgery, trenching operations close to the Root Protection Areas of retained trees or construction of load-bearing structured cell planting pits), the applicant shall give the Local Planning Authority seven days written notice that works are due to commence.
- (11) Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- (12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the

first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

- (13) No development or any works of site clearance shall be carried out except in accordance with the submitted mitigation strategy outlined within the report 'Great Crested Newts and Reptile Survey, June 2012, Michael Woods Associates'. Any required amendments to this strategy as a result of updated surveys, additional information or licence requirements should be submitted to the Local Planning Authority.
- (14) Prior to the commencement of any works which may affect Great Crested Newts and or their habitat, a detailed mitigation and monitoring strategy shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the approved strategy with any amendments agreed in writing.
- (15) No removal of hedgerows, trees or shrubs shall take place between the 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been 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.
- (16) In the case where the development hereby approved has not commenced within 3 years from the date of the approved Great Crested Newts and Reptile Survey, June 2012, Michael Woods Associates', prior to the commencement of the development hereby approved, a revised Great Crested Newt Survey shall be undertaken to establish changes in the presence, abundance and impact on Great Crested Newts. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (17) Prior to the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, in particular badgers, 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.
- (18) Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method

statement for enhancing biodiversity on site in line with recommendations within Section 6 of the submitted 'Ecological Survey report, Michael Woods Associates, February 2012' and to include provision for swifts shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

- (19) All species used in the planting proposals associated with the development shall be native species of UK provenance.
- (20) Any artificial lighting to be installed along the northern and eastern boundaries of the development should be equipped with directional cowls to limit light spillage off-site. Any exterior security lighting fitted to the new buildings should be on a motion-sensitive timer and also fitted with directional cowls.
- (21) That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- (22) Prior to the commencement of the development hereby approved, 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. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.
- (23) Prior to the commencement of the development hereby permitted, ground gas monitoring and risk assessment, as proposed in the information provided with this application, shall be prepared by a competent person and submitted to and approved in writing by the Local Planning Authority.
- (24) An unacceptable risk from contamination has been identified in information provided with this application. Prior to the commencement of the development hereby permitted, and following the ground gas monitoring and risk assessment required for condition 23 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.
- (25) If remedial works have been identified in condition 24, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 24. 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.

- (26) 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.
- (27) Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
- (28) That service vehicles shall not arrive at or depart from site before 08:00 hours or after 18:00 hours on any day. (Emergency services and other related emergency organizations being exempt).
- (29) The extra care units of accommodation hereby approved shall be occupied only by residents of 55 years of age and over.
- (30) That the development hereby approved shall be used solely for the purpose of extra care accommodation, defined for the purposes of this application as self-contained homes for older people and/or people with disabilities and which enables independent living by providing a range of 24 hour care/support facilities and for no other purposes whatsoever, including any other purpose in Class C2 and C3 of the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Agenda Item 25

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

8 August 2013

WRITTEN UPDATES

Agenda Item 6

13/00291/F

Malt House, Charlton on
Otmoor

- Neighbour at The Old Village Hall has no objections to the amended plans.

Agenda Item 9

13/00502/CDC Crown House

- Environment Agency confirm no objections

Agenda Item 10

13/00656/OUT Land W of Warwick Rd, Banbury

OCC – (Education) clarify that Para 3.21 of the report states that pupil places generated would be 91 Primary, 61 Secondary, 8 Sixth Form and 2 SEN. Although this is stated in the Single Response (OCC), this is likely to change, which would depend on the housing mix and development implemented following reserved matters. S106 would consist of a matrix, which would be based on the current Index Link 1Q 2012 and would be recalculated at implementation. So, if they build a different mix to what the application states, then this would be used to recalculate contributions. So, the pupil numbers and contributions would change.

Wroxton Parish Council – additional comments as the consultation was not received until 27th July (CDC admin error), but the Parish Council unanimously object on the following grounds:

1. Not in Local Plan
2. Urban sprawl linking Banbury to Drayton
3. no planned infrastructure ie doctors, school, hospital etc
4. Considerable impact on visual amenity
5. Potential traffic problems
6. Overdevelopment of area ie. Applications for this area already received totalling in excess of 1000 houses.

Drayton Parish Council – object for the following reasons:

1. This is clearly eroding the strategic gap between Drayton and Banbury, the gap that the Draft Local Plan is suggesting as a green buffer.
2. It will adversely affect views from the Drayton Village Conservation area and destroy the rural landscape between Drayton and the natural barrier of the Warwick Road. This would contribute to the growing urbanisation of the North of Banbury.
3. While further amenities such as the proposed shop are welcome, this

development will put increased pressure on other amenities such as the roads into the North of Banbury. At peak times the Barleymow Junction with the Stratford Road is already congested as is the route through Ruscote Avenue to the Motorway. Schools in the area are at capacity.

4. Proximity to Drayton Leisure would have a negative effect on the golf course business, particularly because of the lighting and late night music licences which could cause disturbance to any new development and may need to be curtailed.
5. The Draft Local Plan is going through an informed and democratic process and the Council should not be considering applications such as this one and the earlier Persimmon Homes application until the Local Plan is finalised. Neither of these sites was identified in the draft local plan and it is considered that once the plan is settled there will be adequate supply of housing from the sites that are identified. There is already one such identified site in Drayton at Bretch Hill.

Further information

The applicant has provided further additional information in support of the proposal in form of:

1. A report from GRN Consulting who specialise in all aspects of golf facility design and operation and have advised in relation to the implications of the proposed residential development in respect of the adjoining golf driving range. It concludes that there is a potential impact upon the residential development in the absence of mitigation from the potential for stray balls and light spillage from the golf driving range at Drayton Leisure Centre. Mitigation would take the form of a high ball-stop net erected along the boundary along with planting and appropriately orientated dwellings.
2. Comments in response to the Council's Anti Social Behaviour Manager which were:

“At 3.6 of the report they mention that Drayton Leisure have planning approval to amend the layout of their site. Is this correct and if so what would be the implications of implementing this permission on the likelihood (sic) of golf balls escaping from the site. The assesement (sic) contained in the report seems (sic) to be made on the basis of the current layout but this is not entirely clear.

The minor changes were approved in April 2011 under LPA Ref: 11/00489/F. These minor changes, which principally relate to the use of the site for touring caravans and which has been implemented, will have no further impact on the proposed development of the application site for housing.

In addition, it is quite clear from GRN's experience, the position of the lighting and the orientation of dwellings, that the issue of light spillage would at most be a minor nuisance to edge of site dwellings until planting matures in those areas where existing gaps occur. That minor nuisance would be quite clear prior to purchase of the property given the existing situation. The issue of landscape planting has been addressed in the LVIA and is a matter to be

secured by condition through REM submissions”.

3. Counsel’s opinion on the 2nd reason for refusal as detailed in the report, which concludes that reasoning is flawed for the following reasons:

“The approach adopted of assuming that the Applicant is responsible for mitigating any problem of this kind is not justified as a matter of legal analysis.

The issue of responsibility for negligent use of adjoining land, or nuisance arising from the use of adjoining land, is well-trodden legal territory:

- a. Any current golf-ball escape from the Golf Centre onto the Application Site may already be a nuisance as a matter of law.
- b. The fact that such golf-ball escape may already be happening, but the owner of the Golf Centre is not doing anything about it, is not a proper basis for seeking to restrict the lawful use that can be made of the Application Site.
- c. The grant of permission for housing on the Application Site in these circumstances would not change the position of principle. The owner of the Golf Centre remains responsible in principle for preventing golf ball escape onto the Application Site, or any liability for such escape, where that escape would otherwise be negligent or constitute a nuisance (which is the Council’s concern).
- d. The legal position would not be altered simply because the housing had been granted permission and constructed after the Golf Centre had started its operations. The Golf Centre has no right to commit nuisance on adjoining land, or to use its land negligently, if that is what is occurring.
- e. Accordingly, the fundamental premise in the reason for refusal that the Applicant is responsible for mitigating the risk of ball escape from the Golf Centre is misconceived. If any problem were to arise from golf ball escape if housing is erected on the Application Site, then the obligation to mitigate that risk would fall upon the Golf Centre, not the Applicant.
- f. If netting is advanced as a solution in the future because the Golf Centre is unable to curtail golf-ball escape by other means, then it will be for the Golf Centre to erect and maintain any such netting and to obtain any necessary consents for such netting, or otherwise be liable for the damages caused by any golf-ball escape amounting to negligence or a nuisance. Accordingly, it is wrong to treat such netting as a necessary part of the Application, or to require it as a condition of the Application.
- g. By the same token, it is wrong to suggest that it is for the Applicant to address the visual impact of any such netting. It would be for the Golf Centre to justify such netting if it is proposed in the future to address a problem. In reality, no such netting may ever be required if the Golf Centre adopts some other solution, such as reorientation of its current arrangements to prevent any continuing nuisance or negligent use. That is a matter for the Golf Centre. It is not the responsibility of the

Applicant or the local planning authority.

- h. On the same principled basis, it is neither reasonable nor consistent with the property rights of the Applicant inherent in the application for planning permission, to seek to prevent the lawful use of the Application Site based on potential unlawful activity at the Golf Centre. The Council's concern relates to activity in the form of golf-ball escape which would be tantamount to negligent use or a nuisance in accordance with the principles in *Miller v Jackson*. A negligent use or a nuisance of this kind by the Golf Centre will not be lawful under the common law. It cannot be right to restrict the Applicant's proposed lawful use of the Application Site on that basis.

For these reasons, I consider that the approach adopted in the Officers' report and in the draft reason for refusal are potentially flawed. The legal position is that the Golf Centre will be responsible for any risks that might occur from golf ball escape to adjoining land, including any housing if it is permitted under the Application.

Equally, I do not consider that any consequential effect on the Golf Centre in this respect can properly form a basis for a valid objection to the Application so far as the local planning authority is concerned. The planning system should not be used so as to prevent the otherwise lawful development of land merely in order to protect continuation of a use on adjoining land if that use involves negligence or nuisance adversely affecting the land for which planning permission is sought.

However, even if that were not the case, there is an even more fundamental reason why the local planning authority's stance is not reasonable in these circumstances. I understand that the applicant, Miller Strategic Land, is in fact prepared to take responsibility for the erection and maintenance of golf netting to mitigate the effect of the Golf Centre in this location. Accordingly, it is clear that there will be no material effect on the Golf Centre and its operations, notwithstanding the analysis as to where legal responsibility lies (as set out above)."

4. Observations upon Cherwell Council's Assessment of the 5 yr housing land supply position, which questions "the council's assumption that they are able to demonstrate a deliverable five year supply of housing land is misleading in so far as (i) the annualised requirement does not form part of the development plan and is yet to be tested; (ii) The Council's methodology for calculating the five year requirement does not meet best practice which adopted the Sedgefield approach, which method has been supported by the Secretary of State and Appeal Inspectors; and (iii) the assumptions about annualised delivery rates are likely to be overly optimistic particularly when evidenced against past trends over a 16 year period.

Having regard to the foregoing, the principal issue to be debated in the consideration of the application for the development of up to 300 dwellings at the application site is whether the Council is able to demonstrate a five year supply of deliverable housing land and if it is not, whether, in accordance with the content at paragraph 154 of the NPPF, any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits".

Banbury is the most sustainable location in providing for development within the District.

The site is within walking distance from the town centre and local services and facilities. It is also well served by bus services and the quantum of housing development proposed (300 dwellings) can help support an improved bus service frequency to the benefit of the part of Banbury, providing an enhanced public transport offer for existing and future residents. As acknowledged by Stagecoach this represents a material benefit of significant weight in determining the application.

Cherwell do not have an up to date Local Development Plan. The presumption in favour of sustainable development should thus be applied in accordance with paragraphs 47 and 49 of the NPPF”.

Planning Policy response to 5 year land supply issue

“There are two simple points of substance:

1. Whether it is appropriate to apply the former SEP requirements in the calculation;
2. Liverpool vs Sedgefield.

1. The Council considers that this is the most appropriate housing requirement to be used in the 5 year land supply calculation ahead of completion of the Local Plan. The evidence base behind the SEP was tested at Examination. The requirement is also broadly in line with both 2008 and 2011 interim household projections.
2. Liverpool vs Sedgefield. There is no prescribed methodology for addressing shortfalls in the 5 year land supply calculation. In Cherwell, it would not be appropriate for the current shortfall in delivery to be entirely made up within the next 5 years. Without prejudice to the Council's view on whether there has or has not been 'persistent' under-delivery, the purpose of the 20% buffer is to bring forward additional development in circumstances of under-delivery. Providing a 20% buffer and being made to make up the entire shortfall within 5 years when the Council is planning for growth, bringing major sites forward in the interests of significantly increasing delivery, and, has another 18 years left of its Plan period for delivering further growth, would be entirely unnecessary”

Revised recommendation and reasons for refusal

- a) That it is resolved that in accordance with the provisions of Regulation 24 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 that this report is accepted as setting out the main reasons, considerations and measures of mitigation proposed with regard to the ES.
- b) That the application be refused for the following reasons:
 1. As per report
 2. In the absence of a detailed design, the Local Planning Authority is not convinced that the erection of a 20m high net along approx. 200m of the western boundary of the site will not have adverse landscape impact,

detrimental to the amenity of the locality. Furthermore, without satisfactory mitigation to prevent ball escape from the adjacent Drayton Leisure Golf Centre into the site, the proposal would result in an incompatibility of land uses that would cause harm to the amenities and safety of occupiers of the proposed development contrary to Policy C7, C13 and C31 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

3. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policies OA1, TR4, R8 and R10A of the Non-Statutory Cherwell Local Plan 2011, Policy INF1 of the Proposed Cherwell Local Plan Proposed Submission Draft March 2013 and government guidance contained within the National Planning Policy Framework.

Agenda Item 12 13/00740/F Building 74 Heyford Park, Upper Heyford

1. The report should be amended by
 - Section 5 should be headed Planning History
 - Para 6.40 should be deleted
2. Meeting held with applicants and OCC(Highways) on Monday. As a result we have received an amended plan.

Main changes:
 - This now shows additional car and cycle parking spaces... 50 cars...124 cycles.
 - A new pedestrian access to Camp Road and path
 - Improved crossing points over the internal road
3. OCC (Highways) re-consulted and instant responses obtained. Scheme improved but County holding objection still in place

The main issues/changes still required:
 - Some of the parking spaces are too small
 - Those in front of the main building need to be allocated for visitors for reasons of access and as they will be used less so not impede the view of it
 - 2 cycle stores in front of Building 74 detract from it. Remove and provide Sheffield stands elsewhere
 - It is unclear the number of stands proposed is accurately portrayed
 - The "zebra crossings" should be a bit more aesthetic... different surface treatment rather than black/white stripes
 - Path may need to be modified.
4. Other issues;

An updated Transport Statement is still awaited before County will withdraw their obj.
5. Conditions
 - C 11-Applicants have asked for this to be "Prior to occupation....." This is acceptable
6. The applicants intend to submit for discharge of conditions straight away although the

s106 will not be sorted (Meeting with County/Applicants next week.) Applicants seek the Committee to authorise the officers to vary the conditions attached to the finally issued decision to reflect progress in clearing conditions. Again the HPPDM considers this acceptable

Agenda Item 15 **13/00868/F** **Land W of Hornton Hall, Hornton**

Application withdrawn

Agenda Item 16 **13/00896/ADV** **Bicester Town Centre development**

- Bicester TC - Object to the application because the proposed signage faces residential properties

Agenda Item 17 **13/00978/ADV** **Bicester Town Centre development**

- Bicester TC - No objection

Agenda Item 19 **13/00963/F** **Banbury Cross Retail Park**

- Banbury TC - No objection

Agenda Item 21 **13/00444/OUT** **Land N of Withycombe Farm, and West of Edinburgh Way, Banbury**

- The applicant's agent has confirmed that they have now received two further positive responses from residents on Edinburgh Way with regard to the provision of a free driveway/dropped kerb – please see the attached response forms.

They state that the updated position is now:

- 10 dwellings on the relevant stretch of Edinburgh Way.
- 4 dwellings spoken to in person and a positive response received.
- 6 dwellings were not in and letters were left for homeowners.
- 3 further dwellings (no 17, 9 and 8) have now provided positive written responses.
- Therefore we have now had a 70% response rate, and all responses have been positive.
- The proposal for providing free driveways/dropped kerbs is therefore a viable option

Annex not attached to report

TECHNICAL NOTE

Date: 26.07.13

Project: Land North of Withycombe Farm and West of Edinburgh Way

Title: PJA0794/TN03: Edinburgh Way Parking

1. Introduction

1.1 On 11th July 2013 Cherwell District Council Planning Committee resolved to grant planning permission for the development of land to the north of Withycombe Farm and to the west of Edinburgh Way, for up to 400 dwellings. As part of this process, the Members of the Planning Committee have asked the applicant (Bloor Homes) to consider what further measures could be implemented on Edinburgh Way, to reduce the number of cars parked on-street. Phil Jones Associates (PJA) has been instructed by Bloor Homes to identify further measures to alleviate the concerns of Members.

2. Purpose of this note

2.1 The purpose of this note is to present further information in relation to the current levels of on-street parking on Edinburgh Way, and to set out proposals for the provision of additional off-street parking over and above the strategy set out in the planning application, for the consideration of the Members. The remainder of this note sets out:

- **The vehicular access strategy for the site;**
- **The rationale for providing a secondary access on Edinburgh Way;**
- **Proposals for new off street parking spaces on Edinburgh Way as set out in the planning application;**

- **Details the volume of development traffic that would use Edinburgh Way;**
- **A summary of current parking levels on Edinburgh Way;**
- **Details what further measures are proposed in order to provide additional off-street parking; and**
- **A summary of consultation with residents of Edinburgh Way in relation to the additional proposals.**

3. Vehicular access strategy

3.1 Primary vehicular access to the development will be taken from Bretch Hill south of Stratford Road, between Berkeley Close and Bramber Close. A minor secondary access will be taken from Edinburgh Way which provides twelve new parking spaces.

4. Rationale for two points of vehicular access

4.1 The provision of access points on both Bretch Hill and Edinburgh Way is considered to be desirable both in respect of movement and place setting. It is desirable for developments of this size to have at least two access points to provide permeability and connectivity. This also has the practical benefit of avoiding a concentration of additional traffic on the network, which could result in unwanted congestion and provides a choice of routes for emergency service vehicles.

4.2 It is also important that the development is not isolated, but instead is integrated with the existing urban area. In a reference to this development, the emerging Local Plan states:

“Land west of Bretch Hill will be developed with up to 400 homes to provide an integrated extension to the Bretch Hill area, to provide a mix of housing together with physical and social infrastructure”.

4.3 As a result, the masterplan has been created to ensure there is integration between the proposed development and Bretch Hill, this includes pedestrian links to the east of the site joining Highclere Gardens; Dover Avenue; Appleby Close and Bretch Hill

and vehicular & pedestrian accesses to Edinburgh Way and Bretch Hill.

4.4 These connections provide direct links to local facilities (such as the Sunshine Centre) and potential new facilities, (as illustrated in drawing 441 rev G). It is considered that not making these connections would run contrary to good urban design principles and the emerging planning policy.

4.5 It is also important that the main route through the site is connected (between Bretch Hill and Edinburgh Way), which will allow movement through the site via a sequence of spaces which supports the legibility of the development. Restricting this flow to a single point of access would only reduce the legibility, permeability and connectivity of the site. Therefore the internal road layout will be designed to discourage through-traffic between the two site access points, with the secondary access at Edinburgh Way being created to focus on traffic from the southernmost part of the site. The details of the internal layout will be subject to reserved matters approval.

5. Quantification of development traffic using edinburgh way

5.1 With respect to the concerns raised during the public consultation and by Members, it is appropriate to quantify existing levels of traffic on Edinburgh Way, and consider the increase as a result of traffic generated by the development proposals.

Existing Levels of Traffic on Edinburgh Way

5.2 Edinburgh Way is a relatively lightly trafficked road and carries less than 100 vehicles per hour during the peak hours of 08:00-09:00 and 17:00-18:00. In 2030 the modelling work undertaken as part of the Transport Assessment predicts the following traffic flows without the development:

- **87 vehicles per hour during the morning peak hour – this is equivalent to less than two vehicles per minute.**
- **66 vehicles per hour during the evening peak hour – this is equivalent to just over one vehicle per minute.**

Traffic Generated by the Development Proposals

5.3 The Transport Assessment sets out the number of additional vehicles generated by the development proposals that would use Edinburgh Way during the peak hour periods of 08:00-09:00 and 17:00-18:00:

- **During the morning peak hour it is predicted that 77 additional vehicles would use Edinburgh Way – this is equivalent to less than two vehicles per minute.**
- **The majority of vehicles wishing to route north of the site are likely to use the primary site access on Bretch Hill. The modelling reflects this as 83% (64no) of these new trips would route to/from the south of the site access on Edinburgh Way.**
- **During the evening peak hour it is predicted that 90 additional vehicles would use Edinburgh Way – this is equivalent to less than two vehicles per minute.**
- **Similarly to the direction of flow in the morning peak hour, the majority of vehicles wishing to route north of the site are likely to use the primary site access on Bretch Hill. The modelling reflects this as 83% (75no) of these new trips would route/to from the south of the site access on Edinburgh Way.**

Summary of Traffic Using Edinburgh Way

5.4 Existing levels of traffic on Edinburgh Way are relatively low and equate to less than two vehicles per minute during peak hour periods. The level of traffic generated by

the development on Edinburgh Way would equate to less than two additional vehicles per minute during peak hour periods. 83% of the traffic generated by the development proposals would route to/from the south of the site access on Edinburgh Way.

6. Provision of additional off-street parking spaces on edinburgh way set out in The planning application

6.1 During the public consultation process some concern was expressed by local residents regarding the existing level of on-street parking on Edinburgh Way in close proximity to the proposed location of the secondary access. In response to these concerns, a strategy was developed to provide additional off-street parking spaces on Edinburgh Way. PJA drawing no: 794-11 shows the location of the additional parking to be provided:

- **12 new off-street parking spaces as part of the secondary access to provide parking for properties fronting the access road which currently don't have frontage driveways.**
- **16 new off-street parking spaces within the highway verge immediately to the north and south of the secondary access, these spaces are for dwellings which don't currently have frontage driveways in these locations.**

6.2 The strategy for providing additional off-street parking spaces has therefore been tailored to reflect the dwellings which don't currently have frontage driveways on Edinburgh Way.

7. proposed further measures to reduce on-street parking on edinburgh way

7.1 In response to the concerns raised by Members in relation to the existing on-street parking on Edinburgh Way, PJA has held discussions with officers from Cherwell

District Council and Oxfordshire County Council in order to identify what further measures could be implemented to reduce the levels of on-street parking.

7.2 The following principles were established:

- **A parking survey should be undertaken to determine the precise location of cars parked on-street; this should be undertaken early in the morning before residents had left for work, school, etc.**
- **The available carriageway/footpath width does not allow for the provision of parking bays half in the carriageway, half in the footway. Therefore the provision of frontage driveway/dropped kerbs should be considered for properties which have direct access to Edinburgh Way, but don't currently have such facilities.**
- **Properties on the section of Edinburgh Way to the south of the site access and the approach to the Bretch Hill junction should be targeted as this is the section of carriageway on which the majority of the traffic from the new access will route along.**

Parking Survey

7.3 A parking survey was undertaken at 06:00 on Tuesday 23rd July 2013 to establish the volume and location of vehicles parked on-street on Edinburgh Way, PJA drawing no: 794-10 indicates where vehicles currently park. In mind of the location of the site access and the propensity for traffic to route south from the access, the key findings are:

- **Cluster A: To the north of the site access cars are parked on-street in the area adjacent to the grassed area outside**

properties 61, 63, 65, and 67 Edinburgh Way. This is an area where properties do not have driveways/dropped kerbs as they have no direct access to Edinburgh Way.

- Cluster B: Adjacent to the grassed area where the site access would be constructed, cars are parked on-street on Edinburgh Way as these properties do not have driveways/dropped kerbs as they have no direct access to Edinburgh Way.
- Cluster C: To the south of the site access, cars are parked adjacent to the grassed area outside properties 32, 34, 36, and 38 Edinburgh Way, this is an area where properties do not have driveways/dropped kerbs as there is no direct access to Edinburgh Way.
- Cluster D: To the south of the site on the approach to Bretch Hill, cars are parked on-street outside properties 1, 3, 5, 7, 9, 11, 13, 15, and 17 Edinburgh Way.

7.4 The 28 additional off-street spaces proposed as part of the application (drawing no: 794-11) provide parking areas for those vehicles in clusters A, B and C and will therefore provide on-street parking in these areas.

7.5 For cluster D, the proposals set out in the application may not directly address the parking in this location, therefore further consideration has been given to how these vehicles could be accommodated off-street.

Proposed Additional Measures to Reduce On-street Parking on Edinburgh Way

7.6 It has been noted from site observations, that ten properties on the section of Edinburgh Way running south of the site access to the junction with Bretch Hill, do not currently benefit from either dropped kerbs or driveways. The location of these properties

is shown in drawing no: 794-12.

7.7 In consideration of the findings of the parking survey and the concerns raised by Members, the applicant has confirmed that they are willing to fund the construction of dropped kerbs and driveways for the properties highlighted above, in order to remove additional vehicles currently parking on Edinburgh Way.

Consultation with Residents

7.8 To understand the views of the relevant residents with regard to the proposals for constructing dropped kerbs/driveways at the expense of the applicant, a consultation exercise was undertaken on the evening of Tuesday 23rd July 2013:

- **PJA spoke with residents at 3, 5, 6, and 14 Edinburgh Way, and all of these residents signed a form confirming that they would be interested in a dropped kerb and driveway being provided.**
- **For the remaining properties a letter and application was posted through the letterbox.**
- **Number 8 Edinburgh Way has since returned the application form and stated that they would also be interested in a dropped kerb and a driveway being provided.**

7.9 At present the response rate from the relevant properties is 50% and these residents have all indicated that they would be interested in a dropped kerb and driveway being provided. It is anticipated that further responses will be received in due course.

7.10 It is therefore concluded from the consultation responses obtained to date, that residents that would qualify for a free dropped kerb/driveway would be interested, and it is therefore considered that the funding of this measure would be effective in further reducing levels of parking on Edinburgh Way.

7.11 Drawing no: 794-14 shows the location of existing parked vehicles on Edinburgh

Way, the additional parking proposed as part of the planning application, and the locations where new dropped kerbs/driveways would be provided if the applicant's offer were accepted. It is clear that the combination of measures proposed, would result in parking spaces being available for all cars which currently park within the highway in the areas immediately adjacent to the site access, and south of the site access on the route to Bretch Hill.

8. Summary

8.1 The access strategy for the site comprises two access points; the primary access being on Bretch Hill; and the secondary access being on Edinburgh Way.

8.2 The rationale for the provision of two access points has been presented, and it has been demonstrated that the strategy is desirable both in respect of movement and place setting.

8.3 Existing levels of traffic on Edinburgh Way equate to less than two vehicles per minute during peak hour periods. The level of traffic generated by the development on Edinburgh Way would equate to less than two additional vehicles per minute during peak hour periods. 83% of the traffic generated by the development proposals would route to/from the south on Edinburgh Way towards the junction with Bretch Hill.

8.4 28 new parking spaces are proposed as part of the planning application, it has been demonstrated that these spaces are well related to dwellings that don't currently have frontage driveways on Edinburgh Way.

8.5 In consideration of the findings of the parking survey, it is acknowledged that the spaces proposed as part of the application, may not address the cluster of cars parked on-street on the approach to the Bretch Hill junction.

8.6 In consideration of the findings of the parking survey and the concerns raised by Members, the applicant has confirmed that they are willing to fund the construction of dropped kerbs and driveways for the properties on the on the section of road south of the site access leading to the junction with Bretch Hill. The purpose of this is to remove additional vehicles currently parking on Edinburgh Way.

8.7 Consultation with relevant residents, has demonstrated that people would be

interested in receiving a free dropped kerb/driveway. Therefore the proposals by the applicant are implementable and would reduce the number of cars parked on Bretch Hill.

In summary, the combination of measures proposed would result in parking spaces being made available for all cars which currently park within the highway in the areas immediately adjacent to the site access, and to the south of the site access on the section leading to Bretch Hill. It is therefore hoped that the information set out in this note and the further measures proposed by the applicant will address the concerns raised by M