Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 6 February 2014 at 2.00 pm

Present: Councillor Rose Stratford (Chairman)
Councillor Alastair Milne Home (Vice-Chairman)
Councillor Andrew Beere
Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Gordon Ross
Councillor Trevor Stevens
Councillor Lawrie Stratford

Substitute Members:
Councillor Douglas Williamson (In place of Councillor Tim Emptage)
Councillor Barry Wood (In place of Councillor Ken Atack)

Apologies for absence:
Councillor Ken Atack
Councillor Tim Emptage

Officers:
Bob Duxbury, Development Control Team Leader
Laura Bailey, Principal Planning Officer
Rebekah Morgan, Planning Officer
Kevin Lane, Head of Law and Governance / Monitoring Officer
Natasha Clark, Team Leader, Democratic and Elections

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Declarations of Interest

Members declared interests in the following agenda items:

7. Land to the Rear of The Methodist Church, The Fairway, Banbury.
Councillor Alastair Milne Home, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.
Councillor Barry Wood, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

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

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

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

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

9. Land NE of Crouch Hill Farm adjoining Broughton Road, Banbury.
Councillor Alastair Milne Home, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

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

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

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

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

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

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

Councillor Colin Clarke, Non Statutory Interest, as Cherwell District Council's appointed outside body representative to The Mill Community Education and Arts Centre and Vice-Chairman of its Executive Committee and would leave the meeting for the duration of the item.

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.
Councillor Gordon Ross, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

11. Paternoster Farm, Cassington Road, Yarnton.
Councillor Michael Gibbard, Declaration, as the applicant was known to him personally.

Councillor Trevor Stevens, Disclosable Pecuniary Interest, as the applicant.

12. International Applications, 18B Wildmere Road, Banbury, OX16 3JU.
Councillor Alastair Milne Home, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

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

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

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

14. Calthorpe House, 60 Calthorpe Street, Banbury.
Councillor Alastair Milne Home, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

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

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

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

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

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

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor Barry Wood, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.
Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor James Macnamara, Declaration, as he had discussed the application with the Parish Council and Housing Service.

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

18. Land South of 20 and North of 22 St Georges Crescent, Banbury. Councillor Alastair Milne Home, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

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

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

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

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

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

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

19. British Bakels, Granville Way, Bicester. Councillor D M Pickford, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

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

20. Orchard Lodge, Cope Road, Banbury. Councillor Alastair Milne Home, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.
Councillor Barry Wood, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

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

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

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

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

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

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

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

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

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

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

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

22. Site of Former Playground, Woodpiece Road, Upper Arncott.
Councillor Barry Wood, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor D M Pickford, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.
Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and would leave the meeting for the duration of the item.

27. Tadmarton Road, Bloxham.
Councillor G A Reynolds, Declaration, as a relative lived in close proximity to the site and may be affected by the proposed development.

Requests to Address the Meeting

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

Urgent Business

There was no urgent business.

Minutes

The Minutes of the meeting held on 9 January 2014 were agreed as a correct record and signed by the Chairman.

Chairman’s Announcements

The Chairman made the following announcements:

1. A revised running order for the meeting had been tabled with the written update.

2. The officers’ recommendation for agenda item 17, application 13/01768/F, OS Parcel 8300 East of Deene Close, Aynho Road, Adderbury, had changed from approval to a recommendation for deferral to enable re-consultation with local residents and the Parish Council on the revised scheme.

   Councillor Rose Stratford proposed that consideration of application 13/01768/F be deferred to enable re-consultation with local residents and the Parish Council on the revised scheme. Councillor Milne Home seconded the proposal.

   Resolved

   That consideration of application 13/01768/F be deferred to enable re-consultation with local residents and the Parish Council on the revised scheme.

Land Adjacent to Oxford Canal, Spiceball Park, Banbury

The Committee considered application 13/01601/OUT, outline planning permission for the redevelopment of land adjacent to the Oxford Canal
comprising; the demolition of the Castle Quay Shopping Centre northern car
park and the General Foods Sports and Social Club; change of use of part of
the ground floor of the Castle Quay Shopping Centre southern car park and
associated works; the erection of a retail food store (Use Class A1), hotel
(Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3
and A4) and altered vehicular and pedestrian accesses, landscaping,
construction of infrastructure, car parking and associated works, including
glazed canopy over the Oxford Canal and the construction of pedestrian/cycle
bridges over the Oxford Canal and River Cherwell. Details of new vehicular
access off Cherwell Drive and alterations to Spiceball Park Road, land
adjacent to the Oxford Canal Spiceball Park Road, Banbury.

Chris Wardley, on behalf of the Inland Waterways Association (Oxfordshire
branch), Rob Kinchin-Smith, Banbury Civic Society and Thelma Jones, a local
resident addressed the Committee in objection to the application.

David Smith, agent for the applicant, addressed the Committee in support of
the application.

In reaching their decision the Committee considered the officers’ report,
written update and presentation and the presentations of the public speakers.

Resolved

That application 13/01601/OUT be approved, subject to:

(a) The completion of a legal agreement to secure financial contributions.

(b) Referral to the Secretary of State.

(c) The following conditions:

TIME
1. No development shall commence 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. In the case of the reserved matters, application for approval shall be
made not later than the expiration of three years beginning with the
date of this permission.

3. The development to which this permission relates shall be begun not
later than the expiration of two years 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.

PLANS
4. Except where otherwise stipulated by conditions attached to this
permission, the development shall be carried out strictly in accordance
with the following plans and documents: Drawing No. OP-01 Site
boundary, OP-02 Demolition, OP-03 Excavation, OP-04 Land use
(Level 0), OP-05 Land use (Level 1), OP-06 Land use (Level 2), OP-
ENVIRONMENT AGENCY

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) BMW/388/FRA rev A undertaken by BWB Consulting dated 11th October 2013 and the following mitigation measures detailed within the FRA:
   - The operational areas of the ground floor food store set be set above the 1 in 100 year plus 20% flood level
   - Flood resilient construction techniques to be included for all development up to the 1 in 1000 year undefended flood level

6. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

7. Prior to approval of Reserved Matters a final flood management and level for level floodplain compensation scheme shall be submitted to and approved by the Local Authority. Level or level floodplain compensation shall be implemented in line with the scheme proposed on plan Floodplain Compensation Analysis at Former Leisure Centre BMW/388/WSK12 P1

8. No development shall take place until a scheme for the enhancement of the River Cherwell is submitted and agreed to in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The schemes shall include:
   - The creation of meanders within the channel of the River Cherwell to the North and South of the site
   - The removal of young sycamore trees aligning the bank and replace with native shrubs and larger native trees set back from the top of the bank
   - The placement of grave within the channel.
   - The creation of small backwaters, joining the River Cherwell
9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

ARCHAEOLOGY

10. Prior to any demolition on the site and the commencement of the development a professional archaeological organisation acceptable to the local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

11. Prior to any intrusive works taking place on the site and following the approval of the first stage Written Scheme of Investigation referred to in condition 10, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

12. Prior to any intrusive works taking place on the site and following the completion of the archaeological evaluation, investigation and recording referred to in condition 11, a report of the archaeological evidence found on the application site and full details of a second stage Written Scheme of Investigation based on the findings, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the Local Planning Authority.

13. Prior to any intrusive works taking place on the site (other than in accordance with the second stage Written Scheme of Investigation) and prior to the commencement of the development the further programme of archaeological investigation shall be carried out and fully completed in accordance with the second stage Written Scheme of Investigation approved under condition 12. All post excavation work including all processing, research and analysis necessary to produce an accessible and useable archive and its deposition, and a full report for publication, shall be submitted to the Local Planning Authority in accordance with the second stage Written Scheme of Investigation approved under condition 12 as soon as practically possible after the completion of the on-site investigation.

ECOLOGY

14. An avoidance and mitigation scheme for nesting birds and reptiles, based on the measures detailed in the 2013 WSP ecological survey report shall be submitted to and approved by the Local Planning Authority before development commences. All works to proceed in accordance with the approved scheme.
15. An ecological enhancement scheme, based on the measures detailed in the 2013 WSP ecological survey report and including nesting provision for swifts and enhancement of the river channel shall be submitted to and approved by the Local Planning Authority before development commences. All works to proceed in accordance with the approved scheme.

ABORICULTURAL

16. Submit Landscaping Scheme
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.

17. Retained Tree
a) No retained tree shall be cut down, uprooted, damaged 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 retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this permission.

18. Arboricultural Method Statement (AMS)
Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837 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.

19. Planting Pits (hard landscaped areas)
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 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.

20. **Planting Pits (soft landscaped areas)**

Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, 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.

**NOISE**

21. Prior to the commencement of the development hereby approved, full details of on-site noise measurements and agreed environmental noise limits for the development shall be submitted to and approved by the Local Planning Authority. Thereafter, and prior to the first occupation of the buildings hereby approved, the buildings shall be shall be insulated and maintained in accordance with the approved details.

**DRAINAGE**

22. 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".

**USE**

23. Where applicable, the premises shall be used only for purposes falling within Class A3 and A4 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

**PHASING**

24. To be confirmed

(d) The following conditions recommended by Oxfordshire County Council, with authority delegated to the Head of Development Management to critically examine the wording and the applicability of some on the outline consent:

**Legal Agreement required to secure:**

- ☐ S38 Agreement – adoption of private land for use as public highway
□ S278 Agreement – works on the public highway (realignment of Spiceball Park Road carriageway, replacement of the roundabout at the south end of Spiceball Park Road, new pedestrian infrastructure, traffic calming features, road markings, street-lighting, drainage, highway signage, bus stop on Cherwell Drive, new bus shelter and bus stop markings, pedestrian crossing improvements and installation of SCOOT traffic signal system for Castle Street/ Southam Road corridor)
□ S106 Agreement – transport / highway financial contribution of £6,923,017 index-linked required (see separate justification)

Highway Conditions:
If the planning authority is minded to approve the application, the following conditions are required in addition to the aforementioned legal agreements / planning obligations:

Access – Cherwell Drive
□ Grampian Condition – No reserved matters or full application to be submitted until full details of the proposed servicing access from Cherwell Drive, to include a road safety audit, structural report and detailed plans, are submitted for consideration and approval.

Roundabout and servicing/ delivery provision
□ Grampian Condition – No reserved matters or full application to be submitted until full details of the proposed replacement roundabout on Spiceball Park Road and access, parking and turning arrangements for servicing and delivery vehicles are submitted for consideration and approval.

Access: Full Details
□ Prior to the commencement of the development, 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.

Turning Area and Car Parking
□ Prior to the commencement of the development, full specification details (including construction, layout, surfacing and drainage) of the turning areas and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Highway infrastructure works details
□ Prior to the commencement of the development, full details of the works to be carried out on the public highway, including realignment of the carriageway of Spiceball Park Road, replacement of the roundabout at the south end of this road, provision of new pedestrian infrastructure, traffic calming features, road markings, street-lighting, drainage, highway signage, bus stop on Cherwell Drive, bus shelter, road markings and pedestrian crossing must be submitted to and approved in writing by the Local Planning Authority. Thereafter, and
prior to the first occupation of the development, the highway works must be constructed in accordance with the approved details.

**Highway signage strategy**
- Prior to first use of the development, a highway signage strategy must be submitted to, and approved in writing by, the Local Planning Authority. The agreed signage strategy must be fully implemented prior to first use of the development.

**Cycle Parking Provision**
- Prior to the first use or occupation of the development, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

**Access to Adjoining Land**
- Provision shall be made within the layout for vehicular and/or pedestrian access to serve the land adjoining to Mill Arts Centre, Castle Quay shopping centre and riverside path.

**No Surface Water Drainage to Highway/ Neighbouring Properties**
- Prior to the commencement of the development hereby approved, full details of a SUDS drainage scheme to prevent any surface water from the development discharging onto the adjoining highway or neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme shall be implemented and retained in accordance with the approved details.

**Construction Traffic Management Plan**
- Prior to the commencement of development, a construction traffic management and phasing plan must be submitted to, and approved in writing by, the District Planning Authority. The construction works must be carried out in accordance with the details approved in the construction traffic management plan. Reason: To mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

**Pedestrian Access**
- During the opening hours of the Castle Quay 2 the main pedestrian routes through the adjacent Castle Quay Shopping Centre must remain open so as to facilitate pedestrian access to and from the town centre and Bridge Street

(e) Delegation to officers to undertake further discussions with the applicants about the heads of terms and infrastructure payments sought by OCC and subsequently being agreed by the Chairman;
(f) Delegation to officers for the further examination of the issue of car parking, including the receipt of further information on the extent of the existing spare capacity within the town centre car parks, and that the scheme shall only be approved upon the Head of Development Management being satisfied with the outcome of this analysis and agreed with the Chairman.

198 Cotefield House Hostel, Oxford Road, Bodicote

The Committee considered application 13/01466/F for the conversion of 2 ground floor apartments into 6 apartments, including renovation of existing ancillary buildings.

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

Resolved

That application 13/01466/F be approved, subject to 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 and drawings numbered: 13004.100, 13004.202, 13004.203 and 13004.204.

3. The materials to be used for the conversion of the outbuildings hereby approved shall match in terms of colour, type and texture those used on the existing building.

4. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and nine parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

5. Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be
The Committee considered application 13/01528/OUT, an outline application for a residential development including means of access from Broughton Road.

Councillor Kieron Mallon addressed the Committee as local ward member.

Councillor Blackwell proposed that application 13/01528/OUT be refused as the development represented a departure from policy. Councillor Reynolds seconded the proposal. The motion was duly voted on and subsequently lost.

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

Resolved

That application 13/01528/OUT be approved subject to:

(i) the satisfactory completion of a S106 agreement (delegated to officers to negotiate the detail of)
(ii) 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 one year 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 in accordance with the planning application forms and certificates, Design and Access Statement and reports and surveys submitted with the application and the following drawings:
   - Application Site Location Plan
   - Illustrative Layout/Concept plan Revision D
   - Proposed Access Design and Visibility Splays No. DWG-01
5. 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.

**Land Contamination and mitigation**

6. 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.

7. If contamination is found by undertaking the work carried out under condition 6, 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.

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. 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.

9. 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**
10. No development shall commence until a full Arboricultural Survey, Method Statement (AMS) and Arboricultural Impact Assessment, tree protection plan and report on all existing trees and hedgerows within and around the perimeters of the site has been submitted to and approved in writing by the Local Planning Authority. The survey and report shall include details of all the trees and hedgerows to be removed and those to be retained and the method of protection of the retained trees and hedgerows during the course of development. The tree and hedgerow retention and protection shall be implemented in accordance with the approved scheme.

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 hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
(c) details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwellings.
(d) details of the public art to be incorporated into the scheme. Thereafter, the approved public art scheme will be installed prior to the first occupation of the dwellings.

12. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with an agreed programme of works; 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.

13. 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.

Archaeology

14. Prior to 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.
15. Prior to the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 14, 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**

16. The development hereby approved shall be carried out in accordance with the recommendations set out in the Ecological Appraisal carried out by Echolocation dated 08.08.13.

17. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance or the translocation of any reptile, a reptile survey (which shall be in accordance with best practice guidelines) shall be carried out, and the findings, including a mitigation strategy if required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works of mitigation shall be carried out in accordance with the approved details.

18. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) and a method statement for protected species and biodiversity enhancements on site together with the long term maintenance 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.

19. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st 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.

20. Prior to the commencement of the development hereby approved, including any demolition and 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, and any removal of topsoil, 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.

**Drainage**
21. Prior to the commencement of the development hereby approved, full details of a drainage strategy detailing all on and/or off site drainage works (including foul and surface water drainage), based on sustainable drainage principles and a scheme to manage the rate and volume of surface water discharge in accordance with the Flood Risk Assessment (FRA) Broughton Road, Banbury (Banners Gate Ltd, May 2013) has been submitted to and approved in writing by, the local planning Authority.

In accordance with the FRA the scheme shall specifically:

• limit discharge rates from the site to no greater than 8l/s for all events up to an including the 1% annual probability design storm event including a 30% allowance for climate change.
• include a range of sustainable drainage techniques, including but not limited to ponds and swales.

Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy. No discharge of foul or surface water from the site shall be accepted in the public sewer system until the drainage works referred to in the strategy have been completed. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

22. 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.

Highway/Access

23. That prior to the commencement of development a programme of works shall be submitted to and approved in writing by the local planning authority detailing the approved means of accesses, in accordance with drawing no. DWG-01, 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 of a height exceeding 0.60m measured from the carriageway level.
24. No development shall commence on site for the development until a Construction Management Travel Plan (CMTP) providing full details of the phasing of the development and addressing each construction activity within each phase and a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents, has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). The CMTP 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 Plans shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

25. 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

26. 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.

27. 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

Paternoster Farm, Cassington Road, Yarnton

The Committee considered application 13/01615/F, a retrospective application for a change of use of a farmyard building to farm shop and the provision of overhead canopies.

In reaching their decision the Committee considered the officers’ report, written update and presentation.
Resolved

That application 13/01615/F be approved subject to the following conditions:

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Forms, Site Location Plan TS/PF/01, Site Layout plan TS/PF/04, Floor Plan TS/PF/03a and Front Elevation Farm shop photo forms received with the application.

2. At the expiration of 5 years from the date hereof the canopies (identified in green on the attached plan) shall be removed from the site and the land permanently thereafter.

3. Retail floor space shall be restricted to 50 square metres unless other permitted by the Local Planning Authority.

4. Prior to the first occupation of the development hereby approved, a turning area and 6 car parking spaces shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction and vehicles may park off the highway. The turning area and parking spaces shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter the turning area and car parking spaces shall be retained in accordance with this condition for the parking and manoeuvring of vehicles at all times.

International Applications, 18B Wildmere Road, Banbury, OX16 3JU

The Committee considered application 13/01652/F for an extension to create additional warehouse and office facilities.

In reaching their decision the Committee considered the officers’ report and presentation.

Resolved

That application 13/01652/F be approved subject to

(a) The applicant entering into an appropriate agreement to the satisfaction of the District Council to secure financial contribution to mitigate the impact of the proposal and in this case on transport infrastructure in Banbury.

(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 & Access Statement and Drawing No’s: 1231-3, 1231-6, 1231-7 and 1231-8 submitted with the application.

3. The existing trees along the southern boundary of the site shall be retained.

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

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

6. Prior to the first occupation of the development hereby approved, a turning area and 46 car parking spaces shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction and vehicles may park off the highway. The turning area and parking spaces shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter the turning area and car parking spaces shall be retained in accordance with this condition for the parking and manoeuvring of vehicles at all times.

33 Oxford Road and Land to the Rear of Nos. 35-59, Oxford Road, Bodicote, Banbury

The Committee considered application 13/01682/F for the demolition of 33 Oxford Road and erection of 21 dwellings and new access road. The application was an amendment to planning permission 09/00939/F.

In reaching their decision the Committee considered the officers’ report and presentation.

Resolved

That application 13/01682/F be approved subject to
(a) The applicants entering into an amended legal agreement to the satisfaction of the District Council to secure financial contributions (to be delegated to officers)

(b) The following conditions;

1. That 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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents listed below:
   • Planning Statement by Stansgate Planning dated November 2013
   • Design and Access Statement by Malcolm Payne Group dated October 2013
   • Extended Phase 1 Survey and Pre-demolition Bat Roost Potential Survey by Ruskins both dated September 2013
   • Transport Statement by Banners Gate dated March 2012
   • Traffic Noise impact report by Hoare Lea and dwg nos;
   • 6680-100 Rev A Location Plan
   • 338 A01 001 Rev E Proposed Site Layout
   • 338 A01 002 Rev C Street Scene Elevations
   • 338 A01 004 Rev A Existing Site Plan
   • 338 A01 10 Rev A Plans House Type A
   • 338 A01 11 Rev A Elevations House Type A
   • 338 A01 12 Rev A Elevations House Type A
   • 338 A01 13 Rev A Plans House Type B
   • 338 A01 14 Rev A Elevations House Type B
   • 338 A01 15 Rev A Plans House Type C
   • 338 A01 16 Rev A Elevations House Type C
   • 338 A01 17 Rev A Plans House Type D
   • 338 A01 18 Rev B Elevations House Type D
   • 338 A01 19 Rev A Plans House Type E
   • 338 A01 20 Rev A Elevations House Type E
   • 338 A01 21 Rev A Plans House Type F
   • 338 A01 22 Rev A Elevations House Type F
   • 338 A01 23 Plans House Type G
   • 338 A01 24 Elevations House Type G
   • 338 A01 25 Plans & Elevations Garage Types
   • 338 A01 26 Plans and Elevations Garage Types

3. That the external walls and roof(s) of the dwellings shall be constructed in accordance with a schedule of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.

4. That no development shall take place 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, 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.
(d) details to also include planting of small trees along the southern edge of the development.
(e) details also to include planting of an avenue of trees through the entrance road to the site, through to the point of exit of the proposed pathway link to Bankside.

5. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and 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.

6. That except to allow for the means of access and vision splays the existing hedgerow/trees along the north east boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition.

7. Prior to the commencement of the development hereby permitted details of the provision, landscaping and treatment of open space/play space within the site shall be submitted to and approved in writing by the Local Planning Authority. The open space/play space, once approved shall be landscaped, laid out and completed in accordance with the details approved and within a time period to be first approved in writing by the Local Planning Authority and thereafter retained as open space/play space.

8. The applicant shall give written notice to the Local Planning Authority of 7 working days prior to carrying out the approved tree works and any operations that present a particular risk to trees (e.g. demolition within or close to a Root Protection Area (RPA), excavations within or close to a RPA, piling, etc).

9. That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure, in respect of those dwellings which it is intended
shall be screened, shall be erected prior to the first occupation of those dwellings.

10. That prior to the construction of the dwellings, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council’s specification, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.

11. That the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding 0.6 metres as measured from the carriageway level.

12. That, before any of the dwellings are first occupied, the whole of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained to the Oxfordshire County Council's specifications.

13. That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

14. That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

16. A Green Travel Plan, prepared in accordance with the Department of Transport’s Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

17. Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority.
18. Prior to the commencement of the development hereby permitted, 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. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

19. That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the approved dwelling(s) shall not be extended (nor shall any structures be erected within the curtilage of the said dwelling(s) without the prior express planning consent of the Local Planning Authority.

20. That, notwithstanding the provisions of Classes A, B and C of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the building without the prior express planning consent of the Local Planning Authority.

21. That, notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

22. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's ‘Model Procedures for the Management of Land Contamination, CLR 11’ and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

23. If a potential risk from contamination is identified as a result of the work carried out under condition [J12], 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
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‘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.

24. If contamination is found by undertaking the work carried out under condition [J13], 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.

25. If remedial works have been identified in condition [J14], the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition [J14]. 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. No development shall commence until a S278 Agreement has been entered with the County Council for the access works necessary within the public highway.

27. No development shall be commenced until details and plans of the screening fence/Wall to be provided alongside Nos 31 and 35 Oxford Road have been submitted to and approved in writing by the Local Planning Authority. The approved fencing/walling shall be installed prior to the commencement of the works on site and thereafter be maintained at all times.

28. Provision shall be made within the layout to accommodate a footpath/cyclepath link between the site and land to the East and the footpath/cyclepath shall be provided up to the boundary of the site in the position approved to an adoptable standard.

29. That no means of access whatsoever, shall be formed or used between the land identified in this application and Canal Lane, use of the access for construction traffic is prohibited.

30. No external lighting whatsoever shall be placed on the rear walls or roof of the buildings or sited in the rear gardens of plots 7-15 inclusive without the prior express planning consent of the Local Planning Authority.

31. No removal of trees or hedgerows is to take place between the months of March and August inclusive unless supervised by a suitably qualified ecologist checking for the presence of nesting birds. If active nests are
found to be present then clearance works in that area will need to be
delayed until the chicks have fledged.

32. No development shall commence until details for the provision of 4
integrated bat tubes and 4 bird nest boxes have been submitted to and
approved by the Council. Details shall include the type of bat boxes/
nest boxes to be used and the proposed locations on
dwellings/retained trees. The approved works shall be implemented in
full before the development is first brought into use, unless otherwise
agreed in writing by the Council.

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Calthorpe House, 60 Calthorpe Street, Banbury

The Committee considered application 13/01709/CDC for the redevelopment
of site to provide 15 no. apartments

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

Resolved

That application 13/01709/CDC be approved, subject to:

(a) The applicants entering into an appropriate legal agreement to secure
the units as affordable in perpetuity.

(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, Planning Design and Access Statement
dated November 2013, accommodation schedule, Archaeological Desk
Based Assessment dated November 2008 prepared by John Moore
Heritage Services, Schedule of Trees Surveyed dated 13 October
2008, Ecological Appraisal dated October 2008 prepared by Aluco
Ecology, Geo Environmental Desk Study dated November 2008
prepared by Mouchel Ground Engineering and drawing numbers

3. Prior to the commencement of the development hereby approved,
samples of the materials to be used in the construction of the walls and
roofs of the development shall be submitted to and approved in writing
by the Local Planning Authority. Thereafter the development shall be
carried out in accordance with the samples so approved.

4. 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.

5. 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.

6. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.

7. Prior to the occupation of the development hereby approved, the existing means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

8. That the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding 0.6 metres as measured from the carriageway level.

9. 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.

10. 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.

11. 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 10, 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.

12. No development shall commence until details for the provision of a minimum of 6 Schwegler swift nest boxes have been submitted to and approved by the Council. Details shall include the type of nest boxes to be used and the proposed locations on the building. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the Council.

13. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water drainage which shall comply with sustainable drainage principles, and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

14. The replacement building hereby approved shall not be occupied until details have been submitted to and agreed in writing for a work of public art to be placed on site. The details shall including the size, design and siting of the work of art and the design process for it. The development shall be undertaken in accordance with the details so approved and provided on site prior to the first occupation of the building.

15. 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.

16. Notwithstanding the submitted details and prior to the commencement of the development, revised details of cycle parking including any cycle stores shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the cycle parking spaces and the stores shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of bicycles at all times thereafter.

17. Prior to the commencement of the development hereby permitted, an intrusive investigation shall be 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', documented as a report, submitted to and approved in writing by the Local Planning Authority. This shall characterise the type, nature and extent of potential contamination identified in the report provided with this application, the risks to receptors and, where necessary, inform the remediation strategy proposals. 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.

18. If contamination is found by undertaking the work carried out under condition 17, 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.

19. If remedial works have been identified in condition 18, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 18. 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.

20. 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.

Land to the Rear of The Methodist Church, The Fairway, Banbury

The Committee considered application 13/01372/CDC for the erection of 11 no. residential units, upgrading the existing vehicular access and parking for the church facility as well as extending this access for the purpose of the proposed residential units.

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

Resolved

That application 13/01372/CDC be approved, subject to:

(a) The applicants entering into an appropriate legal agreement to secure the units as affordable in perpetuity.
(b) The viability assessment showing that the site is not viable and cannot afford to contribute to the normally required infrastructure. In the event that the site is shown to be viable, the application will be returned to the Committee for consideration of Heads of Terms.

(c) The following conditions:

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

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 and drawings numbered: 028/01a, 028/02e, 028/03 rev A, 028/04 rev A, 028/05a, 028/06a, 028/07 rev C, 028/08 rev A and 304 rev A.
   Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, samples of tiles to be used in the construction of the roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

4. Prior to the commencement of the development hereby approved, samples of render to be used in to finish the external walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

5. 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.

6. 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.

7. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.

8. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the northwest elevations of Plot 1 and Plot 2 without the prior express planning consent of the Local Planning Authority.

9. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

10. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and the highway without the prior express planning consent of the Local Planning Authority.

11. Prior to the commencement of the development hereby approved, the proposed means of access between the land and the highway shall be widened to a minimum of 4.8m plus a 1.5m footway, formed, laid out and constructed strictly in accordance with Oxfordshire County Council’s specification and guidance.

12. Prior to the commencement of the development hereby approved, full specification details of the estate accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

13. 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.

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

15. Prior to the commencement of development details of landscaping, including details of achievable sight lines from all parking spaces 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.

16. Prior to the commencement of development full details of signage/markings to be used to indicate allocated and unallocated parking spaces 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.

17. **Retained Tree**
   c) No retained tree shall be cut down, uprooted, damaged 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.
   d) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the completion of the development.

18. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837 and in line with the recommendations put forward in the submitted Arboricultural Impact Report 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.
19. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Tree Protection Plan prepared by Marishal Thompson Group on 12/10/11.

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Garage Site, The Crescent, Steeple Aston

The Committee considered application 13/01733/CDC for the erection of a pair of bungalows and construction of new vehicular access to provide car parking.

In reaching their decision the Committee considered the officers’ report and presentation.

Resolved

That application 13/01733/CDC be approved, subject to 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 and drawings numbered: 9.13A Rev 1.

3. Prior to the commencement of the development hereby approved, samples of the bricks and tiles to be used in the construction of the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

4. Prior to the commencement of the development hereby approved, a plan showing full details of the existing and proposed site levels for the proposed dwellings 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 finished floor levels plan.

5. 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.

6. Prior to the construction of the dwellings hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed in accordance with the submitted plans and strictly in accordance with Oxfordshire County Council’s specification and guidance.
7. 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.

8. Prior to the occupation of the dwelling the proposed footway shall be constructed in all respects to the satisfaction of the Local Planning Authority following the submission and approval of specification details which are to include a dropped crossing point to link with the existing system.

9. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the roof of the dwellings’ east elevation without the prior express planning consent of the Local Planning Authority.

10. 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.

11. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or 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.

12. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for swifts, which shall include details of the location and design of alternative nest sites to be provided, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the commencement of the development, the alternative nesting sites shall be provided in accordance with the approved document.
Railway Farm, Station Road, Hook Norton

The Committee considered application 13/01744/F for the demolition of existing farm buildings and erection of a new build.

Greg Mitchell, agent for the applicant, addressed the Committee in support of the application.

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

Resolved

That application 13/01744/F be refused for the following reasons:

1. The proposal is contrary to government guidance contained within the National Planning Policy Framework and Policy EMP4 of the adopted Cherwell Local Plan in that the application site is located within the open countryside and is considered to be in an inappropriate and unsustainable location for the proposed industrial development.

2. The proposed building would result in an incongruous feature causing harm to the character and the appearance of the countryside. The proposal would be contrary to government guidance contained within the NPPF and Policy C7 of the adopted Cherwell Local Plan.

OS Parcel 8300 East of Deene Close, Aynho Road, Adderbury

As per the resolution following the Chairman’s announcement at the start of the meeting, consideration of application 13/01768/F had been deferred to enable re-consultation with local residents and the Parish Council on the revised scheme.

Land South of 20 and North of 22 St Georges Crescent, Banbury

The Committee considered application 13/01820/CDC for the erection of a two storey house and construction of a new vehicular access.

In reaching their decision the Committee considered the officers’ report and presentation.

Resolved

That application 13/01820/CDC be approved subject to 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, drawing number 3.13A received 29 November 2013 and amended access drawing received 20th January 2014.

3. Prior to the commencement of the development hereby approved, samples of the brick to be used in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

4. Prior to the commencement of the development hereby approved, samples of the tile to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

5. Prior to the construction of the dwelling hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council’s specification and guidance.

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.

Orchard Lodge, Cope Road, Banbury

The Committee considered application 13/01879/CDC for the change of Use from former care home to residential use to provide 16 residential units with associated parking, bin store and cycle storage with alterations to existing access following demolition of existing buildings.

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

Resolved

That application 13/01879/CDC be approved, subject to:

(a) The applicants entering into an appropriate legal agreement to secure the units as affordable in perpetuity.

(b) The viability assessment showing that the site is not viable and cannot afford to contribute to the normally required infrastructure. In the event
that the site is shown to be viable, the application will be returned to the Committee for consideration of Heads of Terms.

(c) The following conditions:

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

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 and drawings numbered: PL.101 rev A, PL.102, PL.103, PL.104, PL.105 rev A, PL.001 rev C and PL.002 rev C.

3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes (including samples) for the external walls and roof(s) of the development 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 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.

5. 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.

6. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.
7. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

8. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed between the dwelling(s) and the highway without the prior express planning consent of the Local Planning Authority.

9. Prior to the commencement of the development hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council’s specification and guidance.

10. Prior to the commencement of the development hereby approved, full specification details of the estate accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

11. 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.

12. Prior to the commencement of development full details of signage/markings to be used to indicate allocated and unallocated parking spaces 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.

13. **Retained Tree**
   e) No retained tree shall be cut down, uprooted, damaged 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.
   f) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next
planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the first occupation of the dwellings.

14. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837 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.

15. 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 (e.g.: reduced dig systems, arboresin, tree grills)

16. Prior to the commencement of the development 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. Thereafter, the development shall be carried out in accordance with the approved details.

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

The Committee considered application 13/01880/CDC for the Change of use from former care home to residential to provide 18 units with associated parking, bin store and cycle storage with new pedestrian access following demolition of existing buildings.

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

Resolved

That application 13/01880/CDC be approved, subject to:

(a) The applicants entering into an appropriate legal agreement to secure the units as affordable in perpetuity.

(b) The viability assessment showing that the site is not viable and cannot afford to contribute to the normally required infrastructure. In the event that the site is shown to be viable, the application will be returned to the Committee for consideration of Heads of Terms.

(c) The following conditions:

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

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 and drawings numbered: PL001, PL002 rev C, PL003 rev A, PL004, PL005 rev A, PL006 rev A, PL007, PL008 rev A and PL009 rev A.

3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes (including samples) for the external walls and roof(s) of the development 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 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.

5. 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.

6. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.

7. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

8. Prior to the commencement of the development hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

9. Prior to the commencement of the development hereby approved, full specification details of the estate accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

10. 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.

11. Retained Tree
g) No retained tree shall be cut down, uprooted, damaged 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.

h) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the completion of the development.

12. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837 and in line with the recommendations put forward in the submitted Arboricultural Impact Assessment 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.

13. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Tree Protection Plan prepared by Marishal Thompson Group on 06/12/13.

14. That prior to the first occupation of the development the proposed means of access onto Lincoln Road is to be formed, laid out to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority’s specifications and that all ancillary works specified shall be undertaken.

15. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses (including vision splays), driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

16. No development shall commence on site for the development until a full drainage design for the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with Oxfordshire County Council’s Drainage Team).

17. No development shall commence on site for the development until a Construction Traffic Management Plan providing full details of the phasing of the development 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.

211 Site of Former Playground, Woodpiece Road, Upper Arncott

The Committee considered application 13/01882/CDC for three new dwellings.

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

Resolved

That application 13/01882/CDC be approved subject to

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 statement and drawing number CHER2013TR/WRA received in the department on 15 January 2014.

3. The dwellings hereby approved shall not be occupied otherwise than as "affordable housing" as defined in Annex 2 of the National Planning Policy Framework (or any equivalent replacement Government planning policy) by persons who cannot afford to rent or buy housing generally available on the open market and who have been nominated in accordance with a Nominations Agreement agreed with the District Council and the Council’s Allocation Scheme.

4. Prior to the commencement of the development hereby approved, samples of the brick and tiles to be used in the construction of the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

5. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed dwellings 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 finished floor levels plan.

6. Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and
compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

7. Prior to the commencement of the development hereby approved, full details of the garden sheds for the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the garden sheds shall be provided in accordance with the approved details.

8. Prior to the construction of the dwellings hereby approved, the proposed means of access between the land and the highway shall be provided to the geometry on plan number CHER2013TR/WRA and shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council’s specification and guidance.

9. 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.

10. 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.

11. 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.
12. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

13. If a potential risk from contamination is identified as a result of the work carried out under condition 12, 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.

14. If contamination is found by undertaking the work carried out under condition 13, 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.

15. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 14. 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.

16. 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.
British Bakels, Granville Way, Bicester

The Committee considered application 13/01869/F for Internal alterations to form new test bakery and promotions area with external alterations to ground floor doors and windows.

In reaching their decision the Committee considered the officers’ report and presentation.

Resolved

That application 13/01869/F be approved, subject to 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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents listed below:

   Drawings: Site location plan (1/1250), block plan (1/500), 2125/4A, 2125/6, 2125/7

3. That the materials to be used for the development hereby permitted shall match in terms of colour, type and texture those used on the existing building.

4. The test bakery and promotions area shall remain ancillary to the use of the existing building (Class B2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005)), with the exception of the first floor extension approved under 08/00162/F, which is to remain as Class B1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Quarterly Report

The Committee considered a report of the Head of Development Management which informed and updated Members of the progress of outstanding formal enforcement cases and to inform Members of the overall level of activity in the Development Management service.

Resolved

(1) That the position statement be accepted

Decisions Subject to Various Requirements

The Committee considered a report which updated Members on decisions which were subject to various requirements.
Resolved

(1) That the position statement be accepted

215  Appeals Progress Report

The Committee considered a report which updated Members on application which had been determined by the Council, where new appeals had been lodged, hearings scheduled or appeal results achieved.

Resolved

(1) That the position statement be accepted

216  Exclusion of Public and Press

Resolved

That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 5 of Schedule 12A of that Act.

217  Tadmarton Road, Bloxham

The Committee considered a report of the Head of Development Management and Head of Law and Governance which advised Members on whether reasons for refusal 2 and 4 of application 13/00496/OUT were well founded such that they can reasonably be defended at the forthcoming public inquiry.

Resolved

(1) That agreement be given to withdraw reasons for refusal 2 and 4 in respect of application 13/00496/OUT.

218  Salt Way, Bloxham Road, Banbury

The Committee considered an exempt report which advised Members that an appeal has been lodged against the non-determination of a planning application for land at South of Salt Way at Wykham Park Farm (to the east of Bloxham Road) (application no. 13/00321/OUT) and sought a resolution from Members as to how to deal with the appeal. This application was made valid on 4 March 2013 and its sixteen week target date was 24 June 2013.

Resolved

(1) That the appeal be defended based on the reasons for refusal recommended in the planning officers’ report and set out below:
1. The proposal represents development beyond the built up limits of Banbury in an area of countryside and is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 or those of the Non-Statutory Cherwell Local Plan 2011 nor is the application site proposed for development as a strategic housing allocation in the Submission Local Plan October 2013. The land is proposed to be included within the Banbury Green Buffer, the purposes of which are to maintain Banbury's distinctive identity and setting and its neighbouring settlements, prevent coalescence, protect the identity of valued features of landscape and historic value and important views. Notwithstanding the Council's present inability to demonstrate that it has a 5 year supply of housing land required by Paragraph 47 of the NPPF, the development of this site cannot be justified on the basis the land supply shortfall alone. The proposal represents a large, unplanned, urban extension within the open countryside which fails to maintain its rural character and appearance and which fails to conserve and enhance the environment and would adversely affect the significance of a non designated heritage asset. The proposal also fails to meet the Council's objectives to meet housing need in a way that is in line with the spatial vision for the area. The application is, therefore, contrary to Policies H18, C5, C7, C8, C9 and C15 of the adopted Cherwell Local Plan, Policies ESD13, ESD15, ESD16 of the Submission Local Plan October 2013 and national policy contained in the National Planning Policy Framework.

2. The proposal relates to a strategic scale of housing that conflicts with the Council's Submission Local Plan policies. Development of this scale would be premature and prejudicial to the emerging Local Plan, by situating a major urban extension to Banbury in a location that would be contrary to the emerging policy position and the planned future growth of the town, thus predetermining decisions about the scale and location of new development, contrary to paragraph 216 of the National Planning Policy Framework and paragraphs 17, 18 and 19 of PPS1: The Planning System: General Principles.

3. The proposed development would lead to an increase of traffic and related delay at sensitive junctions, and through Banbury Cross, and would intensify the use of Wykham Lane, which is narrow, winding, undulating, unlit and without separate provision for cyclists. The proposal fails to promote the sustainable transport objectives of the Local Highway Authority and would cause detriment to the safety and convenience of highway users contrary to Policies SD1(iii), BA12 & BA13 of the Adopted Oxfordshire Local Transport Plan 3 2011-2030, Policies TR1, TR4 and TR5 of the Non Statutory Cherwell Local Plan and national policies contained in the National Planning Policy Framework.

4. 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, including affordable housing,
outdoor and indoor sports facilities, open space/play space, SUDS, transport measures, public art, education and other learning facilities, library and museum facilities, strategic waste, health services and transport measures 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 INF 1 of the Submission Local Plan October 2013 and the National Planning Policy Framework.

(2) That agreement be given for the report to be released for public view.

The meeting ended at 7.05 pm

Chairman:

Date: