

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 22 January 2015 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)  
Councillor Colin Clarke (Vice-Chairman)

Councillor Andrew Beere  
Councillor Fred Blackwell  
Councillor Michael Gibbard  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor Alastair Milne Home  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Trevor Stevens  
Councillor Lawrie Stratford  
Councillor Douglas Williamson

Substitute Members: Councillor Sean Woodcock (In place of Councillor Matt Johnstone)

Apologies for absence: Councillor Matt Johnstone

Officers: Bob Duxbury, Development Control Team Leader  
Tracey Morrissey, Principal Planning Officer  
Gary Owens, Strategic Housing Officer  
Ross Chambers, Solicitor  
Aaron Hetherington, Team Leader Democratic and Elections

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### Declarations of Interest

#### **8. OS Parcels 1200 3100 2000 1981 Land South of Salt Way and West of Bloxham Road, Banbury.**

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

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

Councillor Barry Richards, 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 Sean Woodcock, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

**10. Norbar Torque Tools 6 Wildmere Road Banbury OX16 3JU.**

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

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

Councillor Barry Richards, 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 Sean Woodcock, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

**14. Former Spiceball Park Sports Centre, Spiceball Park Road, Banbury.**

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

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

Councillor Barry Richards, 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 a member of Executive and would leave the room for the duration of the meeting.

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

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

**15. Variation to S106 for development of up to 350 dwellings on Land North of Hanwell Fields, East of Warwick Road, Banbury - 12/01789/OUT.**

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

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

Councillor Nigel Randall, Non Statutory Interest, as Custodian Trustee Cherwell Community Land Trust and would withdraw from the Council Chamber and take no part in the discussions or voting on this item.

154 **Requests to Address the Meeting**

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

155 **Urgent Business**

The Chairman reported that she had agreed to add one item of urgent business, Variation to S106 for development of up to 350 dwellings on Land North of Hanwell Fields, East of Warwick Road, Banbury – 12/01789/OUT. The item had not been included on the published agenda as negotiations had not reached a point to report to committee, however it should now be considered because delaying a decision would have a detrimental effect and delay the provision of supported and affordable housing. The item would be taken as agenda item after agenda item 14.

156 **Minutes**

The Minutes of the meeting held on 18 December 2014 were agreed as a correct record and signed by the Chairman.

157 **Chairman's Announcements**

The Chairman made the following announcements:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
2. That a site visit would be arranged prior to the Campsfield House application coming to the Committee. The Development Control Team Leader would arrange a site visit with the members of the Planning Committee.

158 **Part Of OS Parcel 7749 Adjoining And South Of Birchell House Hook Norton Road Milcombe**

The Committee considered application 14/01107/OUT for an outline application for the erection of two dwellings.

Bob Sutton, agent for the applicant, addressed the committee in support of the application.

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

**Resolved**

That application 14/01107/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. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: application form, site plan and block plan (amended 15 October 2015)
5. 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 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.
6. Prior to the construction of the dwellings hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
7. Prior to the first use of the access hereby approved, the existing access onto Hook Norton Road shall be permanently stopped up by means of the reinstatement of the boundary hedge and grass verge and shall not be used by any vehicular traffic whatsoever.
8. 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.

9. Prior to the first occupation of the dwellings a footway is to be provided linking the site with the existing system to the north-east. The design and full specification details are to be agreed in writing by the Local Planning Authority
10. Prior to the occupation of the dwellings the highway verge is to be cleared of undergrowth to the south-west for a distance of 100m on both sides of the carriageway.
11. Except to allow for the means of access and vision splays the existing hedgerow along the north west boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.
12. 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 southern boundary 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.
13. Prior to the commencement of the development hereby approved, full details of the enclosures along the eastern boundary 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.

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**OS Parcels 1200 3100 2000 1981 Land South of Salt Way and West of Bloxham Road, Banbury**

The Committee considered application 14/01188/OUT and outline application for the development for up to 350 dwellings together with associated infrastructure and public open space.

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

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

## **Resolved**

That application 14/01188/OUT be approved, subject to:

- a) Completion of the S106 agreement and that the S106 package should include the Thames Valley Police contribution subject to officers in consultation with the Chairman being satisfied it complies with Community infrastructure Levy Regulations
- b) and 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 two 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: Planning application forms, Design and Access Statement and Addendum (Nov 2014), other technical reports and surveys submitted with the application and the following drawings nos:
    - 21073\_06\_170\_01 Topographical Survey Sheets 1 - 4
    - L01 Site Location Plan
    - L02 Redline Plan
    - SK12 Local Plan allocation
  - 5 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.

- 6 Prior to the construction of any phase of development identified in the phasing plan required under planning condition no. 5 a Master Plan and Design Code for the site shall have been submitted to and approved in writing by the Local Planning Authority. The Design Code 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 Master Plan and Design Code.
- 7 Prior to the first occupation of any dwellings on the site, a final Certificate, certifying that the dwellings in question achieve zero carbon development shall be issued, proof of which shall be submitted to and approved in writing by the Local Planning Authority.
- 8 The proposed development shall accord with Figure 3.3 of the Design and Access Statement Addendum (Nov 2014) and shall not exceed a height of:
  - 6.5m for the one and half storey dwellings on the western edge
  - 8.5m for the two storey dwellings
  - 10m for the two and half storey dwellings(measured externally from the approved finished ground levels)

**Land Contamination and mitigation**

- 9 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.
- 10 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.
- 11 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 8. 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.

- 12 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**

- 13 That no development shall take place on a phase identified in condition no. 5, until a full Arboricultural Survey, Method Statement and Arboricultural Impact Assessment, tree protection plan and report on all existing trees and hedgerows within and around the perimeters of the site have been submitted to and approved in writing by the local planning authority. The survey and report shall include details of all trees and hedgerows to be removed and those to be retained; and the methods to protect the retained trees during the course of the development. The development shall be carried out in accordance with the approved details.
- 14 That no development shall take place on a phase identified in condition no. 5 until full details of existing and proposed ground levels; all boundary treatments and means of enclosure; hard and soft landscaping works; areas of open and play space have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.
- 15 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with an agreed programme of works; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- 16 Unless otherwise agreed in writing by the Local Planning Authority, 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.
- 17 Except to allow for the means of access and vision splays the existing hedgerow/trees along the Bloxham 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.



- 18 That no development shall take place on a phase identified in condition no. 5, until, 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.

**Archaeology**

- 19 Prior to the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
- 20 Prior to the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 17, 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**

- 21 Prior to the commencement of the development hereby approved, including any works of site clearance, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan is to be based on the recommendations made in paragraphs 5.18, 6.6 & 6.8 of the July 2014 EDP Ecological Appraisal. Thereafter, the development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.
- 22 Prior to the commencement of the development hereby approved, including any works of site clearance, a Landscape and Ecology Management Plan (LEMP) and method statement for protected species and biodiversity enhancements, together with long-term maintenance, has been submitted to and approved in writing by the local planning authority. The LEMP and method statement shall be carried out and retained in accordance with the approved details.
- 23 That no development shall take place on a phase identified in condition no. 5, including works of site clearance or preparation until the site has been 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.

- 24 No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
- 25 The development hereby approved shall be carried out in accordance with the recommendations set out in the Ecological Appraisal ref C\_EDP1997\_026 carried out by EDP in July 2014.

### **Drainage**

- 26 Prior to the submission of the first reserved matters application, full details of a drainage strategy for the entire site, based on the agreed Flood Risk Assessment (Peter Brett Associates, Ref: 30369/4001, Revision 00, June 2014) and information submitted in Philip Edwards letter (Peter Brett Associates, Ref: 30369/NTN/MP/PE/CB, 28 August 2014) shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- A surface water discharge rate for the site which does not exceed 10 l/s for all storm events up to and including the 1 in 100, with an appropriate allowance for climate change, event.
  - A surface water attenuation pond with sufficient capacity to safely contain the surface water runoff from the site. The capacity required for the attenuation pond is estimated to be 9200m<sup>3</sup>.
  - A utilisation of infiltration measures for the management of surface water runoff unless ground investigations confirm that the soil is not suitable for the use of infiltration techniques.
  - Mitigation measures, such as swales, to prevent overland flows during extreme storm events (greater than 1 in 30) from impacting on properties adjacent to the site.
- 27 Prior to the submission of the first reserved matters application, 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 for the entire 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.
- 28 Prior to the submission of the first reserved matters application, full details of the foul drainage for the entire 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.

### **Highways**

- 29 Development shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of the phasing of the development and construction activities within each phase; a construction method statement; consultation and communication with residents of adjacent and surrounding properties; locations on site for the parking of vehicles for site operatives and visitors, and for the loading and unloading of plant and materials; locations on site for the storage of plant and materials; the erection and maintenance of any securing hoarding fencing; wheel washing facilities; the hours of construction works; restrictions on construction and deliver traffic during peak traffic periods; an agreed route to the development site; measures to control the emission of dust and dirt; the removal, storage and distribution of top soils; measures to be taken to ensure that construction works do not adversely affect protected species and retained ecological features (based on the recommendations made in paragraph 6.4 of the July 2014 EDP Ecological Appraisal); and a scheme for recycling/disposing of waste arising from construction work. The CMP shall be implemented in full during the entire construction phase.
- 30 Prior to the first occupation of the development, an amended 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
- 31 That notwithstanding the proposed southern means of accesses shown on drawing nos. 30369/100/005A, 007A, 10 and 11 as priority junction 2, prior to the commencement of development further detailed specification of this access along with justification for its requirement as a priority junction, shall be submitted to and approved in writing by the Local Planning Authority.
- 32 Prior to the commencement of the development, further detailed specification of the approved roundabout, primary access onto the Bloxham Road (as shown on drawings 30369/100/005A, 007A, 10 and) shall be submitted to and approved in writing by the Local Planning Authority and constructed and retained thereafter in accordance with the approved details. The vision plays shall be kept clear of obstruction at all times.

**Other**

- 33 Prior to commencement of any development an Air Quality Assessment shall be completed and a scheme for protection of the residents of the proposed development and nearby Air Quality Management Area from poor air quality (in particular from levels in excess of the National Air Quality Objective for NO<sub>2</sub>) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be first occupied until this scheme has been implemented
- 34 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
- 35 That prior to the first occupation of any phase identified in condition no. 5, 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
- 36 No development shall commence until a strategy that details the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' 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.

160 **Land South of Greenacre adj to South Side Steeple Aston**

The Committee considered application 14/01434/F for a dwelling with garage and access.

Councillor Macnamara moved for a deferral to allow a formal site visit.  
Councillor Kerford-Byrnes seconded the proposal.

**Resolved**

That application 14/01434/F be deferred to allow a formal site visit.

161 **Norbar Torque Tools 6 Wildmere Road Banbury OX16 3JU**

The Committee considered application 14/01650/F for the replacement two storey structure for office use and re-cladding existing warehouse.

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

**Resolved**

That application 14/01650/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents and the materials and finishing details included therein: Application forms, Design and Access Statement, Amended Plans Ref; A14-035-PL001 Rev A received 11 11 14,- PL002 Rev A received 11 11 14, - PL003 Rev A received 11 11 14, - PL004 Rev A received 11 11 14, - PL005 Rev A received 11 11 14,- PL006 Rev A received 11 11 14,- PL007 Rev A received 11 11 14, - PL008 received 11 11 14, and - PL009 Rev A received 11 11 14
3. That the reconfigured parking and manoeuvring areas shall be constructed and laid out in accordance with approved drawing no. A14-035-PL001 Rev A received 11 11 14, prior to the use of the new office building and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
4. If during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the applicant has submitted, and obtained written approval from the Local Planning Authority for, a Method Statement as to how to deal with this contamination. Thereafter the development should be carried out in accordance with those approved details.
5. Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 and its subsequent amendments, the new office building shall not be extended or altered without the prior express planning consent of the Local Planning Authority.
6. The new office building shall be used only for purposes falling within Class B1 as specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

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### **Tuthill Park, Banbury Road, Wardington**

The Committee considered application 14/01671/F for a proposed extension and alterations. Demolish existing greenhouse stores and construct new workshop and ancillary office/administration accommodation; refurbish existing industrial buildings and construct new administration/research and development block. Upgrade and reshape existing hard-standing to form new car parking areas.

Councillor Atack, addressed the Committee as Ward Member.

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

**Resolved**

That application 14/01671/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Supporting Statement and drawings numbered: 4170.104 rev A and 4170.105 rev A.
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 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. The buildings and structures to be demolished on the site at the date of this permission shall be demolished and the debris and materials removed from the site before the proposed buildings hereby approved are first occupied.
5. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are

removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

7. Prior to the commencement of the development 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)
8. 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.
9. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
10. This permission shall enure for the benefit of Francis Tuthill Limited and Omlet Ltd only and no other persons/company whatsoever, and shall not enure for the benefit of the land.

11. The operational use of the premises shall be restricted to the following times:-  
  
Monday-Friday – 8.00am to 6.00pm  
Saturday – 8.30am to 5.00pm  
Sunday and Public Holidays – No time
12. No goods or materials shall be stored at a height greater than 3 metres on the site.
13. That with the exception of ancillary vehicle part sales operated by Francis Tuthill Ltd, no retail sales shall be made to the general public direct by Omlet Ltd, from the site and business premises.
14. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.
15. That within 4 months of the development hereby approved being first occupied, all existing external storage containers and the existing paint store building positioned on the north elevation of the existing Francis Tuthill building shall be removed from the site.
16. Prior to the commencement of the development hereby approved, including any works of site clearance, all vegetation to be affected by the works should be cut to a height approximately 6 inches (15cm) on the first cut and thereafter maintained at a height of approximately three inches (7cm) up until the commencement of building works. All piles of rubble or debris should not be removed between 1 November and 31 March and thereafter removed carefully to allow any reptiles to escape.

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### **The Paddocks, Chesterton**

The Committee considered application 14/01737/OUT for an outline application with means of access for consideration (layout, scale, appearance and landscaping reserved for subsequent approval). For the erection of up to 45 dwellings served via a new vehicular and pedestrian access; public open space and associated earthworks to facilitate surface water drainage; and other ancillary and enabling works.

In introducing the application the Development Control Team Leader advised the Committee that the officers' recommendation had changed from approval to deferral to allow for consideration of the Parish Council's consultation response which had inadvertently been excluded from the report.

Councillor Gibbard proposed that consideration of application 14/01737/OUT be deferred in accordance with the officers' revised recommendation. Councillor Woodcock seconded the proposal.

**Resolved**



That consideration of application 14/01737/OUT be deferred to allow for consideration of the Parish Council's consultation response which had inadvertently been excluded from the report.

164 **Land adj to Vespasian Way, Chesterton**

The Committee considered application 14/01899/F for erection of 10 no. Dwellings with associated means of access, car parking and landscaping.

Councillor Rose Stratford proposed that application 14/01899/F be deferred to allow further consideration of the impact of an existing legal agreement that secured the land as informal open space. Councillor Clarke seconded the proposal.

**Resolved**

That application 14/01899/F be deferred to allow further consideration of the impact of an existing legal agreement that secured this land as informal open space.

165 **Former Spiceball Park Sports Centre, Spiceball Park Road, Banbury**

The Committee considered application 14/02070/CDC for the change of use to vehicle park.

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

**Resolved**

That application 14/02070/CDC be approved subject to:

- a) The expiration of the consultation period on 29 January 2015
- b) the following conditions:
  1. 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 Update dated December 2014, site location plan and drawing number 2642 Rev A.
  2. That at the expiration of 5 years from the date hereof the use specified shall be discontinued.

166

**Variation to S106 for development of up to 350 dwellings on Land North of Hanwell Fields, East of Warwick Road, Banbury - 12/01789/OUT**

The Head of Development Management submitted a report which advised Members of negotiations taking place with the developer of the above site and the Council regarding the affordable housing provision proposed within the permitted scheme, which is to also include an element of supported specialist housing and an overall reduction in the percentage of affordable housing on the site.

**Resolved**

- (1) That the contents of the report be noted.
- (2) That the inclusion of supported housing and a reduction of the overall affordable housing within the site to 25% instead of 30% be agreed.

167

**Decisions Subject to Various Requirements**

The Head of Development Management submitted a report which informed Members upon applications which they had authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

**Resolved**

- (1) That the position statement be accepted.

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**Appeals Progress Report**

The Head of Development Management submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 6.02 pm

Chairman:

Date: