

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 24 March 2011 at 4.00 pm

- Present: Councillor Fred Blackwell (Chairman)
- Councillor Ken Atack
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Chris Heath
Councillor Alastair Milne Home
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Trevor Stevens
- Substitute Members: Councillor Andrew Fulljames (In place of Councillor Mrs Diana Edwards)
Councillor David Hughes (In place of Councillor Maurice Billington)
Councillor Russell Hurle (In place of Councillor Rose Stratford)
- Apologies for absence: Councillor Rose Stratford
Councillor Maurice Billington
Councillor Colin Clarke
Councillor Nick Cotter
Councillor Mrs Diana Edwards
Councillor Chris Smithson
Councillor Lawrie Stratford
- Officers: John Hoad, Strategic Director - Planning, Housing and Economy
Bob Duxbury, Development Control Team Leader
Andrew Lewis, Senior Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Senior Democratic and Scrutiny Officer

161

Declarations of Interest

Members declared interest with regard to the following agenda items:

7. Formerly SAPA Profiles UK, Southam Road, Banbury.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council who had been consulted on the application.

8. Heyford Park, Camp Road, Upper Heyford.

Councillor Alastair Milne Home, Personal, as he works within the area of the site on occasion.

Councillor Andrew Fulljames, Personal, as a member of Middleton Stoney Parish Council who had been consulted on the application.

Councillor James Macnamara, Personal, as a member of Lower Heyford Parish Council and as warden of St Mary's Lower Heyford Parochial Church which is located within the base.

10. Land east of Dorcas Road adjoining and south of Overthorpe Road, Banbury.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council who had been consulted on the application.

11. Land to the Rear of The Coach House, Queens Avenue, Bicester.

Councillor D M Pickford, Personal, as a member of Bicester Town Council who had been consulted on the application.

Councillor Leslie F Sibley, Personal, as a member of Bicester Town Council who had been consulted on the application.

12. Old Bodicote House, White Post Road, Bodicote.

Councillor D M Pickford, Prejudicial, as a member of the Executive.

Councillor G A Reynolds, Prejudicial, as a member of the Executive.

Councillor James Macnamara, Prejudicial, as a member of the Executive.

Councillor Ken Atack, Prejudicial, as a member of the Executive and a member of the Accommodation Board.

Councillor Michael Gibbard, Prejudicial, as a member of the Executive.

13. Old Bodicote House, White Post Road, Bodicote.

Councillor D M Pickford, Prejudicial, as a member of the Executive.

Councillor G A Reynolds, Prejudicial, as a member of the Executive.

Councillor James Macnamara, Prejudicial, as a member of the Executive.

Councillor Ken Atack, Prejudicial, as a member of the Executive and a member of the Accommodation Board.

Councillor Michael Gibbard, Prejudicial, as a member of the Executive.

14. Penrose House, 67 Hightown Road, Banbury.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council who had been consulted on the application.

Councillor Fred Blackwell, Personal, as persons affected by the application are known to him.

15. North Car Park, Castle St, Banbury.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council who had been consulted on the application.

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

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

163 **Urgent Business**

There was no urgent business.

164 **Minutes**

The Minutes of the meeting held on 24 February 2011 were agreed as a correct record and signed by the Chairman.

165 **Land south west of Bicester adjoining Oxford Road and Middleton Stoney Road, Bicester**

The Committee considered a report for the construction of up to forty six dwellings with associated amenity space, car parking, access roads and public open space.

Members of the Committee raised concerns that the proposal was premature development as the site may still be required for its original possible use as a second primary school site.

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

Councillor Andrew Fulljames proposed that application 10/01381/OUT be refused. Councillor Miss Pickford seconded the proposal.

Resolved

That application 10/01381/OUT be refused for the following reason:

In the opinion of the Local Planning Authority it is premature to consider the release of this land for housing development, in that until the density and housing mix of the surrounding developments have been established it is not possible to establish beyond reasonable doubt whether this land will be needed for its original possible use as a second primary school site.

Formerly SAPA Profiles UK, Southam Road, Banbury

The Committee considered a report for the re-development of a former factory site for employment uses (use classes B1, B2 & B8) with associated car parking, servicing and landscaping.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 10/01575/OUT be approved subject to:

- (i) The applicants first entering into a planning obligation in respect of infrastructure contributions, green travel plan and the provision of bus stops along the Southam Road;
- (ii) The following conditions:
 - (1) SC1.0AB – That no phase of development shall be commenced until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters for that phase) have been submitted to and approved in writing by the Local Planning Authority.
 - (2) SC1.1A – That in the case of the reserved matters, application for approval shall be made not later than the expiration of five years beginning with the date of this permission.
 - (3) SC1.2A – That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
 - (4) The first reserved matters submission shall include full details of the landscape bund and landscaping adjacent to the canal. This development shall be carried out in accordance with the approved details, prior to the completion of the development, or first occupation, whichever is the sooner.
 - (5) Unless otherwise required by condition, the submission of all reserved matters and the implementation of the development hereby approved, shall be carried out in substantial accordance with the application forms, the design and access statement (as revised February 2011) and drawing numbers 30261-PL-102E Parameters Plan, 12146-09 Proposed Site Access, 1151/10/03 rev B Landscape Proposals for Oxford Canal; 1151/10/04 rev A Landscape proposals Section Canal Boundary; 1151/10/05 rev B illustrative layout Southam Road; 151-10/07 illustrative landscape layout Noral Way received 14.2.11.
 - (6) That the buildings hereby approved shall not exceed the measurements as detailed on the revised parameters plan as

submitted as part of this application, as determined by external measurement.

- (7) The applicants, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any ground works taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.
- (8) Following the approval of the Written Scheme of Investigation referred to in Condition 6, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed, its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and usable archive and a full report for publication.
- (9) Development shall not commence until a drainage strategy detailing any on and/or off-site drainage works, has been submitted to and approved by the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
- (10) SC3.0A – That within each phase of the development 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.
- (11) SC3.1A – 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.
- (12) SC3.2AA – In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars;

and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the development.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations For Tree Works.
 - (b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (13) SC3.3AA – No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
- (a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
 - (b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.
 - (c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
 - (d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
 - (e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
 - (f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - (g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
 - (h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
 - (i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2

of BS5837) of any retained tree, including those on neighbouring or nearby ground.

- (j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
 - (k) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.
 - (l) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
 - (m) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
 - (n) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).
 - (o) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
 - (p) the timing of the various phases of the works or development in the context of the tree protection measures.
- (14) That prior to the commencement of the development, full detailed plans of the proposed access together with the vision splays to the Southam Road and Noral Way shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation, the access(es) shall be provided in accordance with the approved plans.
- (15) Within 3 months of the occupation any building within the development hereby approved, an occupier specific travel plan for that building, a travel plan to reduce dependency on the private car, which shall include clear and unambiguous objectives and model split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; and based on the particulars contained within the approved framework produced in support of this application, shall be submitted to and approved in writing by the local planning authority. The travel plan shall thereafter be operated in accordance with the approved details.
- (16) SC4.6AA – That the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding 0.6 metres as measured from the carriageway level.
- (17) SC4.4AA – That the proposed vision splays to Noral Way shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local

Planning Authority prior to the first occupation of the development and that the land and vegetation within the splays shall not be raised or allowed to grow above a maximum height of 0.6 metres above carriageway level.

- (18) Car parking and cycle parking shall be provided in accordance with the local planning authority's car parking standards, or as otherwise approved in writing by the Local Planning Authority, at the time of any reserved matters submission.
- (19) Sc4.15AA - That the parking, servicing and manoeuvring shall be kept free of obstructions at all times and used only for the specified purpose.
- (20) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by BWB, dated February 2011, Ref: BMW/454/FRA3 and the following mitigation measures detailed within the FRA:
 1. Compensatory fluvial flood storage shall be provided to mitigate losses in flood water storage during fluvial flood events up to and including the 1 in 100 year event with an allowance for climate change, as detailed in Section 6 of the FRA.
 2. Finished floor levels shall be set no lower than 9.34 mAOD in accordance with Section 6 of the FRA.
 3. Surface water discharge rates shall not exceed 479 l/s across a range of storm events up to and including the 1 in 100 year event with an allowance for climate change, as detailed in Section 6 of the FRA.
- (21) No development approved by this planning permission shall take place 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. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
- (22) No development approved by this planning permission shall take place until a scheme for the provision and management of a buffer zone alongside the canal shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:
 - Plans showing the extent and layout of the buffer zone
 - Details of the planting scheme (for example, native species)
 - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
 - Details of any footpaths, fencing, lighting etc.

- (23) That prior to the commencement of any development on the site, full details of the restoration of the gatehouse, construction of the new gate piers including their materials of instruction, and reinstatement of the original aluminium gates and lanterns shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the first occupation of any unit hereby approved.
- (24) That no goods, materials, plant or machinery shall be stored, repaired operated or displayed in the open whatsoever.
- (25) That prior to the commencement of any development on the site, a management plan for the maintenance of the proposed bund and landscaped area adjacent to the canal shall be submitted to and agreed in writing by the Local Planning Authority. The management plan shall thereafter be carried out strictly in accordance with the approved details.
- (26) That prior to the commencement of any development on the site, further ecological surveys to establish the presence of any protected species or the existence of other wildlife habitats on the site, as recommended by the ecological appraisals prepared by FPCR Environment and Design Ltd and submitted as part of the application, shall be carried out, and shall be submitted to the Local Planning Authority for approval. Any mitigation or other measures identified as part of those surveys shall be carried out in accordance with those findings.
- (27) That prior to the commencement of the development full details of an acoustic barrier which shall take the form of a landscaped bund to be installed along the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the design calculations which will demonstrate that the proposed barrier will provide sufficient sound attenuation to ensure that the World Health Organisation recommended noise levels for the avoidance of sleep disturbance are not exceeded. The approved barrier shall be installed in accordance with those details prior to the first occupation of any part of the site and shall be thereafter maintained in good order.
- (28) That the accumulative rated level of noise from all fixed plant items on site shall not exceed the levels specified in Table 5.9 on page 16 of the Noise Assessment prepared by Resound Acoustics Ltd – Report Reference RA00081 – Rep 1 revised 3.2.11. These noise levels are applicable at a point close to, but at least 4m from the front of any relevant façade. The daytime is between the hours of 07.00hrs and 19.00hrs, evening is between 19.00 hrs and 23.00 hrs, and night time is between 23.00 hrs and 07.00 hrs.
- (29) Following the completion of the excavation/source removal and after returning the site to current ground levels through backfilling, but prior to any construction works commencing, a comprehensive ground gas risk assessment should be undertaken. This ground gas risk

assessment (with suitable remedial proposals included as appropriate) should be submitted to the LPA and agreed prior to any construction works being undertaken.

- (30) If ground gas protection measures are required, they shall be undertaken in accordance with the agreed proposals and prior to occupation of the site, a ground gas protection verification report detailing these works shall be submitted to, and agreed with the Local Planning Authority.
- (31) The works detailed in the Discovery CE Ltd Remediation Strategy (report No. 10078J-rem-strat) submitted in support of this application shall be undertaken in line with the approved strategy, and any further works required to be protective of the risk from ground gases identified in condition (33). Prior to occupation of the development, a verification report detailing these works shall be submitted to, and agreed with, 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 remediation strategy, and for the reporting of this to the Local Planning Authority.
- (32) SC9.12A – Other than the refurbishment of the listed office building, the development hereby permitted shall be constructed to at least a BREEAM excellent standard.
- (33) Prior to their establishment on site, details of the location of all site compounds and the associated areas for plant storage and access thereto, as well as a scheme for their subsequent removal and restoration of the land shall be submitted to and approved in writing by the Local Planning Authority.
- (34) Notwithstanding the provisions of Section 55 (2)(a)(i) of the Town and Country Planning Act 1990 and Class A Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2010 and its subsequent amendments, no informal operations increasing the floor space available within the buildings hereby permitted beyond their approved floor shall be carried out without the prior express consent of the Local Planning Authority.
- (35) External lighting details to be submitted and agreed prior to the first occupation of the development.

Heyford Park, Camp Road, Upper Heyford

The Committee considered a report for a proposed new settlement for one thousand and seventy five dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure.

Daniel Scharf, Oxford Trust for Contemporary History (OTCH), spoke in opposition to the application.

Mevyn Dobson, the applicant's agent, spoke in favour of the application.

The Committee discussed the merits of the application notably that it would provide a clear way forward and certainty for the community settled at the site. Some Members raised concerns that the application had been submitted as an outline rather than full application as possible development on the site had been ongoing for many years. The Committee was pleased that traffic calming measures were included in the proposal. Members commented that the development should seek to retain listed buildings and the heritage of the site where possible.

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

Resolved

That application 10/01642/OUT be approved subject to:

- (i) The applicant entering into a section 106 agreement with the District and County Council.
- (ii) The following conditions subject to clarification and simplification being agreed with the Chairman prior to finalisation of the prospective permission being issued:
 - (1) That no development shall be commenced until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority. Plans and particulars of the reserved matters referred to above shall be carried out as approved.
 - (2) That in the case of the reserved matters, application for approval shall be made not later than the expiration of six years beginning with the date of this permission.
 - (3) That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
 - (4) The development referred to, if undertaken at all, shall be constructed strictly in complete accordance with the schedule of proposed uses specified in para 2.7 of the supporting planning statement to the application.
 - (5) The details required in accordance with Condition 1 shall be in general accordance with the provisions of Parameter Plans:
 - i) Illustrative Masterplan (Amended) 031 Rev M
 - ii) Development Uses 023 D

- iii) Buildings and Roads Retained 011 D
- iv) Access 028 D
- v) Buildings Heights
- vi) Green Infrastructure

And with the Environmental Statement dated October 2010; or with such subsequent amendments to any of the above as have first been submitted to and approved in writing by the Local Planning Authority.

- (6) No reserved matters applications shall be submitted pursuant to the outline application or occupation of any buildings the subject of change of use, (other than those which are currently occupied) until such time as a phasing plan (to include demolition, the identification of the general location of affordable housing within each phase, the laying out of open space and play areas in accordance with the green infrastructure parameter plan and access proposals) has first been submitted to and approved in writing by the Local Planning Authority; and shall be implemented in accordance with such details as approved.
- (7) No reserved matters applications shall be made for any phase until a Design Code for that phase of the New Settlement Area, as identified in Condition 5 above, has been submitted to and approved in writing by the Local Planning Authority.

The Design Code shall comprise:

- i) Land use, density, layout of streets and public spaces and character areas;
- ii) Landscape, including for the immediate setting of the new settlement, to include retained trees and vegetation, new planting, public open space, amenity space, children's' play areas, sports facilities, footpaths, public spaces, together with adoption arrangements and extent;
- iii) Surface water control, including design standards and methodology for sustainable drainage systems, details of specific features, including appropriate options for Sustainable Urban Drainage, swales, together with adoption arrangements and extent;
- iv) Public realm, including hierarchy of streets and public spaces, characteristics, dimensions, building line and or set backs, materials, means of enclosure, street furniture, including street lighting, and car parking, methods to control traffic speeds and create legibility, together with adoption arrangements and extent;
- v) Built form, including scale, materials, roof treatment, elevational treatment, treatment of landmark and marker buildings, key frontages and gateways;
- vi) Sustainable design, including the measures to be incorporated to ensure that the development complies with at least the minimum Code Level required by the Building Regulations in the Code for Sustainable Homes and to assess the impact this would have on appearance;

- vii) Car and cycle parking, including standards of provision by land use and dwelling type; and
- viii) Waste recycling, including how the Councils standards for individual householders' waste and recycling bins are to be accommodated within the dwelling curtilage and refuse vehicle access to these obtained.

The development shall thereafter be carried out in accordance with the approved Design Codes.

- (8) No more than 1075 dwellings in total shall be accommodated on the site, including any existing dwellings which are to be retained.
- (9) None of the existing dwellings that are retained as part of this permission shall be occupied under the terms of this permission until the two bungalows 5 and 7 Portal Drive South have been demolished. Written notice shall be given to the Council seven days in advance of their demolition.
- (10) Neither 5 nor 7 Portal Drive South shall be demolished until a scheme has been submitted to and approved by the Local Planning Authority for the laying out of a new circular access route around the estate and a legally binding contract for the carrying out of the works is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing by the Local Planning Authority.
- (11) No development within any phase of the development shall take place, save for existing uses already in occupation at the time planning permission is granted, until there has first been submitted to and approved in writing by the Local planning Authority a scheme of landscaping for that phase which shall include:
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
 - (d) details of the soft landscaping, hard surfaced areas, pavements, pedestrian areas, crossing points and steps;
 - (e) details of laying out of Public Open Space;
 - (f) details of boundary treatments to each phase where appropriate (including retained security fencing).

- (12) All planting, seeding or turfing comprised in the approved details of landscaping for each phase of the development hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the final new building of that phase; and that any trees and shrubs which within a period of five years from the completion of the phase 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) No works or development shall take place in connection with each phase or sub phase of the development until a scheme for the protection of the existing landscape features identified for retention under Condition 10 has been agreed in writing with the Local Planning Authority. This scheme shall include:
- a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
 - b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.
 - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
 - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
 - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
 - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
 - h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
 - i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the Root Protection Areas of retained trees.
- l) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

Implementation shall be in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

- (14) During the course of building operations or construction works on the site and at all reasonable times, the developer shall afford access to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds.
- (15) The development permitted shall not be begun until details of the layout of the settlement's commercial centre/hub have been submitted to, and approved in writing by, the Local Planning Authority. Details shall include a plan at a scale of not less than 1:100 of a scheme to traffic calm Camp Road between buildings 52 and 549 to demonstrate how traffic speeds will be reduced to 10 mph, hard and soft landscaping of the area, a scheme to improve the public realm and demonstrate how the centre will function as a commercial entity.

The scheme as approved shall be implemented prior to the occupation of the 350th house and/or before the occupation of any 4 of the buildings adjacent to the traffic calmed area shown on the Development Uses Parameter Plan as being the Local Centre, whichever is the sooner.

- (16) The development permitted by this planning permission shall only be carried out in accordance with the approved Environmental Statement (Waterman, October 2010) reference EED10658.103.R.3.2.1.AH and Flood Risk Assessment (Waterman, October 2010) reference C11234 ES 001, and the following mitigation measures detailed within those documents:

- Limiting the surface water run-off generated by the development for all storm events up to and including the 1 in 100 year storm including a 30% allowance for climate change in accordance with Section 9.56 of the Environmental Statement and Appendix D of the FRA.

- (17) No development approved by this planning permission shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.

The scheme shall also include:

- Where appropriate the use of infiltration for the disposal of surface water, this shall follow site specific investigation into the feasibility of using infiltration for the disposal of surface water in accordance with Section 4.6 of the Flood Risk Assessment (Waterman, October 2010) reference C11234 ES 001. This should include an assessment of infiltration in potentially contaminated areas.
 - The inclusion of sustainable drainage techniques in accordance with the principles set out in Table 1 of the Flood Risk Assessment (Waterman, October 2010) reference C11234 ES 001.
 - Controlled discharge rates to ensure there shall be no increase down stream or down gradient of the site, during or following construction as a result of the combined surface water and Sewage Treatment Work discharges.
- (18) No development approved by this planning permission shall take place (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:
 - i-all previous uses.
 - ii-potential contaminants associated with those uses.
 2. a conceptual model of the site indicating sources, pathways and receptors. potentially unacceptable risks arising from contamination at the site.
 3. 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.

4. 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.
5. 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.

- (19) 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.
- (20) If during development contamination not previously identified is found to be present at the site then no further development within 20m of the contamination shall be carried out until the developer has submitted to and obtained written approval from the local planning authority for an addendum to the method statement. This addendum to the method statement shall detail how this unsuspected contamination will be remediated (if necessary) and thereafter this will be carried out as approved before any development within 20m recommences. Following completion of any such additional remediation, a verification report shall be submitted within 3 months of the completion of the works for the approval of the Local Planning Authority in writing.
- (21) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
- (22) No development approved by this planning permission shall take place until a scheme to install oil and petrol separators (Class 1) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

- (23) No development approved by this planning permission shall take place until a scheme for the improvement of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement of the existing sewerage system has been completed.
- (24) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".
- (25) Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- (26) No new use within Use Classes A3-A5 shall commence within the New Settlement Area as shown on Plan Ref: N.0111_58-1 until such time as details of the hours of opening of such premises have been submitted to and approved in writing by the Local Planning Authority. The use shall thereafter operate only within those hours.
- (27) For each phase or sub phase of the development, no works shall be undertaken until such times as a detailed scheme of noise assessment and possible sound insulation measures for the residential units (including a timetable for its implementation) has first been submitted to and approved in writing by the Local Planning Authority. That scheme shall be implemented in accordance with the approved details.
- (28) Before the change of use of any building is implemented, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the building or its adjacent service area. In the case of uses that would be implemented on grant of this permission such a scheme shall be submitted to the Local Planning Authority within 6 months of the date of the permission.
- (29) No new occupation of any Class C1 (Hotel), A3, A4 or A5 (Cafes, Restaurants, Takeaways, Public House) and B2 (General Industrial) premises shall take place until such times as a detailed scheme of fume extraction/odour mitigation measures has first been submitted to and approved in writing by the Local Planning Authority; and implemented in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority.

- (30) Prior to the commencement of development details for the phasing of development, including the provision of and improvements to the existing playing fields (including all those within the blue line see Site Location Plan D.0291_42), sports pavilions/changing facilities and tennis courts shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development shall be carried out in accordance with the approved details.
- (31) The playing fields and tennis courts shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Town and Country Planning (Use Class) Order 1987 (as amended), or in any provision equivalent that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- (32) No development shall take place unless and until:
- A detailed assessment of ground conditions of the land proposed for the new playing field land (as shown on drawing number D.0291_38-1) shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
- (33) No signs or advertisements shall be erected on any buildings unless a signage strategy has previously been submitted to and agreed in writing with the Local Planning Authority. Any proposed signage shall comply with the terms of the signage strategy.
- (34) Prior to the first occupation of any residential unit hereby permitted, a scheme setting out expected community use of the indoor and outdoor facilities shall be submitted to and approved by the Local Planning Authority in consultation with Sport England. The report shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development and shall thereafter be retained and maintained'.
- (35) Within three months of the date of this permission, a lighting strategy shall be provided in association with the use of the non residential buildings in the technical area. The strategy as approved shall be implemented within 6 months of the date of this permission and the development shall be undertaken in accordance with the details as approved.

- (36) Prior to commencement of the development/use details of the siting, design and layout of the two pavilions to be provided on site, which shall comply with Sport England Technical Design Guidance Notes to include; Pavilions and Clubhouses, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The sports pavilions shall be constructed in accordance with the approved design and layout details.
- (37) Within three months of the date of this permission, a waste management strategy shall be provided in association with the use of the non residential buildings. The strategy as approved shall be implemented within 6 months of the date of this permission and the development shall be undertaken in accordance with the details as approved.
- (38) That prior the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- (39) Building 572 shall be used solely for the purposes of a Place of Worship and/or community use for a minimum period of 10 years from the date of this permission. Subsequent to that period it shall not without the express consent of the Local Planning Authority be used for any other purpose within Use Class D1 including any other permitted change within that specific Use Class as identified within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order.
- (40) Building 552 (Water Tanks) shall not be removed until such time as a scheme for their relocation (including a timetable for its implementation) has been submitted to and approved by the Local Planning Authority. The relocation shall subsequently be implemented in accordance with the approved scheme.
- (41) Before commencement of any phase of development as agreed under the phasing plan (condition 6) details of the existing and proposed levels, including finished floor levels, shall first have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with such approved details.
- (42) That no goods, materials, plant or machinery shall be stored repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.
- (43) All plant, machinery, mechanical ventilation equipment and ducting shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority.

- (44) Within 9 months of the date of this permission a programme for implementation of the mitigation and ecological objectives set out in the Ecology Section of the Watermans Environmental Statement dated October 2010 shall be submitted to the Local Planning Authority for approval. And the permission shall be implemented in accordance with the details approved.
- (45) All site clearance (including vegetation removal) should be timed so as to avoid the bird nesting/breeding season between March-August.
- (46) The construction of the new development shall be carried out in such a manner as to ensure that the structural integrity of existing buildings in the vicinity of the construction works is preserved.
- (47) Prior to any demolition of any building as shown on Plan Ref: 010/D a scheme of demolition for those buildings to be removed shall have been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include;
- (a) the demolition techniques to be employed in respect of each building to be removed;
 - (b) proposed hours of operation in respect of the proposed demolition works and demolition material processing/treatment;
 - (c) dust and noise mitigation measures to be employed in respect of the demolition;
 - (d) details of the treatment of the demolition material including whether it is to be removed from the site or re-used in connection with the development;
 - (e) If demolition spoil is to be processed on site details of the method of processing shall be submitted, including dust and noise mitigation measures to be employed;
- and shall be implemented in accordance with such approved details.
- (48) Details of the location of all compounds and the associated areas for plant storage and access thereto, as well as a scheme for their subsequent removal and restoration of the land, shall be submitted to and approved in writing by the Local Planning Authority prior to their establishment. The compounds and accesses shall be located and subsequently removed in accordance with the approved details.
- (49) No works in relation to any phase or sub phase shall be undertaken until such time as wheel washing facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- (50) Save for existing uses already in occupation at the time of planning permission being granted, prior to commencement of new development, an access phasing strategy shall be submitted to and approved in writing by the Local Planning Authority, including a phased approach to the closure of access points. The provision and closure of accesses shall be carried out in accordance with the approved details.

- (51) Save for existing uses already in occupation at the time of planning permission being granted, before any new non residential building is first occupied any temporary or permanent turning areas shall be provided within the curtilage of the site so that vehicles may turn around and leave in a forward direction. Any such turning area shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall thereafter be retained and kept unobstructed for the manoeuvring of motor vehicles at all times.
- (52) Parking and manoeuvring areas: Save for existing uses on the site, before any non residential buildings are first occupied parking and manoeuvring areas shall be provided in accordance with plans approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall be constructed, laid out, surfaced in bound material, drained and completed, and shall be retained unobstructed except for the parking of vehicles at all times.
- (53) Details of parking provision for the existing and to be retained non residential uses shall be submitted to and approved in writing by the Local Planning Authority at the same time as the reserved matters application for the phase of the development in which the existing use/s are located. The approved parking shall thereafter be implemented within 3 months of the completion of that phase and thereafter be retained in accordance with such approved details.
- (54) Save for existing uses already in occupation at the time of planning permission being granted, the development hereby permitted shall not commence until arrangements for the off-highway parking provision of construction vehicles have been implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- (55) Before any demolition or building operations begin, a scheme to prevent the discharge of surface water to the highway shall be submitted to and approved in writing by the Local Planning Authority and this scheme shall be implemented before such works commence.
- (56) The development hereby permitted shall not commence until such time as a detailed Travel Plan for each phase of the proposed development, to cover residential and non-residential uses, including the construction phases (including a timetable for its implementation), has been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with those details.

- (57) Within three months of the date of this permission, a parking strategy shall be provided for vehicles operating in association with the use of the non-residential buildings. A plan showing car parking provision for vehicles to be accommodated within the site together with any areas for manoeuvring, shall be submitted to and approved in writing by the Local Planning and such parking and manoeuvring facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan within 6 months of the date of this permission. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.
- (58) Occupation of the 100th new dwelling or occupation of more than 10.000 square metres of commercial floor area above that existing at the grant of this permission (whichever is the earlier), shall not take place until such time as improvement works to the junction at Middleton Stoney have been submitted to and approved by the Local Planning Authority in writing and shall thereafter be implemented in accordance with those details.
- (59) Prior to the commencement of development details of improvement works to M40 Junction 10 shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. Occupation of the 500th or subsequent net additional dwellings or occupation of more than 50% increased floor area of commercial use above existing (whichever is the earlier) shall not take place until such time as the works have been implemented in accordance with the details as approved.
- (60) The construction of the highways on site shall use a minimum of 30% recycled materials.

168

Bicester Eco Town Exemplar Site, Caversfield, Oxfordshire

The Committee considered a report which updated Members on the progress that was being made in assessing the planning application for the first, exemplar, phase of the proposed eco-development at North West Bicester.

The Strategic Director Planning, Housing and Economy advised the Committee that the report also sought to enable partners working through the Eco Bicester Strategic Delivery Board – SDB - (an informal local partnership established with Government to help implement the Eco Bicester and Eco town) Project to judge progress on the application. This was particularly important for the Government's Homes & Communities Agency, who have undertaken to provide funding for affordable housing at the site. The Committee was advised that the report did not include a recommendation to determine the application as it would be returned to Planning Committee in due course for determination.

Members of the Committee acknowledged that as the application would be for an exemplar site, it was imperative that the highest eco standards possible were achieved.

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

Resolved

- (1) That a site visit be arranged for when the planning application for the Bicester Eco Town Exemplar site is submitted to Planning Committee for consideration.
- (2) That the report on the significant progress now being made in assessing the application be noted and that the very encouraging commitment shown by the applicants to meeting the challenges set by the Eco Town Standards be recognised.

169

Land east of Dorcas Road adjoining and south of Overthorpe Road, Banbury

The Committee considered a report for a hybrid planning application for 24,005sqm B2 (industrial) and/or B8 (warehouse/distribution) uses (and associated infrastructure) with full details provided for Phase 1 comprising 12,574sqm floor space and all details except external appearance for Phase 2 comprising 11,431sqm floor space.

The Development Control Team Leader advised Members that this application had been approved by Planning Committee at its meeting on 24 February 2011 and had been brought back to the Committee to seek a variation to the agreed conditions and an amended resolution.

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

Resolved

That application 10/01861/HYB be approved subject to:

- (i) Applicant entering into a planning obligation to secure contributions towards the transport network and the monitoring of the Travel Plan the subject of condition.
- (ii) Departure procedures (SOS already informed of application);
- (iii) The following conditions previously considered and agreed by Planning Committee:
 - (1) That in the case of unit 2 and associated curtilage, development shall be begun not later than the expiration of three years beginning with the date of this permission
 - (2) That in the case of unit 1 and associated curtilage no development shall be commenced until full details of the external appearance (hereafter referred to as the reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

- (3) That in the case of the reserved matters for unit 1 and associated curtilage, application for approval shall be made not later than the expiration of three years beginning with the date of this permission
- (4) That in the case of unit 1 and associated curtilage development shall be begun not later than the expiration of two years from the final approval of the reserved matters.
- (5) That except for the external appearance of unit 1 and unless otherwise required via condition, the development hereby approved shall be carried out strictly in accordance with: Application Forms, Design and Access Statement Revision A dated January 2011, Flood Risk Assessment S1154 dated November 2010, Aspect Ecology Ecological Assessment dated November 2010 and the following drawings numbered: AP(0)010, AP(0)024, AP(0)027, AP(0)028, AP(0)029, AP(0)030, AP(0)031, AP(0)034, AP(0)035, S1154-01B, S1154-06, S1154-07A, S1154-08A, S1154-09A, S1154-10A and 100485E100TDv1 received with the application on 06/12/10 and amended drawings numbered AP(0)011 Rev A, AP(0)012 Rev A, AP(0)013 Rev A, AP(0)014 Rev A, AP(0)015 Rev A, AP(0)016 Rev A, AP(0)020 Rev A, AP(0)021 Rev A, AP(0)022 Rev A, AP(0)023 Rev A, AP(0)025 Rev A, AP(0)026 Rev A, AP(0)032 Rev A received 21/01/11.
- (6) That following the first occupation of each unit, all planting, seeding and turfing comprised in the approved details of landscaping relating to the curtilage of each building shall be carried out in the first planting and seeding seasons.
- (7) That prior to the first occupation of unit 2 a management plan for the landscaping scheme for the whole site, shall be submitted to and agreed in writing by the Local Planning Authority. The management plan shall be carried out strictly in accordance with the approved details and timescale.
- (8) That prior to the installation of any part of any enclosure required in relation to unit 1, full details of the proposed enclosures shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be erected on site in accordance with the approved details.
- (9) That prior to the first occupation of each of the buildings hereby approved car parking provision shall be provided in accordance with the approved plans and shall be retained for the parking of vehicles at all times thereafter.
- (10) Prior to the commencement of the development hereby permitted, a detailed method statement to outline the proposed arrangements to ensure that access is maintained to adjacent industrial developments, farmland to the south and public footpaths during construction, including temporary access arrangements to the site during construction and details of wheel washing or road sweeping arrangements during construction, shall be submitted to and approved

in writing by the Local Planning Authority. The development shall be constructed and carried out in accordance with the approved method statement.

- (11) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA S1154) produced by Bailey Johnson Hayes Consulting Engineers, dated November 2010 and the following mitigation measures detailed within the FRA:
 - a. The surface water drainage system shall be designed to safely manage storm events up to and including the 1 in 100 year event with and allowance for climate change, in accordance with Sections 4 and 6 of the FRA.
 - b. During the design event, surface water discharge rates shall not exceed 19 l/sec from unit 1 and 25 l/sec from unit 2, in accordance with Section 3 of the FRA.
 - c. The surface water drainage system shall include swales.
- (12) That prior to the first use or occupation of the buildings hereby approved, each building and all items of mechanical plant and equipment including compressor motors and fans, within or associated with that building, shall be acoustically enclosed or insulated in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and operated at all times in accordance with the approved acoustic enclosure/insulation scheme.
- (13) That in the case of both buildings, except where provision for outside storage is shown on the approved plans, no outside storage shall take place
- (14) The development hereby permitted shall be constructed to at least a BREEAM good standard.
- (iv) The following extra condition:
- (15) Prior to the first use or occupation of the development hereby permitted a Green a Green Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guide Note 'Using the planning process to secure travel plans', shall be submitted to and approved in writing by the Local Planning Authority. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

170

Land to the Rear of The Coach House, Queens Avenue, Bicester

The Committee considered a report seeking consent for one dwelling. The application was a resubmission of application 10/00784/F.

Members of the Committee raised concerns that the proposal represented over development and was not in keeping with the Conservation Area.

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

Resolved

That application 10/01856/F be approved subject to the following conditions:

- (1) SC1.4 (RC2) – Duration Limit.
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following information: dwg numbers WG13-020(A), 021(A), 022(A) and 023(A) received on 31.01.11 and dwg numbers 024, 025, 026, the Design & Access Statement and the site location plan received with the application.
- (3) SC2.2BBslate.....dwelling.....(RC4A)
- (4) SC2.3DD.....dwelling.....(RC5B)
- (5) SC3.7BB (RC12AA)
- (6) SC4.13CD (RC13BB)
- (7) SC5.5Atimber windows.....(RC4A)
- (8) SC5.14Adoors.....(RC4A)
- (9) SC5.19A (RC4A)
- (10) SC6.2AA
- (11) SC6.3 (RC4A)
- (12) SC6.6AB
- (13) SC9.13A4.....(RC93AA)
- (14) The development shall be carried out strictly in accordance with the Arboricultural Method Statement by Trevor Clarkson of Crown Consultants Ltd submitted with the application, unless otherwise agreed in writing by the Local Planning Authority. (RC72A)
- (15) No service trenches, pipe runs or drains or any other excavation, earth movement or mounding shall be constructed within the Root Protection Area of the tree/trees on the site, without the prior approval in writing of the Local Planning Authority.
- (16) No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will

be appropriate to the scale and duration of the works and shall include details of:

- (a) Induction and personnel awareness of arboricultural matters
- (b) Identification of individual responsibilities and key personnel.
- (c) Statement of delegated powers.
- (d) Timing and methods of site visiting and record keeping, including updates
- (e) Procedures for dealing with variations and incidents.

The Local Planning Authority will require the scheme of supervision to be administered by a qualified arboriculturist approved by the Local Planning Authority but instructed by the applicant. (RC72A)

- (17) 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 details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas. (RC10A)
- (18) That 13 No. 14-18cm tree(s) shall be planted in the first planting season (mid November to end of March) following removal of the tree(s) for which permission has been granted.
- (19) No development shall commence within the application area until the applicant, or their agents or successors in title, has secured the implementation of a staged programme of archaeological investigation and mitigation in accordance with a written scheme of investigation that shall first be submitted to and approved by the Local Planning Authority. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication. The work shall be carried out by a professional archaeological organisation acceptable to the Local Planning Authority.
- (20) 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.
- (21) If a potential risk from contamination is identified as a result of the work carried out under condition 20, 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.

- (22) If contamination is found by undertaking the work carried out under condition 21, 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.
- (23) If remedial works have been identified in condition 22, the remedial works shall be carried out in accordance with the scheme approved under condition 22. 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.
- (24) That the low stone wall be retained.
- (25) That parking for construction vehicles be within the curtilage only.

Councillor Pickford requested that her abstention be recorded.

171

Old Bodicote House, White Post Road, Bodicote

The Committee considered a report for the refurbishment and internal upgrade of Listed Building. Demolition of internal walls, reinstatement of partition walls, rewire, new fire alarm system, new data cabling, new tea point/wc facilities, new lighting, redecoration including carpets. Construction of new boiler house. Installation of new biomass boiler and associated underground pipe works.

The Development Control Team Leader advised Members that should they resolve to grant listed building consent, this intention would need to be reported to the Secretary of State who has the power to call-in the application if he considered it necessary.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 10/01867/LB be approved subject to the following conditions:

- (1) SC 1_5A (Time for implementation of Listed Building Consents).
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application, including the material and finishing details set out therein.
- (3) SC 5_7B (Making good in materials to match).

172

Old Bodicote House, White Post Road, Bodicote

The Committee considered a report which sought permission for the construction of a new boiler house, installation of new biomass boiler and associated underground pipe works.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/0149/CDC be approved subject to the following conditions:

- (1) SC 1_4A (Time for implementation)
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application, including the material and finishing details set out therein.
- (3) SC 5_7B (Making good in materials to match)
- (4) Slate sample and treated timber sample for boiler house

173

Penrose House, 67 Hightown Road, Banbury

The Committee considered a report which sought an extension of the time-limit originally attached to application 04/01395/F – Change of use of Penrose House from offices to residential to create 12 No. flats, erection of three storey residential unit to create 12 No. flats, associated parking, alterations of existing access and works to trees under TPO 12/90.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 10/01877/F be approved subject to:

- (i) the applicants entering into a Section 106 legal agreement with the District and County Councils to secure financial contributions towards;
 - a) the provision and maintenance of outdoor sports facilities in the locality/town and the financial equivalent of maintaining a local area of play in accordance with current standards
 - b) the improvement of education and library facilities in the locality/town
- (ii) the imposition of the following conditions;
 - (1) SC 1_4A (Time limit for implementation)
 - (2) That the development hereby permitted shall be constructed in accordance with a full schedule of materials and finishes (including samples where appropriate) which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
 - (3) That full design details of the fenestration to be used on the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
 - (4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter unless agreed in writing with the local planning authority.
 - (5) That samples of the clay tiles to be used in the covering of the roof of the development 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 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:-
 - details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - 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,

- details of the hard surface areas, walls, trellis screens, pavements, pedestrian areas, crossing points and steps.
- (7) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- (8) The protection of any existing tree to be retained in accordance with the approved plans and particulars shall be achieved as follows:
- no equipment, machinery or material shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars which shall have been previously approved by the Local Planning Authority in writing;
 - if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced in accordance with the approved plans and particulars;
 - the fencing shall be maintained in position during the course of construction and until all equipment, machinery and surplus material has been moved from the site;
 - within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavation shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority; and
 - no tree to be retained in accordance with the approved plans and particulars shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut down or grubbed out without the prior approval in writing by the Local Planning Authority.
- (9) Prior to the commencement of any works on the site, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- (10) That prior to the construction of the new building, 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.
- (11) That prior to the first occupation of the proposed flats, the proposed pedestrian access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the approved plans.

- (12) That, before the development is first occupied the access drive 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.
- (13) That prior to the first occupation of the block of 12 new residential apartments granted planning permission under reference 04/01395/F on the land to the south of the existing Penrose House building, the parking spaces numbered F1-F15 on Drawing Number SK100 Rev. A, submitted with application Ref. 06/01797/F shall be laid out and made available for car parking in connection with the block of 12 new residential apartments, the details of which of these parking spaces shall be firstly submitted for the prior approval in writing of the Local Planning Authority, and these parking space shall thereafter be fully implemented as approved.
- (14) That prior to the first occupation of the 12 residential units created through the conversion of Penrose House into residential use, granted planning permission under reference 04/01395/F, 15 parking spaces shall be laid out and made available for car parking in connection with the 12 residential units created in the converted Penrose House, the details of which of these parking spaces shall be firstly submitted for the prior approval in writing of the Local Planning Authority, and these parking space shall thereafter be fully implemented as approved.
- (15) That prior to the first occupation of the block of 12 new residential apartments granted planning permission under reference 04/01395/F on the land to the south of the existing Penrose House building, and prior to the first occupation of the 12 residential units created through the conversion of Penrose House into residential use, also granted planning permission under reference 04/01395/F, full details shall be submitted for the prior approval in writing of the Local Planning Authority of the arrangements for the provision of cycle parking facilities and refuse facilities, and thereafter these facilities shall be fully implemented as approved. These facilities shall be constructed and made available for use by residents prior to the occupation of the residential units in the new block or in the converted Penrose.
- (16) Prior to the construction of the new building vision splays measuring 2.4 metres x 33 metres shall be provided to each side of the access and retained unobstructed thereafter.
- (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 and foul sewage drainage schemes 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) The development shall not begin until a scheme for protecting the habitable rooms in the new building from noise from Oxford Road to achieve an internal sound level of 35 dB (A) with windows closed at night has been submitted to and approved in writing by the Local Planning Authority and all works which form part of the approved scheme shall be completed before any of the flats in the new building are occupied and thereafter the scheme shall be permanently retained in accordance with the approved details.
- (19) All construction traffic for the development shall enter and leave the site in accordance with a detailed scheme and method statement to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The method statement shall include temporary access arrangements, the construction operating hours on site, arrangements for deliveries to the site, the location of any temporary compounds and site offices, the design/location of any hoardings, the storage of building materials, the arrangement for the parking of contractors' vehicles and details of wheel-washing or road sweeping arrangements. The construction of the development shall be carried out in accordance with the approved details and all temporary buildings or structures shall be removed on completion of the development and the land restored to its former condition or in accordance with the approved plans, as appropriate.

174

North Car Park, Castle St, Banbury

The Committee considered a report for the extension of time-limit to 05/02419/F – Renewal of condition 1 of 00/02486/F (construction of an extra storey on existing car park) to allow the permission to remain in existence for a further period of 5 years.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/00057/F be approved subject to the following conditions:

- (1) SC 1_4A (Time for implementation – NB 5 years)
- (2) SC 2_6AA (Materials to match)
- (3) That the proposed metal work shall be painted dark green (RAL 6005). Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with government advice in PPS1: Delivering Sustainable Development and Policies C28 and C29 of the adopted Cherwell Local Plan 1996.

- (4) That the proposed timber cladding shall be stained to match the existing timber cladding on the car park. Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with government advice in PPS1: Delivering Sustainable Development and Policies C28 and C29 of the adopted Cherwell Local Plan 1996.
- (5) That prior to the commencement of the development, full details of the means of drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved drainage scheme shall be implemented prior to the first use of the additional parking created.
- (6) That prior to the first use of the additional parking created, additional disabled parking spaces shall be provided on the ground floor of the car park in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority and such spaces shall be retained thereafter.

175

Calvert Landfill Site, Brackley Lane, Calvert, Oxfordshire

The Committee considered a report for an energy from waste facility; incinerator bottom ash processing; air pollution control residue treatment; access road from A41, revision to pit 6 restoration contours and restoration scheme, surface water management and habitat management and the application is accompanied by an Environmental Statement - Ref 11/20000/AWD.

Members of the Committee raised concerns about the impact of the development on traffic flow in the district.

Councillor Mrs Fulljames proposed that Buckinghamshire County Council be advised that Cherwell District Council makes no comment on the proposed development. Councillor Blackwell seconded the proposal. The motion was duly voted on and was lost.

Councillor Miss Pickford proposed that Buckinghamshire County Council be advised that Cherwell District Council raises concerns about the traffic flow on the A41 around Bicester and the knock-on effect that may have on surrounding villages. Councillor Hughes seconded the proposal.

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

Resolved

That Buckinghamshire County Council be advised that Cherwell District Council raises concerns about the traffic flow on the A41 around Bicester and the knock-on effect that may have on surrounding villages,

176 **Decisions Subject to Various Requirements**

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

Resolved

That the position statement be accepted.

177 **Appeals Progress Report**

The Committee considered a report 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 7.45 pm

Chairman:

Date: