

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 13 June 2013 at 4.00 pm

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

Councillor Ken Atack  
Councillor Andrew Beere  
Councillor Fred Blackwell  
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 Trevor Stevens  
Councillor Lawrie Stratford

Officers: Jenny Barker, Major Developments Team Leader  
Tracey Morrissey, Principal Planning Officer  
Caroline Roche, Principal Planning Officer  
Caroline Ford, Senior Planning Officer  
David Peckford, Principal Planning Officer  
Ross Chambers, Solicitor  
Natasha Clark, Team Leader, Democratic and Elections  
Aaron Hetherington, Democratic and Elections Officer

#### 25 **Declarations of Interest**

Members declared interests in the following agenda items:

#### **7. Site C Ploughley Road, Upper Arccott & Site D & E Ambrosden Road, MOD Bicester.**

Councillor D M Pickford, Conflict of Interest, as a member of Executive and Lead Member for Housing.

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.

**9. Land off Warwick Road, North of Hanwell Fields, Banbury.**

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

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

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

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

**10. Easington Sports and Social Club.**

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

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

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

Councillor G A Reynolds, Conflict of Interest, as the applicant was known to him and would not vote on the application.

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

**11. Land adjoining Foxhill and West of Southam Road, Banbury.**

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

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

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

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

**12. Hardwick Farm, East of Southam Road, Banbury.**

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

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

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

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

**13. Banbury AAT Academy (formerly Banbury School) Ruskin Road Banbury.**

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

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

Councillor Colin Clarke, Non Statutory Interest, as Chairman of the Friends Group at Stanbridge House and would not vote on the application.

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

Councillor Gordon Ross, Conflict of Interest, as his daughter works for Banbury AAT Academy.

**14. 81-89 Cassington Road, Yarnton.**

Councillor Trevor Stevens, Conflict of Interest, as he lived in the same road as the application.

**15. Land North East Of Junction Of Launton Road, Skimmingdish Lane, Launton.**

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

Councillor James Macnamara, Conflict of Interest, as a member of the Oxford Diocesan Synod/Doicesan Board of Finance and would not vote on the application.

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

**16. Thornbury House, 40 The Moors, Kidlington OX5 2AL.**

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

**19. Land to the Rear and North of 29 to 33 Quarry Close, Bloxham.**

Councillor G A Reynolds, Conflict of Interest, as a relative lived in a flood risk area and would not vote on the application.

**20. 2 Broughton Road, Banbury.**

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

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

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

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

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

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

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

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

26 **Requests to Address the Meeting**

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

27 **Urgent Business**

There was no urgent business.

28 **Minutes**

The Minutes of the meeting held on 16 May 2013 were agreed as a correct record and signed by the Chairman, subject to the following amendments:

3. Declarations of Interest

Add "Councillor Gordon Ross, Non Statutory Interest, as a member of Banbury town Council which had been consulted on the application" under the following items:

7. Land off Warwick Road, North of Hanwell Fields, Banbury

11. Banbury Gateway, Acorn Way, Banbury, OX16 3JU

16. 1 West Street, Banbury

17. 1-5 Juniper Court, St. Johns Road, Banbury

18. 1-5 Juniper Court, St. Johns Road, Banbury

11. Land north east of Chestnut Close, Launton  
Condition 1 should refer to 1 year not 2 years

29 **Update Briefing on 5 year Land Supply Strategy**

The Principal Planning Officer presented an update briefing on the council's five year land supply which had been submitted as part of the written update.

The Committee was reminded that the National Planning Policy Framework (NPPF) required local authorities to have a five year land supply with a buffer

of 5%. This requirement could be a material consideration in the determination of planning applications.

The Principal Planning Officer advised the Committee that Cherwell District Council currently did not fulfil this requirement. Whilst there were applications for planning permission on the agenda that had the potential to increase housing land supply to a position of five years plus 5% the council had not yet formally resolved whether the district should return to a position of five years plus 5% buffed or continue to a position if at least five years plus an additional 20%. This matter had been debated at recent public inquires and decisions were awaited.

The advice of planning policy officers was that the Council should seek to return to a position of five years plus an additional 20% in the interests of meeting housing need, sustaining a five year land supply and placing the council in a stronger position to ensure that housing was delivered in accordance with existing and emerging planning policies.

In response the Members' comments, the Principal Planning Officer confirmed that applications of ten or more dwellings and where it was considered that housing was deliverable within the next five years could be taken into account as part of the land supply figures.

30 **Site C Ploughley Road, Upper Arncott & Site D & E Ambrosden Road, MOD Bicester**

The committee considered application 11/01494/OUT for outline permission for the redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling 1358sqm, 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) 1000sqm and parking areas; employment floorspace comprising B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas.

Simon Dackombe, representing Thames Valley Police, spoke in objection to the application.

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

**Resolved**

That application 11/01494/OUT be approved, subject to

- (i) Accept the Heads of Terms set out in Appendix B as the basis of the completion of the S106 legal agreement, except with the public art contribution reduced to enable the TVPA request for funding to be met
- (ii) Departure procedures
- (iii) the following conditions, subject to minor changes if necessary in consultation with the Chairman:
  - (1) No development shall commence on any part of the site until full details of the [internal access roads, layout, scale, appearance and landscaping] for that part of the site (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
  - (2) Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Environmental Statement and drawings numbered:
    - 27808-L508a (December 2012) – Landscape Screening Proposals
    - 27808-LEA520a (December 2012) – C Site strategic masterplan
    - 27808-L509 (December 2012) – C Site: Proposed Sections
    - 27808-L506 (December 2012) – C Site: Screen planting to west boundary
    - 27808-L503b (April 2013) – Graven Hill Strategic Land Use Plan
    - 27808-L310b (February 2013) – Graven Hill Building Density
    - 27808-L389d.ai (April 2013) – Graven Hill Building Heights
    - 27808-L415 (September 2011) – MOD Bicester application sites
    - 27808-L464 (September 2011) – A41/Pioneer Road mitigation scheme
    - 27808-L463 (September 2011) – A41/Gravenhill Road/B4100 mitigation scheme (signal)

#### **C Site**

- (3) In the case of the reserved matters for C site, as identified on the attached plan, applications for approval shall be made not later than the expiration of three years beginning with the date of this permission.
- (4) The first reserved matter application for C site including the new building or part thereof, shall also include the landscape reserved matters. These details shall include;
  - a) the location and extent of landscape areas, which shall be no less than those detailed on 27808-L506 (December 2012).
  - b) the construction details of landscape bunds including their profile and make up
  - c) details of the planting including the size, location and species together with necessary protection

- d) details of fencing or other measures to protect planted areas whilst they become established
  - e) programme for delivery of the landscaping
  - f) 15 year management programme to establish and maintain the landscape areas.
  - g) an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions
- (5) The development on C site to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
- (6) The Fulfilment Centre on C Site shall not exceed 18.6m to ridge height, 14.6m to external eaves height, or have a dimension that exceeds 320m x 220m. A distance of at least 60m shall be maintained between the proposed building and the existing residential properties on Green Lane.
- (7) The building hereby permitted on C site shall be constructed to DREEAM very good standard. Written confirmation, from a suitably qualified person, that the building has been constructed to DREEAM very good shall be provided to the local planning authority prior to the first occupation of the building.
- (8) The permission for the building hereby granted for C site shall only be occupied by the Ministry of Defence for purposes associated with national defence.
- (9) A cladding colour scheme, including the material finish for the building(s) on C site, to mitigate the impact of the building in views to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The cladding shall thereafter comply with the approved scheme.
- (10) Prior to the commencement of development at C site hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details prior to the first occupation of the building.
- (11) The building hereby approved on C site shall not be occupied until such time as a routing agreement is in place identifying routes for commercial traffic to and from the site.
- (12) The development hereby approved shall be carried out strictly in accordance with the mitigation proposals laid out in table 3.3, Chapter

3, page 30 of the Environmental Statement set submitted with the application, which was prepared by AMEC dated September 2011.

- (13) If the development of C Site hereby approved, does not commence within 1 year from the date of this decision, revised species surveys as set out in table 12.3, Chapter 12, Volume 2 of the Environmental Statement shall be undertaken within the 12 months prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers, bats, dormice, great crested newts, reptiles, birds and invertebrates. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of development. Thereafter, the development shall be carried out in accordance with the approved details.
- (14) Construction Environment Management Plan (CEMP) for the development on C site shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the permission for C Site. Thereafter, the development shall be carried out in accordance with the approved CEMP.
- (15) Prior to the commencement of the development hereby approved at C site, including any demolition, any works of site clearance and prior to the introduction of any construction machinery onto the site, protective fencing and warning notices shall be erected on the site in accordance with the approved ecological mitigation and approved CEMP. All protective fencing and warning signs shall be maintained in accordance with approved details for the entirety of the construction phase.
- (16) Prior to the commencement of the development on C site 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.
- (17) If contamination is found by undertaking the work carried out under condition 16 prior to the commencement of the development on C site 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.



- (18) If remedial works have been identified in condition 17, the development at C Site shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 17. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- (19) No development shall commence on C Site until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during and routes to the Graven Hill development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
- (20) The building hereby approved at C site shall not be occupied until such time as a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall thereafter be implemented as approved.
- (21) Development at C site shall not commence until a drainage strategy detailing any on or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
- (22) Development at C site shall not be commenced until: impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- (23) The development of C Site permitted by this planning permission shall only be carried out in accordance with the approved drainage strategies BIC/OPA/DOC/15 dated Sept 2011, and following mitigation measures detailed within the FRA:
1. Surface water discharge rates from the site shall be limited to those set out in Table 4.7 of document BIC/OPA/DOC/15
  2. Surface Water discharge rates from the site shall be limited to those set out in Tables 4.5 and 4.6 of document BIC/OPA/DOC/17
- (24) In relation to C Site,
- 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 or group of trees which shall be retained in accordance with the approved plans and particulars as set out in the C Site: Tree Survey (BIC/OPA/DOC/20, September 2011); and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this consent..

### **Graven Hill**

- (25) Prior to the submission of reserved matters for Graven Hill, a master plan and design code shall be provided covering the distribution of land uses, character areas, forms of buildings, street hierarchy, measures to support sustainable travel, strategic landscape, building typology, materials, servicing, parking and sustainability features. The Design Code shall be approved in writing prior to the submission of reserved matters and thereafter the reserved matters shall be made in accordance with the agreed Code.
- (26) In the case of the reserved matters for Graven Hill, reserved matters applications for approval for the first phase, which shall include a minimum of 100 residential properties, shall be made not later than the expiration of four years beginning with the date of this permission.
- (27) In the case of the reserved matters for the remaining phases at Graven Hill, provided condition 27 has been complied with, applications for the approval of reserved matters shall be made not later than the expiration of eight years beginning with the date of this permission.
- (28) The development on Graven Hill to which this permission relates shall be begun not later than;
  - i) the expiration of two years from the final approval of the reserved matters for phase 1 or, in the case of approval on different dates, the final approval of the last reserved matters to be approved for phase 1.
  - ii) provided i) has been complied with, expiration of two years from the approval of the reserved matters for the remainder of the site, or, in the case of approval on different dates, the final approval of reserved matters.
- (29) Prior to the commencement of development hereby approved on Graven Hill, a phasing plan covering the entire Graven Hill site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.

- (30) No development shall be occupied on the Graven Hill site identified on the attached drawing 27808-L415 (September 2011) – MOD Bicester application sites, until a programme of highway improvements has been fully implemented at M40 Junction 9 that are sufficient to mitigate the impacts of the development and this has been agreed, in writing, by the Local Planning Authority, in conjunction with the Highways Agency.
- (31) Building heights for residential properties on Graven Hill site shall not exceed those denoted on plan 27808-L389d ai (April 2013) – Graven Hill Building Heights, except those specifically restricted by condition 33. Those buildings located above the 80m contour shall not exceed 5.4 metres in height.
- (32) Building heights for residential properties on Graven Hill site adjacent to the A41 frontage (referred to as the Westacott Woodland Park area on the Landscape Masterplan/Major Open Spaces on page 165 of the Design and Access statement) shall be restricted as follows:
- The maximum ridge height of no more than 80% of dwellings shall exceed 8.5 metres
  - The maximum ridge height of no more than 20% of the dwellings shall exceed 10.5 metres
- (33) The maximum height of any new commercial building at Graven Hill site shall not exceed 15 metres to the ridge.
- (34) Prior to work commencing on any phase relating to the Graven Hill site, details of existing and proposed levels shall be submitted to and approved in writing by the local planning authority. The details shall include measures to deal with any arisings on site wherever possible.

## **Energy**

- (35) Prior to the commencement of development at Graven Hill, a feasibility assessment for district heating and/or combined heat & power to serve the site, including the consideration of bio mass, shall be carried out by a suitably qualified person and submitted to and approved in writing by the local planning authority.
- (36) Should the feasibility study required by condition 35 identify the potential for district heating or combined heat and power, an energy plan shall be produced and be submitted to and approved in writing prior to the commencement of development. The plan shall thereafter be implemented to serve the development in accordance with the approved details.
- (37) Prior to the first occupation of any dwelling on the site at Graven Hill, a final Code Certificate, certifying that the dwellings in question achieve Level 5 of the Code for Sustainable Homes shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority.

- (38) All non residential buildings hereby approved on Graven Hill shall be constructed to at least a BREEAM 'Excellent' standard.

### **Housing**

- (39) No more than 1900 houses shall be provided on the Graven Hill site. The market housing shall comprise no less than;

- 1 bed flats (maximum 50sqm) – 5%
- 2 bed flats (maximum 83sqm) – 5%
- 2 bed houses (maximum 83sqm) – 5%
- 3 bed or smaller houses (maximum 98sqm) – 34%

- (40) Prior to commencement of development a housing plan shall be submitted to and approved in writing by the Local Planning Authority identifying how the dwellings identified in condition 39 shall be distributed through the phases of the development. The development shall thereafter be carried out in accordance with the approved housing plan.

### **Employment**

- (41) Prior to work commencing at Graven Hill, an employment strategy for the site, carried out by a suitably qualified person, shall be submitted to and approved in writing by the local planning authority. The employment strategy shall;

- i) address the local employment situation, identify the areas of need and opportunity for the site to address them.
- ii) include initiatives to attract and develop knowledge and high technology industries to Bicester.
- iii) include initiatives to reduce out commuting from Bicester.
- iv) provide an assessment of the rail freight opportunity of the site and its potential to attract employment to the site and reduce road transport.
- v) address the wider Local Enterprise Partnership priorities and the opportunity for the site to contribute to their aims.
- vi) the rail lines serving the commercial units on Graven Hill shall not be removed until the assessment of the rail freight opportunity required by this condition has been submitted to and approved by the Local Planning Authority.

- (42) The local shops or facilities at Graven Hill (use classes A1, A2, A3, A5 or D1) shall not exceed 1358m<sup>2</sup> in total or comprise of any single unit exceeding 150m<sup>2</sup> in area, with the exception of a single additional retail unit (use class A1) which shall not exceed 1000m<sup>2</sup> gross area. The local shops and facilities thereafter shall not be amalgamated to form larger units without the prior written consent of the Local Planning Authority. The 1000m<sup>2</sup> retail unit shall not be used for any purpose outside of use class A1.

- (43) Notwithstanding the provisions of Class J of Part 4, schedule 2 of the Town and Country Planning (General Permitted Development)

(Amendment) (England) Order 2013 and its subsequent amendments, the approved B1 (a) development on Graven Hill shall not be converted to provide residential accommodation, without the express planning consent of the Local Planning Authority.

### **Construction**

- (44) All services serving the proposed development shall be provided underground unless details have first been submitted to and approved in writing by the Local Planning Authority. Details of any necessary above ground infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended) shall be submitted concurrently with the details of the development they serve.
- (45) A Construction Environment Management Plan (CEMP), in relation to Graven Hill, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development on Graven Hill. Thereafter, the development shall be carried out in accordance with the approved CEMP.

### **Landscape**

- (46) Notwithstanding the details submitted, no development shall take place on Graven Hill until a Strategic landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include;
- i) identification of strategic landscape areas which shall accord with the approach set out in the Design and Access Statement
  - ii) phasing of the provision
  - iii) key principles for the laying out and management of each area
  - iv) protection of habitat and open space areas pre and post laying out, whilst development takes place on the site.
  - v) fifteen year management plan for the maintenance of the area.
  - vi) an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions
- (47) In relation to Graven Hill,
- 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 or group of trees which shall be retained in accordance with the approved plans and particulars as set out in the Graven Hill: Tree Survey (BIC/OPA/DOC/19, September 2011); and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this consent..

- (48) Prior to the commencement of the development hereby approved on the Graven Hill site, full details of the enclosures along or adjacent to all boundaries of the retained barracks within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of any dwellings on Graven Hill.

## **Highways**

### ***Access/Entrance Works***

- (49) That prior to the first occupation of the Graven Hill development the proposed Entrance Works (A41/Graven Hill Road/B4100/A4421 roundabout) as shown on Figure 11.3 in the accompanying Transport Assessment, drawing reference 27808-L390, between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority’s specifications and that all ancillary works specified shall be undertaken.
- (50) That prior to the first occupation of the Graven Hill development, a construction timetable for the proposed works at Pioneer/A41 roundabout, as shown on Figure 11.4.3 in the accompanying Transport Assessment and drawing reference 27808-L384, between the land and the highway shall be agreed. The agreed timetable shall thereafter be adhered to and the works shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority’s specifications and that all ancillary works specified shall be undertaken. There shall be no occupation of phase 2 (residential) or phase 1, 2 or 3 of commercial land, as set out in the phasing plan on page 178 of the Design and Access statement, until the agreed works have been implemented in accordance with the timetable, unless otherwise agreed in writing by the Local Planning Authority.
- (51) No development shall commence on site within each agreed phase for the Graven Hill development until the internal vision splays for all vehicle access and pedestrian crossing points for the development are submitted to and approved in writing by the Local Planning Authority. Such vision splays shall be formed, laid out and constructed in

accordance with the approved plan and shall not be obstructed by any object, structure, planting or other material at any time.

*Please note all the internal vision splays must be dedicated as public highway land to maintain the vision splays for safety reasons.*

- (52) No development shall commence on site within each agreed phase for the Graven Hill development until the tracking manoeuvres for refuse vehicles, fire tenders etc are submitted to and approved in writing by the Local Planning Authority.
- (53) No development shall commence on site within each agreed phase for the Graven Hill development until details of the pedestrian, cycle and vehicle routes are submitted to and approved in writing by the Local Planning Authority.. Such routes shall be formed, laid out and constructed strictly in accordance with the approved details.
- (54) No development shall commence on site within each agreed phase for the Graven Hill development until a lighting scheme for the pedestrian, cycle and vehicle routes are submitted to and approved in writing by the Local Planning Authority. Such lighting shall be formed, laid out and constructed strictly in accordance with the approved details.
- (55) No development shall commence on site for the Graven Hill development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during and routes to the Graven Hill development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
- (56) That, before any of the dwellings within each agreed phase of the Graven Hill development are first occupied, the whole of the estate roads, bridges, footways, cycleway and other pedestrian/cycle routes (except for the final surfacing thereof) shall be laid out, constructed, lit and drained to Oxfordshire County Council's specifications
- (57) That, before any of the dwellings are first occupied within each agreed phase of the Graven Hill development, the proposed vehicular accesses, driveways, parking courts, parking areas and turning areas that serve those dwellings shall be constructed, laid out, surfaced and in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- (58) That, before the non-residential elements of the Graven Hill development are first occupied, the parking areas shall be constructed, surfaced, laid and marked out, drained and completed in accordance

with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

- (59) A safeguarded route for a South Eastern relief road shall be identified on the master plan for the site (maximum width 12 metres) which shall be submitted to and approved in writing prior to work commencing at Graven Hill. The safeguarded area shall thereafter remain free of built development.

### **Drainage Conditions**

- (60) Development shall not commence on the Graven Hill site, until a drainage strategy detailing any on or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
- (61) Development shall not be commenced on the Graven Hill site until: impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- (62) Prior to the commencement of development on the Graven Hill site, a scheme to ensure that no surface water from the Graven Hill development shall be discharged onto the adjoining highway shall be submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved scheme, prior to the commencement of each agreed phase.
- (63) That, before any of the Graven Hill development is first occupied, the whole of the Sustainable Drainage Systems (SUDS) shall be laid out, constructed to Oxfordshire County Council's specifications.
- (64) Prior to the commencement of development at Graven Hill, a surface water drainage strategy based on Sustainable Urban Drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved scheme, prior to the commencement of development. The approved scheme shall then be implemented and maintained in accordance with approved details.
- (65) No development on any phase or parcel at Graven Hill shall commence until a detailed scheme for disposal of surface water, including phased works and maintenance thereof, attenuation and storage and on site balancing arrangements reflecting current best practice for sustainable urban drainage, have been submitted to and approved in writing by the



local planning authority. No development shall take place other than in accordance with approved scheme.

- (66) No development shall take place on Graven Hill until the applicant, or their agents or successors in title, has secured the implementation of a programme of recording in accordance with a written scheme which has been submitted to and approved by the Local Planning Authority.

### **Historic Environment**

- (67) No development shall be occupied on Graven Hill until the programme of recording as set out in condition 66 has been completed and the provision made for publication and dissemination of the results and archive deposition has been secured.
- (68) No development shall take place on either site until the applicant, or their agents or successors in title, has secured the implementation of a programme of recording in accordance with a written scheme which has been submitted to and approved by the Local Planning Authority.
- (69) No development shall be occupied on either site until the programme of recording as set out in condition 67 has been completed and the provision made for publication and dissemination of the results and archive deposition has been secured.
- (70) Prior to any demolition and the commencement of the development at Graven Hill a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the Graven Hill application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
- (71) Prior to any demolition on the Graven Hill site and the commencement of the development hereby approved on Graven Hill, and following the approval of the Written Scheme of Investigation referred to in condition 69, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

### **Ecology**

- (72) The development of Graven Hill hereby approved shall be carried out strictly in accordance with the mitigation proposals laid out in table 3.3, chapter 3, page 30 of the Environmental Statement set submitted with the application, which was prepared by AMEC dated September 2011..
- (73) Prior to work commencing on Graven Hill, a habitat creation plan, identifying how existing bio diversity on the site will be maintained and a net bio diversity gain will be delivered, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in accordance with the phasing set out in the plan.

- (74) Prior to work commencing on C site, a habitat creation plan, identifying how existing bio diversity on the site will be maintained and a net bio diversity gain will be delivered, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in accordance with the phasing set out in the plan.
- (75) Prior to the commencement of the development hereby approved at Graven Hill, 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.

### **Contamination**

- (76) Prior to the commencement of the development on any phase hereby permitted on Graven Hill, 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. The report shall identify clearly the phase to which it relates and the relationship to remediation of phases already completed and to those remaining to be undertaken. 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.
- (77) If contamination is found by undertaking the work carried out under condition 75, prior to the commencement of the development hereby permitted on Graven Hill, 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.
- (78) If remedial works have been identified in condition 76, the development of Graven Hill shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 76. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

(Councillors Ken Atack, Michael Gibbard, Debbie Pickford and George Reynolds left the meeting for the duration of this item)

31 **Land north of DeeJay Farm and south of Chestnut Road Mollington**

The Chairman advised that application 12/01453/F had been withdrawn by the applicant

32 **Land off Warwick Road, North of Hanwell Fields, Banbury**

The Committee considered application 12/01789/OUT for an outline application for up to 350 dwellings, together with new vehicular access from Warwick Road an associated open space.

Councillor's Donaldson and Turner addressed the committee as Ward Members.

Richard White, the applicant, spoke in support to the application.

Councillor Reynolds proposed that application 12/01789/OUT be refused. Councillor Clarke seconded the proposal. The proposal was voted on and subsequently lost.

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

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

**Resolved**

That application 12/01789/OUT be approved, subject to the following conditions:

- (a) The delegation of the completion of the S106 negotiations to Officers in consultation with the Chairman
- (b) The completion of the S106 legal agreement
- (c) That, in accordance with the provisions of Regulation 24 of the Town and County Planning (Environmental Impact Assessment) Regulations 2011 that the report be approved as setting out the main reasons, considerations and measures of mitigation with regard to the ES.
- (d) The following conditions:
  - (1) That no development shall be commenced until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
  - (2) That in the case of the reserved matters, application for approval shall be made not later than the expiration of one year beginning with the date of this permission.

- (3) That the development to which this permission relates shall be begun not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
- (4) Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with the following documents and drawings

Environmental Impact Assessment covering Socio-Economics, Ecology and Nature Conservation, Landscape and Visual, Air Quality, Noise and Vibration, Hydrology, Flood Risk and Drainage, Ground Conditions, Cultural Heritage and Archaeology and Agricultural Circumstances, a Transport Statement, a Design and Access Statement, a Planning Statement and a Statement of Community Consultation. A further addendum to the ES dated 7 March 2013.

Access Parameters Plan – P.0616\_23C-3  
Green Infrastructure Plan – P.0616\_23C-4  
Land Use Parameters Plan – P.0616\_23B-1  
Building Heights Parameters Plan – P.0616\_23B-2  
Red Line Plan – P.0616\_23B-5  
Site Access Junction (and footway cycleway) –  
0214/SK/012/A  
(included in TA at Appendix D)  
Interconnectivity Access Coordinates Plan – P.0616\_50-6

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

be submitted to and approved in writing by the Local Planning Authority.

- (9) No more than 350 dwellings shall be accommodated on the site

### **Land contamination and mitigation**

- (10) Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
- (11) If a potential risk from contamination is identified as a result of the work carried out under condition 10, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
- (12) If contamination is found by undertaking the work carried out under condition 11, 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.
- (13) If remedial works have been identified in condition 12, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 12. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- (14) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out

until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

### **Landscape, Trees, Maintenance, Public Open Space & Play**

- (15) That no development shall take place on a phase identified in condition no. 7, until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
- (a) details of the proposed tree and shrub planting including their species (which shall be native species of UK provenance), number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- (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) Prior to the commencement of the development a survey identifying trees to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved survey.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works
  - (b) If any tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

- (18) No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established to protect retained trees.
  - (b) a British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan
  - (c) the specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
  - (d) details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
  - (e) details of any levels changes within or adjacent to protection zones;
  - (f) details of the surface treatment to be applied within protection zones, including a full specification and method statement;
  - (g) the routing of overhead and underground services and provisions for reducing their impact on retained trees.
  - (h) a specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme.
- (19) All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.
- (20) Prior to the commencement of the development hereby approved, full details of a method of supervision and programme of works for the landscaping [including POS and play areas], which is appropriate to the scale and duration of the development works (to include the information set out below at (a) to (d) below), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the method of supervision and programme of works shall be carried out in accordance with the approved details.

- (a) developer's 'clerk of works' employed to undertake supervisory/monitoring role of approved landscape works. Applicant/Agent to provide written confirmation and contact details of chosen individual or company
  - (b) relevant persons/contractors to be briefed by project 'landscape architect'/architect' on all on-site matters relating to the implementation of the approved landscaping
  - (c) timing and methodology of scheduled site monitoring visits to be undertaken by 'clerk of works'
  - (d) procedures for notifying and communicating with the LPA when dealing with unforeseen variations to agreed works.
- (21) Except to allow for the means of access and vision splays the existing hedgerow/trees along the Warwick Road, Southern and Eastern site boundaries of the site shall be retained and properly maintained at a mature height for trees and not less than 3 metres for hedgerows, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.
- (22) The existing trees along the Northern Boundaries of the site shall be retained and properly maintained at their mature heights, and that any tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.
- (23) Within the first available planting season following the occupation of the building, or on the completion of the development, whichever is the sooner, the existing hedgerow along the Western, Eastern and Southern boundaries shall be reinforced by additional planting in accordance with a detailed scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority. Thereafter, any plant/tree within the hedgerow which, within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species 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). Thereafter the new planting shall be properly maintained in accordance with this condition.
- (24) Prior to the commencement of the development hereby approved, a plan showing the existing and proposed levels of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved levels.
- (25) Prior to the commencement of the development of any phase identified in condition no. 7, hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or



mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority.

- (26) Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

### **Archaeology**

- (27) Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
- (28) Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 27, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

### **Ecology/Biodiversity**

- (29) Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, an update to the mitigation strategy for badgers, which shall include details of a recent survey (no older than six months on the date of the submission to the Local Planning Authority), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (30) Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, detail of the location, construction and timing of the bats mitigation works, together with the details of the maintenance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

- (31) Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.
- (32) Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.
- (33) Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for biodiversity enhancements on site together with the long term maintenance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- (34) No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 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.

### **Drainage**

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

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

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

magnitude and timing of any new additional capacity required in the system and a suitable connection point, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

- (37) Prior to the commencement of the development full details of the foul drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

### **Highway/Access**

- (38) Prior to the commencement of the development hereby approved, full details of the means of access onto the B4100 (Warwick Road), including its construction (which shall be strictly in accordance with the highway authority's specification), along with drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. And that prior to the first occupation of the development, the approved means of access shall be constructed and retained thereafter in accordance with the approved details and all ancillary works specified shall be undertaken and the land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or other material.
- (39) No dwelling shall be occupied until there is pedestrian and cycle provision between the Warwick Road adjacent the B4100 and the Dukes Meadow Drive.
- (40) No development shall commence on site for the development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
- (41) Prior to the commencement of the development, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

### **Other**

- (42) Prior to the commencement of the development details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.
- (43) All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details
- (44) That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority
- (45) No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.
- (46) Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
- (47) Prior to the commencement of any part of the development hereby approved within 10m of the existing public footpath(s), the affected footpath(s) shall be protected and fenced to accommodate a width of a minimum of 5m in accordance with details to be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath(s) shall remain fenced and available for use throughout the construction phase in accordance with the approved details.
- (48) The details of the layout and construction of the car park to the formal open space/sport area including details of its porous surfacing, shall be submitted to and approved in writing to the Local Planning Authority

prior the first occupation of the dwellings. The car park shall be provided in accordance with the approved details, prior to the layout of the formal open space. 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.

- (49) That details (including the siting) of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved.
- (50) That prior to the commencement of the development hereby approved, full design details of the equipment and layout of the Local Areas of Play (LAPs) and the Local Equipped Area of Plan (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LAPs and LEAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- (51) Prior to the commencement of the development full design details of the proposed interconnecting footpath shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath(s) shall be constructed prior to the construction of any dwelling in the eastern section of the site and shall be constructed to adoptable standards unless otherwise agreed in writing by the Local Planning Authority.

33

### **Easington Sports and Social Club**

The Committee considered application 13/00036/F for the erection of spectator stand, the erection of 4 no. floodlight columns and associated brick electricity supply cubicle. 0.9m wide concrete hard standing around pitch. Retrospective hard standing (existing car park area).

James Hall, a local resident, spoke in objection to the application.

Neil Clark, Chairman of Easington Sports and Social Club, spoke in support of the application.

Councillor Blackwell proposed that application 13/00036/F be refused. Councillor Clarke seconded the proposal.

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

### **Resolved**

That application 13/00036/F, be refused, for the following reasons:

- (1) The proposed floodlights would allow the use of the football club for extended hours. By virtue of the close proximity of the site to

residential dwellings, it would result in unacceptable levels of noise and disturbance in the late evening causing harm to residential amenity contrary to Policy C31 of the adopted Cherwell Local Plan and the National Planning Policy Framework.

(Councillor George Reynolds left the meeting for the duration of this item)

34 **Land adjoining Foxhill and West of Southam Road, Banbury**

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

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

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

**Resolved**

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

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

- (4) Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with the following documents and drawings:

Environmental Impact Assessment covering Socio-Economics, Ecology and Nature Conservation, Landscape and Visual, Air Quality, Noise and Vibration, Hydrology, Flood Risk and Drainage, Ground Conditions, Cultural Heritage and Archaeology and Agricultural Circumstances, a Transport Statement, a Design and Access Statement, a Planning Statement and a Statement of Community Consultation.  
Amended/alternative scheme and additional information to the ES received 05/04/13.

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

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

## **Land contamination and mitigation**

- (10) Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
- (11) If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
- (12) If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- (13) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

## **Landscape, Trees, Maintenance, Public Open Space & Play**

- (14) That no development shall take place on a phase identified in condition no. 7, until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
  - (a) details of the proposed tree and shrub planting including their species (which shall be native species of UK provenance), number, sizes and positions, together with grass seeded/turfed areas,



- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- (15) That all planting (including any supplemental to existing hedgerows), seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- (16) Prior to the commencement of the development a survey identifying trees to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved survey.
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works
  - (b) If any tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (17) No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
  - (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established to protect retained trees.
  - (b) a British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan

- (c) the specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
  - (d) details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
  - (e) details of any levels changes within or adjacent to protection zones;
  - (f) details of the surface treatment to be applied within protection zones, including a full specification and method statement;
  - (g) the routing of overhead and underground services and provisions for reducing their impact on retained trees.
  - (h) a specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme.
- (18) All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.
- (19) Prior to the commencement of the development hereby approved, full details of a method of supervision and programme of works for the landscaping [including POS and play areas], which is appropriate to the scale and duration of the development works (to include the information set out below at (a) to (d) below), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the method of supervision and programme of works shall be carried out in accordance with the approved details.
- (a) developer's 'clerk of works' employed to undertake supervisory/monitoring role of approved landscape works. Applicant/Agent to provide written confirmation and contact details of chosen individual or company
  - (b) relevant persons/contractors to be briefed by project 'landscape architect'/'architect' on all on-site matters relating to the implementation of the approved landscaping
  - (c) timing and methodology of scheduled site monitoring visits to be undertaken by 'clerk of works'
  - (e) procedures for notifying and communicating with the LPA when dealing with unforeseen variations to agreed works.

- (20) Except to allow for the means of access and vision splays the existing hedgerow/trees along the Southam Road boundaries of the site shall be retained and properly maintained at a mature height for trees and not less than 3 metres for hedgerows, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.
- (21) Prior to the commencement of the development hereby approved, a plan showing the existing and proposed levels of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved levels.
- (22) Prior to the commencement of the development of any phase identified in condition no. 7, hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority.
- (23) Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems, an appropriate method of mulching and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

### **Archaeology**

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

### **Ecology/Biodiversity**

- (26) Prior to the commencement of any works on site including works of site clearance or preparation, a full assessment of the impacts on biodiversity and protected/notable species in the light of the proposed final landscape and layout plans shall be submitted for written approval which must include plans for mitigation, timings, details of ecological supervision and working methods and the results of all updated surveys.
- (27) Prior to the commencement of the development hereby approved, including any works of site clearance, a method statement for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- (28) Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.
- (29) Prior to the commencement of the development hereby approved, including any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.
- (30) The works hereby approved shall be carried out during daylight hours only; ceasing one hour before sunset and not commencing until one hour after sunrise.
- (31) No removal of hedgerows, trees or shrubs shall take place between the 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

### **Drainage**

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

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

- (33) Prior to the commencement of the development, impact studies of the existing water supply infrastructure, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- (34) Prior to the commencement of the development full details of the foul drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

### **Highway/Access**

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

### **Other**

- (38) Prior to the commencement of the development, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.
- (39) All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details
- (40) That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority
- (41) No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.
- (42) Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
- (43) Prior to the commencement of the development full design details of the proposed strategic footpath and its route shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath(s) shall be constructed to adoptable standards unless otherwise agreed in writing by the Local Planning Authority.
- (44) Prior to the commencement of the development, details (including the siting) of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

- (45) That prior to the commencement of the development hereby approved, full design details of the equipment and layout of the Local Areas of Play (LAPs) and the Local Equipped Area of Plan (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LAPs and LEAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

35

**Hardwick Farm, East of Southam Road, Banbury**

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

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

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

**Resolved**

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

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

- (4) Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with the following documents and drawings:

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

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

#### **Land contamination and mitigation**

- (10) Prior to the commencement of the development hereby permitted, a



comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

- (11) If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
- (12) If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- (13) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

#### **Landscape, Trees, Maintenance, Public Open Space & Play**

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

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

made for isolating such precautionary areas from general construction activities;

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

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

### **Archaeology**

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

### **Ecology/Biodiversity**

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

which must include plans for mitigation, timings, details of ecological supervision and working methods and the results of all updated surveys.

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

### **Drainage**

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

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

- (33) Prior to the commencement of the development, impact studies of the existing water supply infrastructure, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the

development shall be carried out in accordance with the approved details.

- (34) Prior to the commencement of the development full details of the foul drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

### **Highway/Access**

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

### **Other**

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

Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details

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

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

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

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

- (45) That details (including the siting) of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved.
- (46) That prior to the commencement of the development hereby approved, full design details of the equipment and layout of the Local Areas of Play (LAPs) and the Local Equipped Area of Plan (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the LAPs and LEAP shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- (47) The details of the layout and construction of the small 10 space car park to the south east of the site including details of its porous surfacing, shall be submitted to and approved in writing to the Local Planning Authority prior the first occupation of the dwellings. The car park shall be provided in accordance with the approved details, prior to the final phase agreed under condition no. 7. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

36

**Banbury AAT Academy (formerly Banbury School) Ruskin Road  
Banbury**

The Committee considered application 13/00265/OUT for the residential development with access and associated infrastructure; the provision of a new all-weather astro turf pitch (ATP) with lighting; and the extension and alteration of the sports hall and changing facilities including the provision of an external climbing wall.

Howard Rowan, representing a group of local residents, spoke in objection to the application.

Dr Fiona Hammans, Principal of Banbury School and Peter Frampton, the agent, spoke in support to the application.

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

**Resolved**

That application 13/00265/OUT be approved, subject to:

- (a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions and affordable housing.
- (b) the following conditions (subject to amendment under delegated authority):



- (1) No development shall commence until full details of the layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
- (2) In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
- (3) The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
- (4) 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 drawing numbered: PF/omjt/SCH01/PF/8750.01A.
- (5) That the site shall be developed with a mix of housing types/sizes in accordance with housing mix set out in Policy BSC4 of the Cherwell Local Plan - Proposed Submission Draft (May 2012)
- (6) 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.
- (7) 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.

- (8) In this condition retained tree is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the commencement of the development.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works
  - (b) If any tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (9) No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
- (a) A plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan
  - (b) The details of each retained tree as required at paragraph 4.2.6 of BS 5837 in a separate schedule
  - (c) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work
  - (d) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837)
  - (e) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
  - (f) The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837)

- (g) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837)
  - (h) The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (paragraph 5.2.2 of BS5837) of any retained tree including those on neighbouring or nearby ground
  - (i) The details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "no-dig" construction
- (10) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
- (11) Prior to occupation; Access to be constructed to County Council specification, including visibility splays which are to be provided and maintained free from obstructions over 0.6 metres in height.
- (12) Prior to development; a construction phase travel plan shall be submitted to and approved by the Local Planning Authority. Throughout development the approved plan must be adhered to.
- (13) Prior to development; full details of a lighting scheme shall be submitted to and approved in writing by the LPA. Prior to first occupation the lighting scheme shall be completed in all respects in accordance with the approved details, inclusive of parking courts, and maintained in a working order thereafter.
- (14) The proposed development shall be served by an estate road (or Roads) laid out and constructed in accordance with details, including a means of surface water disposal, submitted to and approved in writing by the Local Planning Authority. (To include, amongst other details, tracking demonstrations for turning heads, rumble strips and any other lining or means of traffic calming).
- (15) No dwelling shall be occupied until the access road between that dwelling and the existing county highway, including footways and turning heads (where applicable), has been laid out in accordance with the approved plans and details and constructed to at least base course level.
- (16) No dwelling of the approved development shall be used or occupied until the car parking and associated turning area for that dwelling has

been completed and marked out in accordance with the approved plan(s). The car parking area and turning areas shall thereafter be retained in accordance with the approved plans and available for use as car parking and turning.

- (17) No garages shall be converted to habitable or any other use without the prior permission of the Local Planning Authority.
- (18) Prior to first occupation of the development, a travel plan to reduce dependency on the private car, which shall include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; shall be submitted to and approved in writing by the Local Planning Authority and thereafter operated.
- (19) Storm flows shall be attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer prior approval from Thames Water Developer Services will be required.
- (20) A Local Area of Play (LAP) shall be provided in accordance with the Council's adopted policy. Details of the siting and design of the LAP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter it shall be provided in accordance with the approved details prior to the occupation of any dwelling within 30m of the LAP or prior to the occupation of the first 10 dwellings which ever is sooner.
- (21) That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority
- (22) Notwithstanding the submitted details, full details of the all-weather astro-turf pitch, lighting, climbing wall and the extension and alteration of the sports hall and changing facilities shall be submitted for approval at the Reserved Matters stage and the facilities shall be provided/constructed in accordance with the approved details.
- (23) The surface of the all-weather astro turf pitch shall be finished, and the fencing surrounding the all-weather training pitch shall be constructed in accordance with a specification which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The surface and fencing shall be constructed in accordance with the approved details and retained as such thereafter.
- (24) Use of the development 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 Sports Hall, Artificial Grass Pitches, grass pitches and tennis courts forming part of the development 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.

- (25) No development shall commence until details for the phasing of the development, including the provision of the sports facilities, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development hereby permitted shall not be carried out other than in accordance with the approved details.
- (26) 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:
- (a) (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. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
- (27) The playing fields and pitches shall be constructed and laid out in accordance with the planning application Drawing No. PF/omjt/SCH01/PF/8750.04 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use or occupation of the development hereby permitted.
- (28) No development shall commence until a scheme for the improvement and maintenance of playing field drainage, based upon an assessment of the existing playing field quality and including an improvement and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority after consultation

with Sport England. The playing fields shall thereafter be improved and maintained in accordance with the approved scheme.

- (29) Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.
- (30) That the areas all-weather astro turf pitch shall not be used between the hours of 21.00 and 08.00.
- (31) Details of the proposed lighting scheme which shall include column height, luminaire type, positions, aiming angles and shielding of the lighting elements shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.
- (32) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".
- (33) No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The scheme shall also include:  
details of how the scheme shall be maintained and managed after completion
- (34) All clearance of hedgerow, trees and shrubs shall be timed so as to avoid the bird nesting/breeding season from 1 March to 31 August inclusive.
- (35) Prior to the commencement of the development hereby approved, including any works of site clearance, a recent survey (no older than six months) for badgers, along with any mitigation strategy if required, and information on whether a development licence is required and the

location and timing of the provision of any protective fencing around setts/commuting routes if required, 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.

- (36) Prior to the commencement of the development hereby approved, including any works of site clearance, a method statement for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- (37) All species used in the planting proposals associated with the development shall be native species of UK provenance. Planting schemes should not currently include *Fraxinus excelsior*.
- (38) Prior to the commencement of the development hereby approved, including any works of site clearance, a Construction Environmental Statement (CES) which shall include details of the measures to be taken to ensure that construction works do not adversely affect retained 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 CES.
- (39) Prior to any works commencing on site an assessment of the impact of the proposed lighting on bats shall be submitted along with any mitigation plan, lighting design and usage times/frequency proposals for written approval by the Local Planning Authority.
- (40) No development shall commence until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.
- (41) Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
- (42) If a potential risk from contamination is identified as a result of the work carried out under condition 8, 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.

- (43) If contamination is found by undertaking the work carried out under condition 9, 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.
- (44) If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- (45) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
- (46) Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

(Councillor Colin Clarke left the meeting for the duration of this item)

### **81-89 Cassington Road, Yarnton**

The Committee considered application 13/00330/OUT for the erection of 16 houses (6 affordable) and new access road.



Councillor Stevens proposed that application 13/00330/OUT be deferred.  
Councillor Gibbard seconded the proposal.

**Resolved**

That application 13/00330/OUT be deferred and officers requested to discuss concerns regarding sewage with Thames Valley Water.

38

**Land North East Of Junction Of Launton Road, Skimmingdish Lane, Launton**

The Committee considered application 13/00372/OUT for the construction of a 61 bed care home (Use Class C2) together with ancillary accommodation including café, hair salon and shop and associated development including car parking and servicing arrangements.

Peter Frampton, the agent, spoke in support to the application.

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

**Resolved**

That application 13/00372/OUT be approved, subject to:

- (a) The applicants entering into an appropriate legal agreement to the satisfaction of the Council relating to rescinding the planning permission to develop the land east of the building for B1 use and to provide two bus stops in the vicinity of the site
- (b) The Environment Agency receiving sufficient information to enable them to remove their objection
- (c) The following conditions:
  - (1) That no development shall be started until full details of the landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
  - (2) That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
  - (3) That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
  - (4) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved plans:

- o Site Plan 1120/F04/S02 Rev A
  - o Site Location Plan 1120/F04/S02 Rev A
  - o Elevations 1120/F04/004 Rev A
  - o Ground Floor Plan 1120/F04/001 Rev A
  - o First Floor Plan 1120/F04/002 Rev A
  - o Second Floor Plan 1120/F04/003 Rev A
- (5) That the external walls and roof(s) of the proposed building shall be constructed in accordance with a schedule of materials and finishes which, together with samples of all facing materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
- (6) 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.
- (7) No development shall commence on site for the development until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction and a route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
- (8) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- (9) Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details. And the vision splays shall not be obstructed by any object, structure, planting or other material height.

- (10) (i) Before the use commences screened provision for the storage of refuse and recycling facilities shall be made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be retained solely for their intended purpose and refuse and recycling items shall be placed and stored only in this storage area.
- (ii) Before the use commences screened provision for the storage of cycles shall be made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be retained solely for their intended purpose and cycles shall be placed and stored only in this storage area.
- (11) The building hereby approved shall not be occupied until details have been submitted to and agreed in writing for a work of art to be placed on site. These details shall include the size, design and siting of the work of art and the design process for it. The development shall be undertaken in accordance with the details as approved.
- (12) A condition securing the provision of a pedestrian crossing to Skimmingdish Lane in the vicinity of the site to serve staff, residents, and visitors of the proposed development.

(Councillor James Macnamara left the meeting for the duration of this item)

39

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

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

Councillor Williamson, addressed the committee as Ward Member

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

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

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

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

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

**Resolved**

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

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions and the provision of affordable housing.
- b) the following conditions:
  - (1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
  - (2) Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, design and access statement, ecological survey carried out by Michael Woods Associates dated February 2012, Geo- Environmental site assessment carried out by RSK dated March 2012, drawing numbers BPHA.516.P11, topographic survey drawing and amended drawing numbers BPHA.516.P101, BPHA.516.P102, BPHA.516.P103, BPHA.516.P104, BPHA.516.P105, BPHA.516.P106 and detailed drawing of the site access – sketch showing available widths.
  - (3) Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development including samples of each material hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
  - (4) Prior to the commencement of the development, full design details of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  - (5) Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
  - (6) Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
  - (7) The submitted travel plan statement hereby approved shall be implemented and operated in accordance with the approved details.

- (8) Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
- (9) Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.
  - a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
  - b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
  - c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
  - d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
  - e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)
- (10) Prior to the commencement of any approved tree works, any operations that present a risk to retained trees, or any operations to facilitate specialised tree planting (eg: tree surgery, trenching operations close to the Root Protection Areas of retained trees or construction of load-bearing structured cell planting pits), the applicant shall give the Local Planning Authority seven days written notice that works are due to commence.
- (11) Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at

the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- (12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
- (13) No development or any works of site clearance shall be carried out except in accordance with the submitted mitigation strategy outlined within the report 'Great Crested Newts and Reptile Survey, June 2012, Michael Woods Associates'. Any required amendments to this strategy as a result of updated surveys, additional information or licence requirements should be submitted to the Local Planning Authority.
- (14) Prior to the commencement of any works which may affect Great Crested Newts and or their habitat, a detailed mitigation and monitoring strategy shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the approved strategy with any amendments agreed in writing.
- (15) No removal of hedgerows, trees or shrubs shall take place between the 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
- (16) In the case where the development hereby approved has not commenced within 3 years from the date of the approved Great Crested Newts and Reptile Survey, June 2012, Michael Woods Associates', prior to the commencement of the development hereby approved, a revised Great Crested Newt Survey shall be undertaken to establish changes in the presence, abundance and impact on Great Crested Newts. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- (17) Prior to the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, in particular badgers, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.
- (18) Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site in line with recommendations within Section 6 of the submitted 'Ecological Survey report, Michael Woods Associates, February 2012' and to include provision for swifts shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- (19) All species used in the planting proposals associated with the development shall be native species of UK provenance.
- (20) Any artificial lighting to be installed along the northern and eastern boundaries of the development should be equipped with directional cowls to limit light spillage off-site. Any exterior security lighting fitted to the new buildings should be on a motion-sensitive timer and also fitted with directional cowls.
- (21) That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- (22) Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.
- (23) Prior to the commencement of the development hereby permitted, ground gas monitoring and risk assessment, as proposed in the information provided with this application, shall be prepared by a competent person and submitted to and approved in writing by the Local Planning Authority.
- (24) An unacceptable risk from contamination has been identified in information provided with this application. Prior to the commencement of the development hereby permitted, and following the ground gas monitoring and risk assessment required for condition 23 a scheme of remediation and/or monitoring to ensure the site is suitable for its

proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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



## **Land to the Rear of Rickyard House, Hethe Road, Hardwick**

The Committee considered application 13/00415/OUT for OUTLINE – Proposed new dwelling and garage.

Councillor Wood, addressed the committee as Ward Member.

Councillor Lawrie Stratford proposed that application 13/00415/OUT be approved. Councillor Hughes seconded the proposal.

In reaching their decision, the Committee considered the officers' report, presentation and presentation of the speaker.

### **Resolved**

That application 13/00415/OUT be approved, subject to the following conditions:

- (1) No development shall commence until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
- (2) In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
- (3) The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
- (4) Prior to the commencement of the development hereby approved, a plan showing a car parking provision for two 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.
- (5) All species used in the planting proposals associated with the development shall be native species of UK provenance.
- (6) Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for a scheme for the location of at least two bat or bird boxes/features shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

- (7) All site clearance, in particular vegetation removal shall be timed so as to avoid the bird nesting/breeding season from 1 March to 31 August inclusive.
- (8) Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
- (9) Following the approval of the Written Scheme of Investigation referred to in condition 8, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

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#### **OS Parcel 4100 Adjacent and South of Milton Road, Adderbury**

The Committee considered application 13/00456/OUT for the erection of 65 dwellings with associated access, open space and structural landscaping.

Councillor Randall, addressed the committee as Ward Member.

David Griffiths, Vice Chairman of Adderbury Parish Council and Peter Burrows, Chairman of Adderbury Conservation Action Group, spoke in objection to the application.

Steven Sensecall, the agent, spoke in support to the application.

Councillor Reynolds proposed that application 13/00456/OUT be refused. Councillor Heath seconded the proposal.

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

#### **Resolved**

That application 13/00456/OUT be refused for the following reasons:

- (1) The proposal represents development beyond the built up limits of Adderbury where there is no proven need for agriculture or other existing undertaking. Furthermore the application has not been made on the basis that it is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need, it represents sporadic development in the countryside which fails to maintain its rural character and appearance and which fails to conserve and enhance the environment. Furthermore in the context of housing delivery at Adderbury (including that local planning authorities should encourage community led local assessments of need and action planning to

inform decision making processes in rural communities), it is considered the proposed development would adversely affect further consideration of how to sustainably meet rural needs through the production of Development Plan Documents and a Neighbourhood Plan (especially when the local community has made progress towards the preparation of a Neighbourhood Development Plan). The application is, therefore, contrary to Policies H6, H12, H13, H18, C8 and C13 of the adopted Cherwell Local Plan, Policy for Villages 2 of the Proposed Submission Local Plan Incorporating Changes March 2013 and government guidance contained in the National Planning Policy Framework.

- (2) In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policies OA1, TR4, R8 and R10A of the Non-Statutory Cherwell Local Plan 2011, Policy INF 1 of the Proposed Cherwell Local Plan Proposed Submission Draft March 2013 and government guidance contained within the National Planning Policy Framework.

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### **Land to the Rear and North of 29 to 33 Quarry Close, Bloxham**

The Committee considered application 13/00496/OUT for outline permission for the erection of up to 60 dwellings with access from Tadmarton Road, associated amenity space, community parkland and additional parking for Bloxham Primary School.

Jenny Yates, representing Bloxham Parish Council, addressed the Committee in objection of the application.

Steven Brown, the agent, addressed the Committee in support of the application.

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

### **Resolved**

That application 13/00496/OUT be refused, for the following reasons:

- (1) The proposal represents development beyond the built up limits of Bloxham within open countryside contrary to Policies H12, H13 and H18 of the adopted Cherwell Local Plan and Policies H15 and H19 of the Non-Statutory Cherwell Local Plan. It is considered that the development of this site will cause harm to the character and appearance of the countryside on the western edge of Bloxham contrary to Policy C7 of the adopted Cherwell Local Plan and Policy EN34 of the Non-Statutory Cherwell Local Plan and Policy ESD13 of the Proposed Submission Local Plan Incorporating Changes March 2013 and to the core principles of the NPPF. Notwithstanding the Council's present inability to demonstrate that it has a five year supply

of housing land required by paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the temporary land supply deficiency alone and that significant harm will result.

- (2) Having regard to the level of new development recently accommodated in Bloxham, the fact the site is not identified for development by existing or emerging Policy, and is not supported by the local community, the proposal is considered to go beyond that which would reasonably be expected to be accommodated in the village during the proposed Cherwell Local Plan period. In the particular context of housing delivery at Bloxham (including that local planning authorities should encourage community-led local assessments of need and action planning to inform decision making processes in rural communities), it is considered the proposed development would adversely affect further consideration of how to sustainably meet rural needs through the production of Development Plan Documents and a Neighbourhood Development Plan (especially when the local community has indicated its intention to prepare a Neighbourhood Development Plan). As such the proposed development is contrary to Policy Villages 2 of the Proposed Submission Local Plan Incorporating Changes March 2013 and to the core principles of the National Planning Policy Framework set out at paragraph 17 and in particular the requirement that decisions should be genuinely plan-led; empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.
- (3) In the absence of a satisfactory planning obligation the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development will be provided, thus adding to the pressures on local infrastructure and services resulting in an unsustainable form of development, contrary to Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.
- (4) The submission, as a result of an inadequate Flood Risk Assessment, fails to fully demonstrate that there will be no flood risk for the proposed site and no increase in flood risk for the surrounding area. As such the proposal is contrary to Policies ESD6 and ESD7 of the Proposed Submission Local plan Incorporating Proposed Changes and Guidance within the National Planning Policy Framework.

(Councillor George Reynolds left the meeting for the duration of this item)

## **2 Broughton Road, Banbury**

The Committee considered application 13/00506/CDC for a proposed two storey rear extension and conversion of existing building to provide 3 x 1 bed and 1 x 2 bed apartments together with alterations to elevations and off-street parking to front.

Vik Dhesi, a neighbour, spoke in objection to the application.

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

### **Resolved**

That application 13/00506/CDC be approved, subject to the following conditions:

- (1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- (2) Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, design and access statement, drawing number PL103 Rev A received 02 May 2013, amended drawing number PL101 Rev A and additional plan number PL104 received in the department on the 13 June 2013.
- (3) Prior to the commencement of the development hereby approved, samples of the brick to be used in the construction of the walls of the extension and the proposed boundary wall shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
- (4) Prior to the commencement of the development hereby approved, samples of the tiles to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
- (5) Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, 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.
- (6) Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.
- (7) The parking and manoeuvring area shall be kept free of obstructions at all times and used only for the specified purpose.

- (8) The development hereby approved shall be carried out strictly in accordance with the details set out in section 5.1 of the Initial Bat Survey and Protected species Assessment submitted with the application, which was prepared by Swift Ecology Ltd dated 15<sup>th</sup> April 2013.
- (9) The development hereby approved shall be carried out strictly in accordance with the details set out in section 5.3 of the Initial Bat Survey and Protected species Assessment submitted with the application, which was prepared by Swift Ecology Ltd dated 15 April 2013.
- (10) No removal works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
- (11) Prior to the commencement of the development hereby approved, full details of a scheme for the location of two swift nesting opportunities in the form of boxes or in built structures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the features shall be installed on the site in accordance with the approved details.

(Councillors Ken Atack, Michael Gibbard, Debbie Pickford and George Reynolds left the meeting for the duration of this item)

#### 44 **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

#### 45 **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, hearings scheduled or appeal results achieved.

##### **Resolved**

- (1) That the position statement be accepted.

Planning Committee - 13 June 2013  
The meeting ended at 10.30 pm

Chairman:

Date: