

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 February 2010 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Rose Stratford (Vice-Chairman)  
Councillor Ken Attack  
Councillor Colin Clarke  
Councillor Eric Heath  
Councillor Alastair Milne Home  
Councillor James Macnamara  
Councillor D M Pickford  
Councillor Leslie F Sibley  
Councillor Chris Smithson  
Councillor Trevor Stevens  
Councillor Lawrie Stratford

Substitute Members: Councillor Russell Hurle (In place of Councillor Michael Gibbard)  
Councillor P A O'Sullivan (In place of Councillor Mrs Catherine Fulljames)  
Councillor Nicholas Turner (In place of Councillor G A Reynolds)  
Councillor Barry Wood (In place of Councillor Maurice Billington)

Apologies for absence: Councillor Maurice Billington  
Councillor Mrs Catherine Fulljames  
Councillor Michael Gibbard  
Councillor David Hughes  
Councillor G A Reynolds  
Councillor John Wyse

Officers: Bob Duxbury, Development Control Team Leader  
Tracey Morrissey, Senior Planning Officer  
Paul Manning, Solicitor  
Mark Harrison, Arboricultural Officer  
Simon Dean, Trainee Planning Officer  
Michael Sands, Trainee Democratic and Scrutiny Officer

## 159 **Declarations of Interest**

Members declared interest with regard to the following agenda items:

### **6. Bicester Town Centre Development, Manorsfield Road, Bicester.**

Councillor Barry Wood, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor D M Pickford, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor James Macnamara, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Ken Atack, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Nicholas Turner, Prejudicial, as a Member of Executive who may have previously considered the application.

**7. Orchard Way Shopping Parade, Orchard Way, Banbury, Oxfordshire.**

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

Councillor Barry Wood, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Colin Clarke, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor D M Pickford, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor James Macnamara, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Ken Atack, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Leslie F Sibley, Prejudicial, as a Member of Charter Community Housing Board.

Councillor Rose Stratford, Prejudicial, as a Member of Charter Community Housing Board.

**8. Land at Brookhill Way, Off Wildmere Road, Banbury.**

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

Councillor Colin Clarke, Personal, as a Member of Banbury Town Council.

**9. Land West of Network 11 Development, Thorpe Way, Banbury.**

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

Councillor Colin Clarke, Personal, as a Member of Banbury Town Council.

**11. Land at The Garth, Launton Road, Bicester.**

Councillor Barry Wood, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council and Prejudicial as a Member of Executive who may have previously considered the application.

Councillor Ken Atack, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Lawrie Stratford, Personal, as a Member of Banbury Town Council.

Councillor Leslie F Sibley, Personal, as a Member of Banbury Town Council.

Councillor Nicholas Turner, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Rose Stratford, Personal, as a Member of Banbury Town Council.

160 **Petitions and Requests to Address the Meeting**

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

161 **Urgent Business**

There was no urgent business.

162 **Minutes**

The Minutes of the meeting held on 28 January 2010 were agreed as a correct record and signed by the Chairman.

163 **Tree Preservation Order (No 11) 2009 Oak Tree at Hornton Primary School, Hornton, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought the confirmation of an opposed Tree Preservation Order relating to an Oak Tree at Hornton Primary School, Hornton.

Councillor Douglas Webb spoke in objection to the proposed Tree Preservation Order as Ward Member.

The Committee discussed the potential problems that could arise due to the Oak Tree's proximity to nearby electricity cables.

**Resolved**

That Tree Preservation Order No. (11/2009) not be confirmed.

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

The Committee considered a report of the Head of Development Control and Major Developments for a foodstore, non-food retail, cinema, car park, servicing and other ancillary town centre uses (amendments relating to 07/00422/F approved 03.09.09).

The Committee considered the potential impact of increased traffic and the temporary arrangements for traffic and pedestrians during construction. The Committee also discussed the importance of ensuring appropriate provisions were made for a taxi rank in Sheep Street.

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

**Resolved**

That application 09/01687/F be approved subject to:

- (i) the applicants entering into a legal agreement to secure the same highway infrastructure and other matters which remain appropriate as secured through the legal agreement related to 07/00422/F, and to ensure that no works commence, other than the 'enabling works' (as defined), until land has been acquired to enable the northern roundabout on Manorsfield Road to be constructed at an appropriate stage in the construction process and
- (ii) the following conditions:
  - 1. SC 1.4A That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
  - 2. Notwithstanding the details shown on the approved plans all external walls and roofs of the buildings and all boundary/screen walls hereby permitted shall be constructed in accordance with a schedule of materials and finishes, including samples and sample panels of all materials and finishes, which shall have been submitted to or constructed on site and approved in writing by the LPA prior to the commencement of development. The development shall be carried out in accordance with the approved details.

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

11. No part of the development shall be occupied until external lighting (including security lighting and street lighting) has been erected/installed in accordance with details that have been previously submitted to and approved in writing by the LPA. The approved scheme shall be operational before the first occupation of the development and shall be maintained as such at all times thereafter.
12. No external lighting within the site shall exceed the following limitations at any time unless otherwise approved in writing by the LPA;
  - 5.0% Sky Glow ULR
  - 10 Ev (Lux) Light Trepas before 23.30hours or 2 Ev (Lux) after 23.30hrs
  - 10 I (kcd) before 23.30hrs or 1.0 I (kcd) after 23.30hrs
  - 10 L (cd/m<sup>2</sup>) AverageAll as advised in the Institute of Lighting Engineers Guidance Notes for the Reduction of Obstructive Light 2005.
13. No development shall commence on the land east of Manorsfield Road, including any excavation in Area 4 as identified in the Archaeological Mitigation Strategy, as submitted with the previously approved scheme 07/00422/Funtil the applicant has secured the implementation of a staged programme of archaeological investigation in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the LPA.
14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by BT&P Hyder, dated February 2007, ref: GD04001-01 and the following mitigation measures detailed within the FRA:
  1. The realigned section of the Town Brook shall be designed to contain the modelled 1 in 100 year flows (with a consideration of climate change) within its banks, as outlined in Section 3.48 of the FRA.
  2. Surface water drainage system shall be designed to attenuate discharge rates in storm events up to and including the 1 in 100 year event with an allowance for climate change, so that the development reduces surface water flood risk, as outlined in Sections 4.7 and 4.20.
15. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been 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 also include details of how the scheme shall be maintained and managed after completion
16. The development hereby permitted shall not be commenced until such time as details of the scheme to realign the Town Brook has been submitted to, and approved in writing by, the local planning authority.

The scheme shall also include:

- details of all crossings of the brook.
- a full method statement including details of a contingency to be in place to safely accommodate flows in the absence of the Back Brook and details of the route of the diverted Town Brook downstream of the new bifurcation.

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

17. No development approved by this planning permission shall begin (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

18. Prior to occupation of any part of the permitted development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
19. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
20. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
21. Prior to the commencement of the development hereby permitted, a detailed scheme for 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".
22. No development shall commence on site (including demolition and enabling works) until a Construction Management Plan (CMP) providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the LPA . The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received by the LPA on 21 May 2006 and shall include the mitigation measures outlined in the Environmental Statement as follows;
  1. Paragraph 6.170 of chapter 6 - Landscape and Visual Context
  2. Paragraph 6.1.2 of chapter 13 - Contamination and Geotechnical issues
  3. Paragraph 12.2, 12.3, 12.4, 12.5, 12.6, 12.7 and 12.8 of chapter 16 - Transport Assessment
  4. Paragraph 6.3 of chapter 17 - Noise and Vibration Assessment
  5. Paragraph 6.3 of chapter 18 - Air Quality AssessmentIn addition, the CMP shall include details of;



6. The proposed pedestrian routes to be provided across the site to enable access between Manorsfield Road and Sheep Street during construction.
  7. The proposed phased arrangements for the parking of construction traffic and the storage of plant, machinery and building materials during construction.
  8. The site protection measures (including hoardings) to be erected
  9. Details of all temporary lighting to be in place during construction
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23. No development shall commence on the demolition of the building to the rear of 27 Sheep Street or the building of EY2A until a schedule and timetable of structural support for 27 Sheep Street (including details of proposals to make good any structural movement which may occur as a result of the adjacent development) has been submitted to and approved in writing by the LPA. The demolition and making good of the building to the rear of 27 Sheep Street and development of unit EY2A shall be carried out in accordance with the approved details at all times.
  24. No part of the development shall be occupied until cycle parking facilities (relevant to that part of the development to which it relates) have been provided within the site in accordance with details that have been previously submitted to and approved in writing by the LPA. The approved facilities shall be retained in accordance with the approved details at all times thereafter.
  25. A Green Travel Plan for staff of the foodstore, the cinema and retails units, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority within 3 months after the first occupation of the relevant building. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.
  26. All public parking facilities shall achieve the Park Mark ® 'Safer Parking Award' before the first commercial unit is occupied.
  27. The vehicular access within the site from Wesley Lane (at its junction with Manorsfield Road to the new road indicated as Bure Place, and Bure Lane (to its junction with Manorsfield Road shall be closed to vehicular traffic other than for their use by service vehicles only, and use by service vehicles shall be restricted to outside the hours of 9am to 4pm daily. Access shall be controlled by the installation of rising bollards across the access points in accordance with British Standard PAS 68 and PAS 69 or other measures which have been previously submitted to and approved in writing by the LPA.
  28. Following the completion of development the pedestrian accesses onto Sheep Street comprising Wesley Lane, Evans Yard and the access between Nos. 39 and 43 Sheep Street (three in total) and Manorsfield Road (two in total) and at the junction of Crown Walk and Wesley Walk shall remain open at all times and public access should not be prohibited by any gate, fence, wall or other means of enclosure.

29. Prior to first occupation of the development, the proposed service yards shall be constructed and surfaced in accordance with details which have previously been submitted to and approved in writing by LPA. The service yards shall be retained free from external storage of materials that restricts appropriate turning of large vehicles and shall remain unobstructed and available for use for servicing at all times.
30. That within SIX months of the first use of the Sainsburys superstore retail units C1-C4, EY1-EY4, WEB1 and ET1 together with kiosks 1-3 along the new street shown on the approved plans as Bure Place shall be constructed and completed to a shell capable of use in accordance with the details approved under planning permission ref no. 07/00422/F
31. That within six months of the completion of Block A the intended improvements works to the external appearance of the Ex-Servicemens Club and its forecourt shall be undertaken and completed in accordance with precise details to be submitted to and approved by the LPA
32. That prior to the first use of any retail unit or the Sainsbury unit hereby approved the intended walls to the new street known as Bure Place which are to screen the service road to Tesco (49-57 Sheep Street) and the rear of 72 Sheep Street shall be constructed in accordance with precise details to be submitted to and approved by the LPA
33. No development shall commence until there has been submitted to and approved in writing by the LPA a scheme for landscaping the site which shall include details of all proposed tree and shrub planting including species, number, sizes and positions, together with all grass seeded areas.
34. That all planting, seeding or turfing comprised in the approved details of landscaping in respect of Condition 33 above shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

35. No part of the development shall be occupied until details of the means of refuse storage and disposal/collection and recycling provision (arising from the development hereby approved) for that part of the development have been submitted to and approved in writing by the LPA. Details shall include receptacles for refuse, siting of such receptacles and arrangements for their removal. The approved scheme shall be put in place before first occupation of the units to which the approved provisions relate and the refuse/recycling storage, collection and disposal shall be carried out in accordance with the agreed strategy at all times thereafter.
36. The development shall be undertaken in general accordance with the energy efficiency statement proposed by Synergy and submitted with the application (as subsequently amended)
37. The proposed foodstore shall be constructed to at least a BREEAM 'good standard'.
38. All unfixed external seating and tables shall be removed outside of the trading hours of the premises with which they are associated.
39. No external seating or tables shall be provided within the site unless and until details of the extent and nature of the demarcation of the seating areas has been submitted to and approved in writing by the LPA. The areas shall be defined and operated in accordance with the approved details at all times they are in use.
40. Prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced within the site in accordance with details to be first submitted to and approved in writing by the LPA.
41. No development shall commence until details of the proposed temporary bus interchange facilities to be provided during construction, including details of bus stands, signage and shelters, have been submitted to and approved in writing by the LPA. The approved temporary arrangements shall be put in place and be available for use before the use of the existing bus station ceases and the temporary bus interchange facilities shall be retained until such time as the permanent bus interchange facilities hereby approved are completed and available for use unless otherwise approved in writing by the LPA.
42. No externally mounted plant or equipment (except within the service yard of Building A) shall be installed or erected unless details have first been submitted to and approved in writing by the LPA.

43. Notwithstanding the details shown on the submitted plans, details of the type, location, design, screening and acoustic performance of all internal and external plant and machinery (including coolers, air conditioning plant and plant or ventilation) to be provided in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and operation. The development shall be carried out and thereafter be permanently retained, maintained and operated in accordance with the approved details.
44. That prior to the first use of the Sainsburys superstore or any other retail unit a schedule for the provision of facilities for taxis shall be submitted to and approved by the LPA and the agreed facilities shall therefore be provided and maintained.

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### **Orchard Way Shopping Parade, Orchard Way, Banbury, Oxfordshire**

The Committee considered a report of the Head of Development Control and Major Developments for a proposed mixed use development including four shops and thirty three social housing units.

The Committee considered the visual impact of the development and expressed concern regarding the proposed timber façade. Members discussed the positive impact the development may have to the site in terms of regeneration.

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

### **Resolved**

That application 09/01776/F be approved subject to:

- (i) The Head of Development Control and Major Developments having delegated authority to negotiate the extent of the financial contributions requested as part of the S106, if necessary, and to approve the application subject to the concurrence of the Chairman of Planning Committee.
- (ii) The completion of a S106 agreement covering the following heads of terms;
  - Library contributions
  - Social and Healthcare
  - Fire and Rescue
  - Waste management and recycling contributions
  - Adult learning contributions
  - Museum resource contributions
  - Public transport contributions
  - Public Art
  - Bins
  - Landscape maintenance/informal open space

- Indoor sports contribution
- Outdoor sports/play contribution
- CCTV Contribution

(iii) The following conditions:

1. S.C 1.4A (RC2) – [Time: 3 years]
2. Prior to the commencement of the development hereby permitted a phased risk assessment shall be carried out by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Each phase shall be submitted to and approved in writing by the Local Planning Authority;

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include 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. If contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use to be submitted to and approved in writing by the Local Planning Authority (LPA). The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority. In the event that gas protection is required, all such measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the schedule of drawings received 10 December 2009.
4. That prior to the first occupation of the development the existing means of access onto Orchard Way and The Fairway shall be improved (widened), laid out and formed to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
5. That, before proposed development is first occupied the existing access onto Orchard Way (closest to the roundabout) shall be permanently stopped up by the means of full face kerbing and the restatement of the

footway to the approval of the Local Planning Authority and in accordance with the highway authority's specifications and shall not be used by any vehicular traffic whatsoever. (RC13BB)

6. That before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with the plan (2007/1015/P03) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times. (RC15AA)
7. That prior to the first occupation of the development, the cycle parking shall be provided in accordance with drawing 2007/1015/P03 and that Sheffield Cycle Stands shall be installed. (RC13BB)
8. 8.11A (RC56A) mechanical ventilation. hot food takeaway/restaurant
9. That samples of the balcony glazing, timber and sliding screen assembly and solar collectors 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. (RC4A)
10. That samples of the surface finishes for the areas of hard standing 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. (RC4A)
11. 5.5AA (RC4A) insert 'windows, doors, metal entrance and exit gates'
12. That full design details of any lighting to be fixed on the buildings and on the ground 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. (RC95A)
13. That details 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. (RC4A)
14. That the external walls of the development shall be constructed not in accordance with the submitted brick sample EH Smith Charcoal smooth, but that a revised brick sample 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 sample so approved. (RC4A)
15. That with the exception of the brick sample subject to condition no. 14, and component details of the shop front shutters, windows and balconies the development shall be constructed using the materials submitted with the application on sample board no. 2007/1015/P17. (RC4A)

16. That no individual retail unit floorspace shall exceed 303 sq m.  
That the largest retail unit detailed unit 1 on drawing no. 2007/1015/P08 shall be used only for purposes falling within Class A1 specified in the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever and that the other 3 no. retail units shall be used only for purposes falling within Classes A1, A3 and A5 specified in the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever. (RC40AA)
17. That provision by means of suitably located waste bins both inside the retail premises and outside within the public areas shall be made, details of which shall be submitted to and approved in writing the LPA prior to the commencement of the development, the development shall be carried out in accordance with those details and thereafter retained for the disposal of litter. (RC57A)
18. That no deliveries to the retail units shall take place between the hours 9.00 p.m to 7.00 a.m Monday to Sunday (inclusive) (RC49A)
19. 2.13AA (RC8A) – demolition of buildings
20. 2.10A (RC7A) – floor levels – development
21. 6.7AA (RC4A) – no radio, TV aerials, satellite dishes
22. 3.1A (RC10A) – carryout landscaping  
3.7BB (RC12AA) – submit boundary enclosure details

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**Land at Brookhill Way, Off Wildmere Road, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments for one or a combination of B1 (office) B2 (general industrial) B8 (warehousing and distribution) and sui generis (car showroom).

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

**Resolved**

That application 09/01859/OUT be deferred for a maximum of two cycles to enable negotiations between the applicant and Oxfordshire County Council with regards to highway/transport contributions to be concluded.

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**Land West of Network 11 Development, Thorpe Way, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of six one bedroom temporary accommodation flats with associated parking.

The Committee considered the proximity of the site to the industrial estate and expressed concern regarding pedestrian safety. Members also discussed the suitability of the access arrangements to the site.

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

### **Resolved**

That approval of application 09/01867/F be delegated to Head of Development Control and Major Developments to allow for the resolution of highways issues subject to the following conditions:

1. 1.4A - Full Permission: Duration Limit (3 years) (RC2)
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: 2008/1007/P01 Rev.C, 2009/1007/P05 Rev.B, 2008/1007/P06 Rev.B, 2008/1007/P02 Rev. A, 2008/1007/P03 Rev. A, 2008/1007/P04 Rev.A
3. That the external walls of the development shall be constructed in accordance with the material samples EH Smith Thorsby Buff and EH Smith Worcestershire Red Multi Brick, received in the department on 21/12/2009 and cream coloured render as stated on Drawing No. 2009/1007/P05 Rev. A and 2008/1007/P06 Rev. A. (RC4A)
4. 2.2B – Samples of Roofing Materials (RC4A) - \*insert 'tiles' and 'development'
5. That notwithstanding the plans hereby approved all windows shall include one horizontal glazing bar. (RC4A)
6. 3.0A - Submit Landscaping Scheme (RC10A)
7. 3.1A - Carry Out Landscaping Scheme and Replacements (RC10A)
8. No works or development shall take place until a scheme for the protection of the retained trees and the trees protected by the Tree Preservation Order No. 19/91 has been agreed in writing with the Local Planning Authority. (RC72A)
9. 4.13CD - Parking and Manoeuvring Area Retained (RC13BB)
10. 4.0BC - Access Specification Existing – (as plan Dwg No 2008/1007/P01) (RC 13BB) \*insert '*occupation*' and '*building*'
11. 4.8AA - Close Existing Access (RC13B) \*insert '*Thorpe Way*' and '*provision of footway and full faced kerb across present opening*'



12. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
13. If a potential risk from contamination is identified as a result of the work carried out under condition 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.
14. 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.
15. If remedial works have been identified in condition 12, the remedial works shall be carried out in accordance with the scheme approved under condition 12. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the existing commercial buildings and structures and construction of five houses and four class B1 office buildings with associated garages and parking.

The Committee considered the impact the proposed development would have on the village.

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

**Resolved**

That application 09/01181/F be approved subject to the following conditions:

1. That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Layout-656/p50  
Office elevations-656/p77;p78;79;p80  
Office floorplans-656/p60;p61;p62  
House 1-656/p51; p65;p66  
House 2-656/p52; p53;p67;p68;p69  
House 3-656/p70a;71a;p54;p55;  
House 4-656/p56; p57; p74; p73;p72  
House 5-656/p75a; p76a;p58;p59  
Street elevations-656/p63;p64

3. That the external walls of the dwellings and B1 offices shall be constructed in natural ironstone which shall be laid, dressed, coursed and pointed accordance with a sample panel (minimum 1m2 in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.
4. That the external walls of the dwellings and garages shall be constructed in brickwork, of a type, colour, texture, face bond and pointing, in accordance with a sample panel (minimum 1square metre in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.
5. That samples of the slates and tiles to be used in the covering of the roof of the dwellings, B1 offices and garages 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 samples so approved.

6. That prior to the occupation of the dwellings and B1 offices, the existing means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.
7. That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
8. That the proposed access road shall be constructed to Type NO INFILL GIVEN standards in accordance with the Oxfordshire County Council Design Guide for Residential Roads, before any of the dwellings are first occupied.
9. That, before the development is first occupied the Access Road 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.
10. The proposed parking spaces for the B1 offices shown on the approved plan shall be laid out prior to the commencement of development, and that such parking facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan before the first occupation of the premises. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.
11. That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

12. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
13. That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure, in respect of those dwellings which it is intended shall be screened, shall be erected prior to the first occupation of those dwellings.
14. That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the approved dwelling(s) shall not be extended (nor shall any structures be erected within the curtilage of the said dwelling(s) without the prior express planning consent of the Local Planning Authority.
15. That, notwithstanding the provisions of Classes A, B and C of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the building without the prior express planning consent of the Local Planning Authority.
16. No development shall take place within the area of archaeological interest until the applicant(s), or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme and timetable of investigation which has first been submitted by the applicant(s) and approved in writing by the Local Planning Authority.
17. 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".

18. That no soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 2 metres in depth below existing ground level.
19. That no soakaways shall be constructed in contaminated ground.
20. Prior to the commencement of the development hereby permitted a phased risk assessment shall be carried out by a competent person in accordance with current Government and Environment Agency Guidance and Approved Codes of Practice, such as CLR11, BS10175, BS5930 and CIRIA 665. Each phase shall be submitted to and approved in writing by the Local Planning Authority;

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include 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. If contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use to be submitted to and approved in writing by the Local Planning Authority (LPA). The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority. In the event that gas protection is required, all such measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

21. That the proposed offices shall be used only for purposes falling within Class B1(a) as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purpose(s) whatsoever.

#### **Land at The Garth, Launton Road, Bicester**

The Committee considered a report of the Head of Development Control and Major Developments for a single exhibition house constructed to "Passivhaus" standards.

The Committee considered consultation feedback and queried the absence of comments from the Highways authority.

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

**Resolved**

That application 10/001009/F be approved subject to the following conditions:

- 1) That at the expiration of two years from the date of this permission the building shall be removed from the site and the land shall be restored to its former condition on or before that date. RC42A
- 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 including the materials schedules therein:
  - drawing E008/01A
  - drawing E008/02A
- 3) That samples of the material to be used in the external walls and roof of the development hereby permitted 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 in accordance with the samples so approved. RC4A
- 4) That details of any boundary treatments, hard or soft landscaping required for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of such features. Any approved installations shall be removed when this permission expires, in accordance with the requirements of Condition 1 above.
- 5) SC 6\_2AA (Removal of residential permitted development rights for extensions)
- 6) SC 6\_3A (Removal of residential permitted development rights for new windows)
- 7) SC 6\_7AA (Removal of residential permitted development rights for aerials/satellite dishes etc)

**Decisions Subject to Various Requirements**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on decisions which were subject to various requirements.

**Resolved**

That the position statement be noted.

## **Appeals Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on applications where new appeals had been lodged, public inquiries/hearings scheduled or appeal results received.

### **Resolved**

That the position statement be noted.

The meeting ended at 6:35 pm

Chairman:

Date: