

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 28 February 2013 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)  
Councillor Alastair Milne Home (Vice-Chairman)

Councillor Ken Atack  
Councillor Colin Clarke  
Councillor Tim Emptage  
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 Leslie F Sibley  
Councillor Trevor Stevens  
Councillor Lawrie Stratford

Substitute Members: Councillor Barry Wood (In place of Councillor Fred Blackwell)

Apologies for absence: Councillor Fred Blackwell

Officers: Bob Duxbury, Development Control Team Leader  
Tracey Morrissey, Senior Planning Officer  
Caroline Ford, Assistant Planning Officer  
Andrew Lewis, Senior Planning Officer  
Nigel Bell, Team Leader - Planning and Litigation /Deputy Monitoring Officer  
Natasha Clark, Team Leader, Democratic and Elections  
Aaron Hetherington, Democratic and Elections Officer

#### 168 **Declarations of Interest**

Members declared the following interests:

#### **8. Hardstanding between railway and Higham Way, adjacent Integrated Control Centre, Banbury.**

Councillor Alastair Milne Home, 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.

**12. Bicester Town Centre Development, Manorsfield Road, Bicester.**

Councillor D M Pickford, Conflict of Interest, as a member of Executive.

Councillor Ken Atack, Conflict of Interest, as a member of Executive.

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

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive.

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

**13. 583 Heyford Park, Camp Road, Upper Heyford.**

Councillor D M Pickford, Conflict of Interest, as a member of Executive.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive.

Councillor Ken Atack, Conflict of Interest, as a member of Executive.

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive.

**16. 19 Meadowsweet Way, Banbury.**

Councillor Alastair Milne Home, 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.

**17. Campsfield House, Langford Lane, Kidlington.**

Councillor Tim Emptage, Non Statutory Interest, as a member of Kidlington Parish Council which had been consulted on the application.

169 **Requests to Address the Meeting**

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

170 **Urgent Business**

There was no urgent business.

171 **Minutes**

The Minutes of the meeting held on 31 January 2013 were agreed as a correct record and signed by the Chairman.

172 **South East Plan**

The Development Control Team Leader gave a verbal update on the south East Plan.

The Committee was advised that on 14 February 2013, Local Government Secretary, Eric Pickles, had announced that the Regional Strategy for the South East of England would be the third regional strategy to be revoked. The Order to revoke the South East plan would be laid after recess.

Policy NRM6 on the Thames Basin Heaths Special Protection Area and Oxfordshire Structure Plan Policy H2 concerning the Upper Heyford RAF base would both be retained.

**Resolved**

That authority be delegated to the Development Control Team Leader, in consultation to the Chairman of the Planning Committee, to amend conditions/ refusal reasons if they were not issued by the time the South East Plan was revoked.

173 **Whitelands Farm, Chesterton, Bicester**

The Committee considered application 11/01840/F for the conversion of existing barns to form 7 no. dwellings and construction of 4 No. dwellings on the footprint of the 3 existing hay barns to be removed. Associated access, car parking, landscape and boundary treatment works and demolition of minor ancillary structures and extensions.

Members were satisfied with the evidence presented.

In reaching their decision, the committee considered the officers' report and presentation.

**Resolved**

That application 11/01840/F be approved, subject to:

- (1) The applicants entering into a legal agreement
- (2) The following conditions:

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

2. Except where otherwise stipulated by conditions the application shall be carried out strictly in accordance with the following plans and documents:

Application Forms

Design and Access Statement

Plans and drawings accompanying the application (plan Nos. to be inserted)

3. Prior to the commencement of the development hereby approved, samples of the clay tiles and natural slates and timber boarding 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. Therefore the development shall be carried out in accordance with the samples so approved.
4. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> size) shall be constructed on site in natural limestone to match the stonework on the existing buildings, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
5. Prior to the commencement of the development hereby approved, a brick sample panel to demonstrate the brick type, colour, texture, face bond and pointing (minimum 1m<sup>2</sup> in size) shall be constructed on site, which shall be inspected and approved in writing by the Local Planning Authority. Therefore, the external walls of the development shall be constructed in strict accordance with the approved sample panel.
6. That the existing natural stone and bricks on site shall not be disposed of or removed from the site, but shall be conserved and reused in the construction of the new development.
7. That any remedial stonework and brickwork necessary for the repair or making good of the existing walls of the barns and outbuildings shall be carried out in natural stone and bricks of the same type, texture, colour and appearance as the stone and bricks on the existing buildings and shall be laid, dressed, coursed and pointed to match that of the existing buildings.
8. Prior to the commencement of the development, full details of all doors and windows hereby approved, at a scale of 1:20, including cross sections, cill, lintel and recess detail and colour shall be submitted to and approved in writing by the Local Planning authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
9. That prior to the commencement of development colouring of the external lime render shall be in accordance with a colour scheme to be submitted to and approved in writing by the Local Planning Authority,

and shall be carried out before the buildings are first occupied and the colouring thereafter maintained in accordance with the approved scheme.

10. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to the existing ground levels on the site for the proposed conversions and new 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 levels plan.
11. SC3.0 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.
12. SC3.1 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.
13. That prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.
14. That prior to the commencement of any development on the site, notwithstanding the details submitted, an Arboricultural Method Statement (AMS), undertaken in accordance with BS5837 shall be submitted and approved in writing by the Local Planning Authority. All

works shall then be undertaken in accordance with the agreed document.

15. That prior to the commencement of any development on the site, notwithstanding the details submitted, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, shall be submitted to and approved in writing by the Local Planning Authority. Details must include specifications for the installation of below ground, load bearing 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. The development shall be carried out in accordance with the details so approved.
16. That prior to the commencement of any development on the site, notwithstanding the details submitted, full details, specifications and construction methods for all tree pits located within soft landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. Details must also include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching. The development shall be carried out in accordance with the details so approved.
17. Prior to 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 the relevant arboricultural issues.
  - b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters.
  - c) The timings 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).
18. That prior to the first occupation of the proposed development, the proposed means of access onto the perimeter road shall be formed and 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.

19. Before the development is first occupied the proposed vehicular access driveway turning areas and footway links to serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with the specification details which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
20. Before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with the plan (180601Y/P002) hereby approved and shall be constructed, laid out, surfaced, drained and completed, and shall be retained unobstructed except for the parking of vehicles at all times.
21. That prior to the commencement of any development on the site, a Construction Travel Plan to include wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the plan approved.
22. That prior to the commencement of any development on the site, full SUDS drainage details for the development shall be submitted to and approved in writing by the Local Planning authority. The development shall be carried out in accordance with the details agreed.
23. 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 dwellings shall not be extended, nor shall any structures be erected within the cartilage of the said dwellings, without the prior express planning consent of the Local Planning Authority.
24. 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 windows, doors or any other openings, other than those shown on the approved plans shall be inserted in the walls or roofs of the dwellings without the prior express consent of the Local Planning Authority.
25. The garages and car ports 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.
26. No works of site clearance, demolition or development shall take place until a protected species mitigation and enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-
  - a) The findings of two further bat emergence/dawn surveys carried out between the months of May to August inclusive.

- b) A bat mitigation scheme, to be informed by the findings of the surveys and work already done.
- c) The number, type and location of replacement (if necessary) and new bat roosting features.
- d) The number, type and location of replacement bird nest boxes for little owl, swallows and any other desired species.

All works shall be carried out in accordance with the approved scheme.

- 27. No works of demolition, renovation or construction shall take place within any former agricultural building between the months of March to August inclusive, unless checked immediately beforehand by a suitably qualified ecologist for the presence of nesting birds. If nesting birds are found to be present, no works are to take place in that area until the birds have fledged.
- 28. Prior to the commencement of any development, the existing public right of way (fP161/1) shall be protected and fenced in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and shall be maintained unobstructed and open to the public at all times.

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**Hardstanding between railway and Higham Way, adjacent Integrated Control Centre, Banbury**

The Committee considered application 12/00849/F for the construction of a multi-storey station car park for rail customer parking and formation of a new east-side access to Banbury station with associated pedestrian link bridge.

Councillor Ann Bonner addressed the committee as ward member.

Simon Lloyd Hughes, local resident, spoke in opposition to the application.

Rob Brighthouse, Managing Director of Chiltern Railways, spoke in support of the application.

In considering the application, the Committee acknowledged the need for additional customer parking at the station, however some Members raised concerns regarding the capacity of the junctions in the vicinity of the proposal and the impact of the proposal on adjacent buildings. .

Councillor Clarke proposed that application 12/00849/F be refused. Councillor Heath seconded the proposal. The proposal was voted on a subsequently lost.

Councillor Lawrie Stratford proposed that the application be approved. Councillor Pickford seconded the proposal.



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

## **Resolved**

That application 12/00849/F be approved, subject to:

- i) the applicant entering into an agreement to the satisfaction of the District Council with regard to the contributions set out in sections 3.4 and 5 of the report
- ii) 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 and the materials and finishing details included therein;
    - drawing MCN/BAN/890 Rev A (received with the application)
    - drawing MCN/BAN/891 Rev C (received on 18th September 2012)
    - drawing MCN/BAN/892 Rev A (received with the application)
    - drawing MCN/BAN/893 Rev A (received with the application)
    - drawing MCN/BAN/894 Rev A (received with the application)
    - drawing MCN/BAN/895 Rev A (received with the application)
    - drawing MCN/BAN/896 Rev A (received with the application)
    - drawing MCN/BAN/897 Rev A (received with the application)
    - drawing MCN/BAN/898 Rev A (received with the application)
    - drawing MCN/BAN/899 Rev A (received with the application)
    - drawing MCN/BAN/900 Rev A (received with the application)
    - drawing MCN/BAN/901 (received with the application)
    - drawing MCN/BAN/910 (received with the application)
    - drawing MCN/BAN/920 Rev A (received on 18th September 2012)
    - drawing MCN/BAN/921 Rev B (received on 18th September 2012)
    - drawing MCN/BAN/922 Rev C (received on 5th November 2012)
    - drawing MCN/BAN/923 Rev C (received on 9th January 2013)
    - the mitigation works proposed in Technical Note 8, dated 25th January 2013, received on 25th January 2013.
    - Ibstock Weston Red Multi bricks and the 'Stoverotec Systeme' StoVentec Glass (RAL9005 colour) cladding panel, in accordance with the samples received the details set out in the application
  3. That prior to the first use 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 the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.

4. That, before the proposed access is first used, the existing access onto Higham Way shall be permanently stopped up by means of restorative works to the specification of the County Council and shall not be used by any vehicular traffic whatsoever.
5. 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 the specification submitted and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
6. That no surface water from the development shall be discharged onto the adjoining highway.
7. A Station 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 Station Travel Plan shall thereafter be implemented and operated in accordance with the approved details.
8. A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP 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 and shall include details of the consultation and communication to be carried out with local residents. Construction work shall thereafter be carried out in accordance with the approved CEMP.
9. Prior to first use of the development, the cycle parking demonstrated on plan no. MCN/BAN/922 (Revision C) must be provided and thereafter maintained free from any obstruction to use.
10. 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.
11. Prior to first use of the development, all Tramway station car parks and the GB Oils site station car park are to cease use as rail car parks, and staff car park 2 (ref. plan no. MCN/BAN/923 Revision B) will be reduced from 50 to 20 spaces.
12. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the

site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on (Phase 1 Desk study and Land Contamination Assessment, LBH Wembley, LBH4034a, April 2012) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

13. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
14. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
15. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
16. Prior to the first use of the development hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority

setting out the design details of the lighting proposed and the methods for ensuring no light spillage beyond the site, including details of column height and number of luminaires for each deck. The development shall be carried out in accordance with the approved details and maintained as such.

175 **Cherwell Valley Services, Junction 10 M40, Stoke Lyne**

The Committee considered application 12/01563/F for a temporary wind monitoring mast.

Members were satisfied with the evidence presented.

In reaching their decision, the committee considered the officers' report and presentation.

**Resolved**

That application 12/01563/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, Flood Risk Assessment and drawings numbered/titled: CMSA AN-1A, 1-MA-60-003 Rev. 1, 60m Mast – Plan View Rev. 1, CMSA AN-1C, CMSA AN-1B, information submitted with applicants email of 3 January 2013 including mast anchors, security fence and lighting details.
3. That the developer shall inform the Local Planning Authority, in writing, of the date of the installation of the meteorological testing mast and security fencing and that at the expiration of 2 years from the date of the installation of the mast and security fencing, the mast and security fencing shall be removed from the site and the land shall be restored to its former condition on or before that date.

176 **Little Stoney & The Cottage, Paradise Lane, Milcombe**

The Committee considered application 12/01580/F for the demolition of 2 no. dwellings and construction of 4 no. dwellings with garages.

Julian Philcox and Richard Hazel, immediate neighbours to the site, spoke in opposition to the application.

John Hester, the applicant, spoke in support of the application.

In considering the application, some members commented that the proposed development would be too intensive for the current site. Members also

commented on the increased level of vehicle activity and parking arrangements to the area.

Councillor Heath proposed that application 12/01580/F be refused. Councillor Clarke seconded the proposal.

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

**Resolved**

That application 12/01580/F be refused for the following reasons:

The proposed development by reason of its layout, siting and scale, is not considered to be 'infill' development in accordance with Policy H14, but constitutes a cramped overdevelopment of the site, conflicting with the general character of the locality and would harm the amenities of neighbouring properties. Furthermore as the site is adjacent to a Grade II Listed Building it is considered that the proposal would be detrimental to the heritage assets' setting as it fails to preserve those elements of the setting that make a positive contribution to or sustains and enhances the significance of the heritage asset. The proposed development is therefore contrary to Policies BE1, BE5, BE6, CC6, H4 and H5 of the South East Plan 2009, Policies H14, C13, C28 and C30 of the adopted Cherwell Local Plan Policies H16, EN39, EN44, D1, D3 and D6 of the Non-Statutory Cherwell Local Plan 2011 and Government guidance contained within the National Planning Policy Framework.

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**Land East of Stourwell Barn, Swalcliffe, Banbury**

The Committee considered application 12/01588/F for a proposed on-farm anaerobic digestion facility.

In considering the application, some members stressed the need for an appropriate condition to address any potential stench from the anaerobic digestion.

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

**Resolved**

That application 12/01588/F 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 and Access Statement and drawings numbered:

- T/SS/12/001 – Topographical Survey
  - T/SS/12/002 – Existing site selection/site layout
  - T/SS/12/010 Rev A – Proposed site plan
  - T/SS/12/011 Rev A – Proposed block plan
  - T/SS/12/012: Proposed site selection/elevations
  - T/SS/12/013: Proposed CHP
  - T/SS/12/014: Proposed Dryer Plant
  - Standard 6\_3 – CO-ANCO-02 – Standard Container 6-3
  - Drawing showing Stack Flare details
3. 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.
4. 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.
5. The development hereby approved shall be carried out strictly in accordance with the conclusions and recommendations set out in Ecological Walkover Survey Report submitted with the application, which was prepared by Conservation Constructions dated 4<sup>th</sup> November 2012.
6. Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the development, the bat and bird boxes shall be installed on the site in accordance with the approved details.

7. 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 the completion of the development.
8. Prior to any demolition and the commencement of development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted and approved in writing by the Local Planning Authority.
9. Prior to any demolition on the site and the commencement of the development and following the approval of the Written Scheme of Investigation referred to in Condition 8, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
10. The Anaerobic Digestion facility (to include all tanks, areas of hard standing and dedicated access routes) shall be removed from site and the land returned to its original state (agricultural land) in accordance with the submission of a method statement (to include timescales for those works), which shall be submitted to and approved in writing by the Local Planning Authority in the event that the facility is no longer required.
11. The Anaerobic Digestion Facility hereby approved shall only be used in conjunction with a feeding regime of energy crops and waste material originated from land controlled by Grange Farm, as set on the site plans contained in Appendix A of the Transport Statement received 12 December 2012.
12. Prior to the commencement of development, a Construction Phase Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved plan shall be implemented and operated in accordance with the approved details.

13. That the rated level of noise emitted from the on-farm anaerobic digestion equipment hereby permitted, shall not exceed background levels when measured in accordance with British Standard BS4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas, at the nearest residential property, that being Stourwell Barn.

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**Bicester Town Centre Development, Manorsfield Road, Bicester**

The Committee considered application 12/01612/F for the variation of Condition 45 of the previously approved application 11/01179/F.

Members were satisfied with the evidence presented.

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

**Resolved**

That application 12/01612/F be approved, subject to the expiry of the newspaper advert and:

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 elsewhere by conditions attached to this permission, the development of the mezzanine shall be carried out strictly in accordance with the documents submitted with the application and the following drawings CHQ.12.10135-PL01 and PL04
3. That authority be delegated to the Development Control Team Leader, in consultation with the Planning Committee Chairman, to review the following conditions and apply those still relevant to the new permission:
  1. Notwithstanding the details shown on the approved plans all external walls and roofs of the buildings and all boundary/screen walls hereby permitted shall be constructed in accordance with a schedule of materials and finishes, including samples and sample panels of all materials and finishes, which shall have been submitted to or constructed on site and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
  2. No development shall commence on site until a schedule of materials and finishes, including samples, to be used on all hard surfaces including pavements, pedestrian areas, crossing points and steps has been submitted to and approved in writing by the



Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes.

3. No commercial units shall be occupied until seats, benches, litter bins, bollards, planters and other street furniture have been installed/erected in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. All street furniture shall be retained in accordance with the approved details at all times thereafter.
4. No commercial unit shall be occupied until fingerpost and directional signage has been erected/provided within the site in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The signage shall be retained in accordance with the approved details at all times thereafter
5. No commercial unit shall be occupied until boundary treatments within and around the site, including all gates around and within the site and all railings (including those around the decked car park) have been erected in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments, gates and railings shall be retained in accordance with the approved details at all times thereafter.
6. That prior to the first use of the retail/leisure premises hereby approved, a scheme for the overall approach to the installation of advertising material on those premises shall be submitted to and approved by the Local Planning Authority. That scheme shall include details of the siting and extent of the material and it's illumination.
7. The public information display panels to be erected on the ground floor of the foodstore facing Manorsfield Road as shown on the approved plans shall be erected in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority and shall be completed before the foodstore is first brought into use and retained in accordance with the approved details at all times thereafter.
8. The development of each building shall not commence until detailed construction drawings comprising all external elevations and accompanying floor plans at a scale of 1:100 and all external joinery details at a scale of 1:50 for each building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drawings and details.
9. Prior to their construction full structural details of any canopies or building overhangs of the existing or proposed highway shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development any canopy or

building overhang shall be completed in all respects in accordance with the approved details and maintained as such at all times thereafter.

10. No part of the development shall be occupied until external lighting (including security lighting and street lighting) has been erected/installed in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be operational before the first occupation of the development and shall be maintained as such at all times thereafter.
11. No external lighting within the site shall exceed the following limitations at any time unless otherwise approved in writing by the Local Planning Authority:
  - 5.0% Sky Glow ULR
  - 10 Ev (Lux) Light Trespass before 23.30hours or 2 Ev (Lux) after 23.30hrs
  - 10 I (kcd) before 23.30hrs or 1.0 I (kcd) after 23.30hrs
  - 10 L (cd/m<sup>2</sup>) Average

All as advised in the Institute of Lighting Engineers Guidance Notes for the Reduction of Obstructive Light 2005.

12. The Archaeological Mitigation Strategy shall be as approved by 10/00413/DISC dated 17/06/2011.
13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by BT&P Hyder, dated February 2007, ref: GD04001-01 and the following mitigation measures detailed within the FRA:
  - The realigned section of the Town Brook shall be designed to contain the modelled 1 in 100 year flows (with a consideration of climate change) within its banks, as outlined in Section 3.48 of the FRA.
  - Surface water drainage system shall be designed to attenuate discharge rates in storm events up to and including the 1 in 100 year event with an allowance for climate change, so that the development reduces surface water flood risk, as outlined in Sections 4.7 and 4.20.
14. The surface water drainage scheme shall be carried out in accordance with the details approved by 10/00360/DISC dated 09/06/2011, before the development is completed.
15. The development shall be carried out in accordance with the Town Brook Diversion details as approved by 10/00360/DISC dated 09/06/2011. 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.

16. The development shall be carried out in accordance with the land contamination remediation details as approved by 10/00360/DISC dated 09/06/2011.
17. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
18. 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 addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
19. The development shall be carried out in accordance with the surface water disposal details as approved by 10/00360/DISC dated 09/06/2011.
20. The development shall be carried out in accordance with the foul water disposal details as approved by 10/00360/DISC dated 09/06/2011, and shall be implemented prior to the first occupation of any building to which the scheme relates.
21. No development shall commence on site (including demolition and enabling works) until a Construction Management Plan (CMP) providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority. 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 by the Local Planning Authority on 21 May 2006 and shall include the mitigation measures outlined in the Environmental Statement as follows;
  1. Paragraph 6.170 of chapter 6 - Landscape and Visual Context
  2. Paragraph 6.1.2 of chapter 13 - Contamination and Geotechnical issues

3. Paragraph 12.2, 12.3, 12.4, 12.5, 12.6, 12.7 and 12.8 of chapter 16 - Transport Assessment
  4. Paragraph 6.3 of chapter 17 - Noise and Vibration Assessment
  5. Paragraph 6.3 of chapter 18 - Air Quality Assessment. In addition, the CMP shall include details of;
  6. The proposed pedestrian routes to be provided across the site to enable access between Manorsfield Road and Sheep Street during construction.
  7. The proposed phased arrangements for the parking of construction traffic and the storage of plant, machinery and building materials during construction.
  8. The site protection measures (including hoardings) to be erected
  9. Details of all temporary lighting to be in place during construction.
22. The demolition strategy shall be as approved by 10/00413/DISC dated 17/06/2011.
23. No part of the development shall be occupied until cycle parking facilities (relevant to that part of the development to which it relates) have been provided within the site in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained in accordance with the approved details at all times thereafter.
24. A Green Travel Plan for staff of the foodstore, the cinema and retail units, 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 within 3 months after the first occupation of the relevant building. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.
25. All public parking facilities shall achieve the Park Mark ® 'Safer Parking Award' before the first commercial unit is occupied.
26. The vehicular access into the site from Wesley Lane (at its junction with Manorsfield Road) leading to the new road indicated as Bure Place, and Bure Lane (to its junction with Manorsfield Road) shall be closed to vehicular traffic, other than by use by service vehicles, and staff of 49-57 Sheep Street gaining access to their staff parking area; which shall be restricted to outside of the hours of 10am to 4pm daily. Access shall be controlled by the installation of rising bollards across the access points in accordance with the BS PAS 68 and PAS 69 or other measures which have previously been submitted to and approved in writing by the Local Planning Authority.
27. Following the completion of development the pedestrian accesses onto Sheep Street comprising Wesley Lane, Evans Yard and the access between Nos. 39 and 43 Sheep Street (three in total) and Manorsfield Road (two in total) and at the junction of Crown Walk

and Wesley Walk shall remain open at all times and public access should not be prohibited by any gate, fence, wall or other means of enclosure.

28. Prior to first occupation of the development, the proposed service yards shall be constructed and surfaced in accordance with details which have previously been submitted to and approved in writing by Local Planning Authority. The service yards shall be retained free from external storage of materials that restricts appropriate turning of large vehicles and shall remain unobstructed and available for use for servicing at all times.
29. That within SIX months of the first use of the Sainsbury's superstore retail units C1-C4, EY1-EY4, WEB1 and ET1 together with kiosks 1-3 along the new street shown on the approved plans as Bure Place shall be constructed and completed to a shell capable of use in accordance with the details approved under planning permission ref no. 07/00422/F
30. That within six months of the completion of Block A the intended improvements to the external appearance of the Ex-Servicemen's Club and its forecourt shall be undertaken in accordance with the details approved by 11/00108/DISC dated 09.09.2011.
31. That prior to the first use of any retail unit or the Sainsbury unit hereby approved the intended walls/gates to the new street known as Bure Place which are to screen the service area to Tesco (49-57 Sheep Street) and the rear of 72 Sheep Street shall be constructed in accordance with the details approved by 11/00108/DISC dated 09.09.2011.
32. The landscaping of the site shall be in accordance with the details approved by 11/00108/DISC dated 09.09.2011.
33. That all planting, seeding or turfing comprised in the approved details of landscaping in respect of Condition 33 above 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.
34. No part of the development shall be occupied until details of the means of refuse storage and disposal/collection and recycling provision (arising from the development hereby approved) for that part of the development have been submitted to and approved in writing by the Local Planning Authority. Details shall include receptacles for refuse, siting of such receptacles and arrangements for their removal. The approved scheme shall be put in place before first occupation of the units to which the approved provisions relate

and the refuse/recycling storage, collection and disposal shall be carried out in accordance with the agreed strategy at all times thereafter.

35. The development shall be undertaken in general accordance with the energy efficiency statement proposed by Synergy and submitted with the application (as subsequently amended).
36. The proposed foodstore shall be constructed to at least a BREEAM 'good standard'.
37. All unfixed external seating and tables shall be removed outside of the trading hours of the premises with which they are associated.
38. No external seating or tables shall be provided within the site unless and until details of the extent and nature of the demarcation of the seating areas has been submitted to and approved in writing by the Local Planning Authority. The areas shall be defined and operated in accordance with the approved details at all times they are in use.
39. Prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced within the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
40. The temporary bus interchange facility shall be as approved by 10/00413/DISC dated 17/06/2011.
41. No externally mounted plant or equipment (except within the service yard of Building A) shall be installed or erected unless details have first been submitted to and approved in writing by the Local Planning Authority.
42. Notwithstanding the details shown on the submitted plans, details of the type, location, design, screening and acoustic performance of all internal and external plant and machinery (including coolers, air conditioning plant and plant or ventilation) to be provided in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and operation. The development shall be carried out and thereafter be permanently retained, maintained and operated in accordance with the approved details.
43. That prior to the first use of the Sainsbury's superstore or any other retail unit a scheme for the provision of facilities for taxis submitted to and approved by the Local Planning Authority and shall thereafter be provided.
44. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents:

Site Location Plan P2-01.1,

Site Plan P2-01.2,  
Demolition Plan P2-02,  
Phasing Plan Overlay P203.1,  
Masterplan Ground Floor Plan P2-03.2 Rev A,  
Masterplan Mezzanine Floor Plan P2-04 Rev A,  
Masterplan First Floor Plan P2-05 Rev A,  
Masterplan Second Floor Plan P2-06 Rev A,  
Masterplan Roof Plan P2-07 Rev A,  
Block A Ground Floor Plan P2-13 Rev B,  
Block A Mezzanine Floor Plan P2-14 Rev A,  
Block A First Floor Plan P2-15 Rev B,  
Block A Second Floor Plan P2-16 Rev B,  
Block B Ground Floor Plan P2-18 Rev B,  
Block B Mezzanine Floor Plan P2-19 Rev B,  
Block B First Floor Plan P2-20 Rev B,  
Block B Second Floor Plan P2-21 Rev B,  
Built Form Elevations P2-48 Rev B,  
Built Form Elevations P2-49 Rev B.

179      **583 Heyford Park, Camp Road, Upper Heyford**

The Committee considered application 12/01710/F for the retention and change of use of Building 583 (former sports hall) and associated outdoor space to non-residential educational use (Class D1) in association with use of Building 74 together with community use of the indoor and outdoor space (Class D2).

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

**Resolved**

That application 12/01710/F be approved, subject to:

- i) The applicants entering into an appropriate legal agreement to the satisfaction of the District and County Council relating to matters of transport and joint use
- ii) 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. That full design detail of the internal layout and any alterations to the external appearance of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

3. Use of the School facilities shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the indoor sports hall, playing fields and other outdoor sports facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.'
4. a) No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]:
  - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
  - (b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority [after consultation with Sport England] [or other specified time frame - e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
5. That Building 583 and the associated open space shall be used only for the purpose of non residential educational use in association with use of Building 74 together with community use of the indoor and outdoor space and for no other purpose whatsoever, including any other purpose in Class D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.
6. That a plan showing parking provision for vehicles to be accommodated within the site, including cars, parking for people with disabilities, minibuses, and coach, together with details of access and manoeuvring space, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and that such parking facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan before the first occupation of the premises. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.



7. 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.
8. 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.
9. That no development shall be commenced until full details of the safe pedestrian routes and crossings between Building's 74 and 583, together with full details of access for pedestrians and cyclists into the site from the surrounding development have been submitted to and approved in writing by the Local Planning Authority. Plans and particulars of the matters referred to above shall be carried out as approved.
10. Details of any proposed external lighting in and adjacent to the building, car parking areas and access way shall be submitted to and approved in writing by the Local Planning Authority and no lighting shall be installed without the consent of the Authority first being obtained.
11. All plant, machinery, mechanical ventilation equipment and ducting, other than that shown on the approved plans, shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority unless otherwise agreed with the Local Planning Authority.
12. 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.

13. 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.
14. 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 occupation of the building, and such means of enclosure, shall be erected prior to the first use of the building.
15. Full design details of the refuse/bin storage area, including materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved area shall be available for use before the property(ies) is/are first occupied.
16. If remedial works have been identified in condition y, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition y. A verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
17. Reports submitted with this application have identified a potential risk from contamination which may affect this development. 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.
18. If contamination is found by undertaking the work carried out under condition x, 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.

180 **74 Heyford Park, Camp Road, Upper Heyford**

The Committee considered application 12/01711/F for the change of use of building 74 and its curtilage (former officer's mess) and part of its curtilage to non-residential education use (Class D1).

In considering the application, some members commented that the application was supported locally.

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

**Resolved**

That application 12/01711/F be approved, subject to:

- iii) The applicants entering into an appropriate legal agreement to the satisfaction of the District and County Council relating to matters of education, transport and joint use and
- iv) 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. That full design details of the internal layout and any alterations to the external appearance of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
  3. 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.
  4. That, notwithstanding the provisions of Part 32, of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 and its subsequent amendments, the approved school shall not be extended nor shall any structures be erected within the curtilage of the said school or hardsurface constructed without the prior express planning consent of the Local Planning Authority.

5. That Building 74 and its curtilage shall be used only for the purpose of non residential educational use in association with use of Building 583 and for no other purpose whatsoever, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005. It shall not operate independently of Building 583 and the open space associated with that site unless alternative open space and recreation provision is made and agreed in writing with the Local Planning Authority
6. That a plan showing parking provision for vehicles to be accommodated within the site, including cars, parking for people with disabilities, minibuses, and coach, together with details of access and manoeuvring space, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and that such parking facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan before the first occupation of the premises. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.
7. 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.
8. 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.
9. Subsequent to the school roll reaching 120 no more than 120 additional pupils shall be permitted each year (or such other number as may be agreed in writing by the local planning authority from time to time) from 2013 to 2019. Each year the current roll shall be maintained until such time as the impact of the traffic and parking generated by the school on the local highway network has been assessed, and a review of the implementation and effect of the Travel Plan has been carried out. Additional pupils may be allowed subject to the agreement in writing by the local planning authority of any necessary resulting highway works or other mitigating actions and a programme for their implementation.

10. That no development shall be commenced until full details of the safe pedestrian routes and crossings between Building's 74 and 583, together with full details of access for pedestrians and cyclists into the site from the surrounding development have been submitted to and approved in writing by the Local Planning Authority. Plans and particulars of the matters referred to above shall be carried out as approved.
11. That no other means of access other than via the main entrance whatsoever shall be formed or used between the land and Camp Road..
12. Details of any proposed external lighting in and adjacent to the building, car parking areas and access way shall be submitted to and approved in writing by the Local Planning Authority and no lighting shall be installed without the consent of the Authority first being obtained.
13. All plant, machinery, mechanical ventilation equipment and ducting, other than that shown on the approved plans, shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority unless otherwise agreed with the Local Planning Authority.
14. The building shall not be brought in to use until such times as a detailed scheme of fume extraction/odour mitigation measures has first been submitted to and approved in writing by the Local Planning Authority; and implemented in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority.
15. 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.

16. 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.
17. 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 occupation of the building, and such means of enclosure, shall be erected prior to the first use of the building.
18. Full design details of the refuse/bin storage area, including materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved area shall be available for use before the property(ies) is/are first occupied.
19. If remedial works have been identified in condition y, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition y. A verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
20. Reports submitted with this application have identified a potential risk from contamination which may affect this development. 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.
21. If contamination is found by undertaking the work carried out under condition x, 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.

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**Plot B Part of OS Parcel 0005 North West of Junction 11 M40 off Wildmere Road, Banbury**

The Committee considered application 12/01748/OUT for the OUTLINE: Development of site for up to 10,500sqm (gross) of employment uses comprising a mix of light industrial (Class B1c), general industrial (B2) and storage and distribution (B8) with ancillary office accommodation and associated road, car parking and landscaping works.

Members were satisfied with the evidence presented.

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

**Resolved**

That application 12/01748/OUT be approved, subject to:

a) The following conditions:

1. Prior to the commencement of the development, a phasing plan to cover the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application submitted shall refer to a phase, phases, or part thereof identified in the phasing plan. Any subsequent alteration to the phasing plan shall be submitted to and approved in writing by the Local Planning Authority.
2. No development on any phase, identified on the approved phasing plan, shall be commenced until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) for that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter each phase of the development shall be carried out in accordance with the approved reserved matters application relating to it.
3. In the case of the first reserved matters application, application for approval shall be made not later than the expiration of five years beginning with the date of this permission. All other reserved matters applications shall be submitted before the expiration of seven years beginning with the date of this permission.
4. The development to which this permission relates shall be begun not later than the expiration of five years from the final approval of the last reserved matters application.
5. Except where otherwise stipulated by condition, the application shall be carried out in general accordance with the following plans and documents: Application Forms, Flood Risk Assessment, Design and Access Statement and drawings numbered: PL001 and PL002.

6. Prior to the commencement of the development, a strategy setting out the drainage principles for the entire site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the specific drainage details as required by Condition 7 shall be in accordance with the approved drainage strategy.
7. Prior to the commencement of any phase of the development identified on the approved phasing plan, foul sewerage and surface water drainage schemes for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development the drainage scheme shall be implemented on that phase in accordance with the approved details.
8. The existing landscaping belt along the east and south boundaries of the site shall be retained and no retained tree within the landscaping belt 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 an approved landscaping or landscape management scheme for the site.
9. Prior to the commencement of any phase of the development identified on the approved phasing plan, the existing trees within that phase, along the east and south boundaries of the site to be retained shall be protected in accordance with full details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the tree protection measures shall remain in place on the site until the completion of that phase of the development.
10. Each reserved matters application shall be accompanied by a management plan to supplement the existing management plan approved under 98/00160/OUT for the existing and proposed landscaping on the site including one year for maintenance and 15 years management.
11. The existing ditch running along the length of the east and south boundaries of the site shall be retained and prior to the commencement of any phase of the development hereby approved, a management plan for its maintenance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the ditch shall be maintained in accordance with the approved details.
12. In the case where development does not commence on any phase before 01 June 2014, an updated ecological survey covering the entirety of the site, which addresses any change in badger and reptile activity on the site, together with any subsequent mitigation measures required as a result of the findings and a timescale for the implementation of the mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be carried out in full in accordance with the approved details.



13. Prior to the first occupation of any building or land, the proposed means of access between that building or land and the public highway shall be formed, laid out and constructed in accordance with full details to be firstly submitted to and approved in writing by the Local Planning Authority.
14. Each reserved matters application submitted shall be accompanied by a Travel Plan for that phase of the development.
15. Each reserved matters application submitted shall be accompanied by a plan showing car and lorry parking and manoeuvring provision in accordance with the District Council's parking standards for vehicles to be accommodated within the site, together with layout, surfacing, and drainage to include petrol/oil interceptors.
16. Prior to the first occupation of the development hereby approved, an element of public art associated with the development, to be commissioned in liaison with the Council's Arts and Visitor Services Manager and an identified local artist, shall be fully provided on site in accordance with full details to be submitted to and approved in writing by the Local Planning Authority.
17. Prior to the commencement of any phase of the development identified on the approved phasing plan, full details of all external lighting for that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed and retained in accordance with the approved details.
18. The rated level of noise emitted from the site shall not exceed background noise levels by more than 5 dB when measured in accordance with British Standard BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas. Measurements shall be made at a height between 1.2 and 1.5 metres above ground level and at least 3.5 metres from the rear elevation of the Lloyds TSB Building, Brookhill Way Banbury.
19. Individual noise events on the development site shall not exceed L<sub>Amax</sub> (fast) 60 dB(A) during the night time period between 23:00 hrs and 07:00 hrs when measured free field to the north elevation of The Holiday Inn, Ermont Way, Banbury.
20. Prior to the commencement of any phase of the development identified on the approved phasing plan, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed building(s) on that phase, 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.
21. The gross floor area of the building(s) hereby approved shall not exceed 10,500sqm.

22. No goods, materials, plant or machinery shall be permanently stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.
23. The development hereby permitted shall be used only for the purposes falling within Classes B1(c), B2 and B8 of the Town and Country Planning (Use Classes) Order 2005.
24. Notwithstanding the provisions of section 55 (2) (a) (i) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act) and Article 2A of the Town and Country Planning (General Development Procedure) Order 1995 and Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 and its subsequent amendments, no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the prior express planning consent of the Local Planning Authority.
24. Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 and its subsequent amendments, the approved building shall not be extended or altered without the prior express planning consent of the Local Planning Authority.

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**19 Meadowsweet Way, Banbury**

The Committee considered application 12/01752/F for Single storey extension and internal alterations to extend existing kitchen – re-submission of 12/01336/F.

Councillor Nicholas Turner addressed the committee as ward member.

Councillor Clarke proposed that application 12/01752/F be deferred for a formal site visit. Councillor Reynolds seconded the proposal.

**Resolved**

That consideration of application 12/01752/F be deferred for a formal site visit.

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**Campsfield House, Langford Lane, Kidlington**

The Committee considered application 12/01762/F for three single storey extensions.

Members were satisfied with the evidence presented.

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

**Resolved**

That application 12/01762/F be approved, subject to:

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 approved plans: S.541/01; S.541-02; S.541-03; S.541-04; S.541-05; S.541-06; S.541-07; S.541-08a; S.541-09a; S.541-10; and S.541-11a.
3. That the brick to be used for the external walls of the development hereby permitted 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, 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".

184 **White Lion, South side, Steeple Aston**

The Committee considered application 12/01779/F for the external alterations to building and conversion of ground floor public house premises to facilitate the change of use of the building as a single family dwelling.

Members were satisfied with the evidence presented.

In reaching their decision, members considered the officers' report and presentation.

**Resolved**

That application 12/01779/F be approved, subject to:

1. Standard 3 year time limit

185 **Land West of Hornton Hall, Quarry Road, Hornton**

The Chairman reported that application 12/01811/F had been withdrawn by the applicant.

## **52 Grange Road, Banbury**

The Committee considered application 13/00049/F for the demolition of existing single storey garage and erection of single storey extension. Re-submission of 12/01029/F

Members were satisfied with the evidence presented.

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

### **Resolved**

That application 13/00049/F be approved, subject to:

1. S.C 1.4A (RC2) – [Time]
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: Drawing number 001, drawing number 007A, drawing number 008A, drawing number 009A and drawing number 010A received 14<sup>th</sup> January 2013.
3. Prior to the first use of the extension hereby approved, the proposed means of access between the land and the highway shall be improved in accordance with drawing number 009A and formed, laid out and constructed strictly in accordance with Oxfordshire County Council's guidance available at <http://www.oxfordshire.gov.uk/cms/content/dropped-kerbs>
4. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved and 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 parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

## **Foresters Lodge, Springhill Road, Begbroke**

The Committee considered application 13/00054/F for the demolition of existing dwelling and outbuildings and erection of new dwelling.

Terry Gashe, the applicant's agent, spoke in support of the application.

In considering the application, some members commented that the proposed dwelling was a special dwelling and would have no impact on the green belt.

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

**Resolved**

That application 13/00054/F be approved, subject to:

- a) The end of the 21 day consultation period on the 07 March 2013;
- b) The receipt of no further objection from consultees or third parties;
- c) 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, appendices to design and access statement, planning statement and drawings numbered P2000, P2001, P2002, 00360/10/S10, 00360/10/S11, 00360/10/S12, 00360/10/S13, P2010, P2011, P2012, P2020, P2021, P2022 and 767-LAN-PLN-01
  3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development including samples of each material hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
  4. Prior to the commencement of the development hereby approved, a stone sample panel including the detailing of the construction technique (minimum 1m<sup>2</sup> in size) shall be constructed on site, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Prior to the commencement of the development full design details of the green roofs, solar panels and glazing 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.
  5. Prior to the commencement of the development hereby approved, a plan showing a car parking provision for five spaces to be accommodated within the site to include layout, surface details, and drainage, 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 spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

6. 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 dwelling 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.
7. 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, 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.
8. 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.
9. Prior to the first occupation of the development hereby approved, the buildings and structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.
10. 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.
11. No removal of hedgerows, trees or shrubs or works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1<sup>st</sup> March and 31<sup>st</sup> 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.
12. All species used in the planting proposals associated with the development shall be native species of local provenance.

13. Prior to the commencement of any works on site, including any site clearance, a report from a suitably qualified ecologist outlining in detail all habitat and species surveys carried out on site, the methodology, results and any resulting mitigation or working methodologies required, along with the details of all biodiversity enhancements to be included on site, which shall include a management plan for all retained and enhanced biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

188 **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

189 **Appeals Progress Report**

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

**Resolved**

- (1) That the position statement be accepted

190 **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 item(s) of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph(s) 7 of Schedule 12A of that Act.

191 **Stable Block Corner, Farnborough Road, Mollington 12/01368/F**

The Head of Public Protection and Development Management submitted an exempt report relating to application 12/01368/F, Stable Block Corner, Farnborough Road, Mollington.

**Resolved**

- a) That the reasons for refusal set out below in relation to planning application 12/01368/F: Change of use of part of land to provide extra space required to accommodate four household pitches, one visitor pitch and retention of existing static caravan at Stable Block Corner, Farnborough Road, Mollington be agreed.
- (1) The proposed development, by virtue of the number of additional pitches proposed, the number of static and touring caravans that this would involve and their location on the site, together with views that are currently gained of the site from the wider area, would represent sporadic development in the open countryside which would cause demonstrable harm to the character of the landscape and would not conserve or enhance the quality of the locally designated area of High Landscape Value. As such the proposed development is considered to be contrary to Policies C7, C8, and C13 of the adopted Cherwell Local Plan and would not result in a sustainable form of development contrary to Government guidance contained within the National Planning Policy Framework and Planning Policy for Traveller Sites.
- (2) On the basis of the information available, the Council does not consider that the site would provide adequate facilities, namely electricity supply, water supply and sewerage arrangements, to ensure the provision of a satisfactory standard of living conditions or amenity for the proposed increased number of residents on the site. As such the proposed development is contrary to Policy BE1 of the South East Plan, Policy 30 of the adopted Cherwell Local Plan, Policy BSC6 of the proposed submission Cherwell Local Plan 2012 and would not result in a sustainable form of development contrary to Government guidance contained within the National Planning Policy Framework and Planning Policy for Traveller Sites.
- b) That it be agreed to allow the reasons for refusal to be made publicly available.

The meeting ended at 8.25 pm

Chairman:

Date: