

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE**

21 June 2018

WRITTEN UPDATES

Agenda Item 7

17/01044/F - Part OS Parcels 4200 And 1300 Land Between New Banbury Daventry Road And M40, Street From Banbury To Williamscot, Banbury

No Update

Agenda Item 8

18/00814/ADV - Motor Fuel Ltd, Bloxham Service Station, South Newington Road, Bloxham, Banbury, OX15 4QF

Additional Representations received

Councillor Mallon, County Councillor for Bloxham and Easington Division of Oxfordshire County Council has **objected** to the application, for the following reasons:

- The signage would cause harm to the safety of the local highway network.
- The signage is on Highways land.
- The entrance/exit arrangement is not enforced by the applicant, which causes harm to highway safety.
- The height, size and illumination of the totem is excessive for a village setting.
- The lack of a delivery schedule is causing noise and light pollution.

Bloxham Parish Council: have **objected** to the application, for the following reasons:

- The signage would be contrary to national and local policy with regard to poorly placed advertisements and impact on neighbours.
- The signage would distract drivers on a busy road.
- The illuminated sign causes harm to the living conditions of nearby residents.
- The entrance/exit arrangement is not currently enforced.
- The signage would obstruct visibility splays.
- The signage causes harm to the visual amenities of the area.
- The signage would cause harm to nearby listed building and conservation area.

CDC Environmental Protection: comment that the illuminated “totem” should be designed and installed in such a manner as to minimise light impact to the lowest level possible consistent with any mandatory requirements to display information.

CDC Heritage: **object** to the application, stating that the size and illumination of the sign causes harm to the setting of the conservation area and the nearby listed buildings.

Third Party Letters: Fourteen further letters of **objection** have been received. These do not raise any additional issues further than those that have been mentioned in the report.

Officer comment

None

Change to recommendation

None

Agenda Item 9

18/00594/F - Chequer Tree Farm, Ells Lane, Bloxham, OX15 5EE

Additional Representations received

OCC Local Highways Authority (LHA): raise no objections to the proposals subject to conditions requiring:

- The use applied for is strictly for an Agricultural Worker's Dwelling only and no other use.
- That full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. And further, that the approved parking and manoeuvring area is implemented and retained unobstructed, except for the parking and manoeuvring of vehicles, at all times thereafter.

Additional Information received

Applicant: A letter has been received from Tony Kernon on behalf of the applicants(a copy can be viewed in full on the Council's website, via the online Planning Register); this was also sent via email to members of the planning committee.

Summary of comments:

- Comment is made with regard to the application being assessed under Policy H19 and comparisons are made with other sites.
- Further comment is made with in response to the report received from Paul Rhodes Rural Planning, as to whether an essential need has been demonstrated. Again comparisons are made with other sites and other reports relating to other sites/schemes made by Paul Rhodes.

Officer Comment

The comments and proposed conditions from OCC are in line with the officer report at para. 8.45.

The additional comments made on behalf of the applicants are not considered to raise any further relevant planning issues above those originally covered in the officer's report. Regarding the applicant's comments about H19 and essential need, each application must be assessed on its own merits and officers see no reason to reach any different conclusion than that within the officer report.

Change to recommendation

None

Agenda Item 10.

18/00587/F Taylor Livock Cowan, Suite F, Kidlington Centre, High Street, Kidlington, OX5 2DL

No update

Agenda Item 11.

18/00273/OUT - OS Parcel 3900 Adjoining Foxhill And West Of Southam Road, Banbury

Additional Representations received

None

Additional Information received

None

Officer comment

None

Change to recommendation

Delegate to the Assistant Director of Planning Policy and Development to grant permission, subject to:

- (a) the conditions set out at below (and any amendments to those conditions as deemed necessary) and;
- (b) the completion of a satisfactory planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following (and any amendments to those as deemed necessary):

CDC Contributions

LEAP on site, £108, 761.69 commuted sum; equipped LAP on site, £27, 501.52 commuted sum; 5, 154.3sqm public open space on site, £9.32/sqm commuted sum.

On-site Green Infrastructure Maintenance Provision based on figures within the Developer Contributions SPD.

Affordable Housing on site - 30% affordable housing provision, equating to 27 units.

Off-site outdoor and indoor sports provision, and community hall facilities based on figures within the Developer Contributions SPD.

On-site Water Feature Maintenance Provision based on figures within the Developer Contributions SPD.

Waste Collections contributions (£106 per dwelling).

OCC Contributions

On and off site transport improvements, including provision of highway infrastructure works and public transport links.

Contributions towards a new primary school, which is due to open in 2020, based upon the amount under the previous application.

Oxfordshire Clinical Commissioning Group

£77,760 to support improvement of local primary care infrastructure.

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. That no development shall be commenced until full details of the access, layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

2. That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

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.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

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

- Drawing Number 0101 (Site Location Plan) submitted with the application;
- Drawing Number 19294-01-2 Revision A submitted with the application; and
- Drawing Number 19294 -1 Revision A submitted with the application

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) for proposed Development West of Southam Road, Banbury, reference 10264, dated December 2017 Revision Final and the following mitigation measure detailed within the FRA: 'Finished floor levels are set at least 300mm above the 1 in 100 year flood level'.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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.

Reason: To ensure the development is not at risk of flooding and will not increase flood risk elsewhere and to comply with Policy ESD6 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

6. The site shall be developed with a mix of housing types/sizes to meet the local housing needs in accordance with the requirements of Policy Banbury 2 and BSC4 of the Cherwell Local Plan (2011-2031) Part 1, details of the mix shall be submitted to and approved in writing to the local planning authority, prior to the commencement of the development.

Reason: In the interests of meeting housing need and creating a socially mixed and inclusive community and to comply with Policy Banbury 2 and BSC4 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

7. No more than 90 dwellings shall be accommodated on the site.

Reason: In order to protect the landscape setting of Banbury and the visual amenities of the open countryside and to ensure that the site is not overdeveloped and to comply with Policies ESD13, ESD15 and Banbury 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE RESERVED MATTERS SUBMISSION

8. Prior to or as part of the first reserved matters submission, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Energy Statement should:
 - be structured according to the energy hierarchy in Policy ESD2 of the Cherwell Local Plan (2011-2031) Part 1, with information provided on each element of the hierarchy;
 - inform and be reflected in the reserved matters;
 - include a description of the development, number and type of residential units;
 - Demonstrate sustainable construction methods as per Policy ESD 3 of the Cherwell Local Plan (2011-2031) Part 1;
 - Consider the use of renewable energy to supply the development.

Thereafter, the development shall be carried out in strict accordance with the recommendations and measures contained in the approved Energy Statement.

Reason: In the interests of sustainability, and to deliver low carbon development to mitigate the impacts on climate change, in accordance with Policies ESD1 to ESD5 and Banbury 2 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

9. No development shall take place until a plan showing the existing and proposed levels of the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved levels.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and in order to protect the landscape setting of Banbury and the visual amenities of the open countryside and to comply with Policies ESD13, ESD15 and Banbury 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. No development shall take place until a survey identifying trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved survey.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

(b) If any tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. No development shall take place until a scheme for the protection of the retained trees has been agreed in writing with the Local Planning Authority. This scheme shall include:

(a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established to protect retained trees.

- (b) a British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan
- (c) the specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
- (d) details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
- (e) details of any levels changes within or adjacent to protection zones;
- (f) details of the surface treatment to be applied within protection zones, including a full specification and method statement;
- (g) the routing of overhead and underground services and provisions for reducing their impact on retained trees; and
- (h) a specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme.

Reason: To ensure the continued health of retained trees and in the interests of the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. No development shall take place until 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 has been 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. If a potential risk from contamination is identified as a result of the work carried out under condition 12, 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. If contamination is found by undertaking the work carried out under condition 13, 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. No development shall take place until full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies ESD13, ESD15 and Banbury 2, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. No development shall take place until an Archaeological Written Scheme of Investigation, relating to the application site area, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

17. No development shall take place until a staged programme of archaeological evaluation and mitigation following the approval of the Written Scheme of Investigation referred to in condition 16, has been carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Policy ESD15 of the Cherwell Local Plan (2011-2031) and Government guidance contained within the NPPF.

18. No development shall take place, including works of site clearance or preparation, until a full assessment of the impacts on biodiversity and protected/notable species in the light of the proposed final landscape and layout plans has been submitted to and approved in writing by the Local Planning Authority. The details must include plans for mitigation, timings, details of ecological supervision and working methods and the results of all updated surveys.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policies ESD10 and Banbury 2 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

19. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

20. No development shall take place until a scheme for the provision and management of a minimum 10 metre wide ecological buffer zone alongside the Hanwell Brook has been 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 ecological buffer zone scheme shall be free from built development including lighting, pathways, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

21. No development shall take place, including works of site clearance or preparation, until the site has been thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policies ESD10 and Banbury 2 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

22. No development shall take place until full details of a drainage strategy for the entire site, based on sustainable drainage principles and an assessment of the hydrological and hydrological context of the development detailing all on and off site drainage works required in relation to the development, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policies ESD6 and ESD7 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

23. No development shall take place until, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

24. No development shall take place until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason: In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the locality during the construction period and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

25. No development shall take place, including any works of site clearance, until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect biodiversity as well as residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage, to ensure the environment is protected during construction and in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan (2011-2015) Part 1, saved Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

26. Prior to the commencement of the development, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.

Reason: In order to safeguard the amenities of the area and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

27. Prior to the commencement of development, provision of ducting to allow for future installation of EV charging infrastructure in order to make resident parking places EV ready for future demand, shall be submitted to and approved in writing by the Local Planning Authority. The details and location of such provision should take into consideration the availability of electrical supply and should therefore be designed making reference to information held by the local distribution network operator. The development shall be carried out in accordance with the details so approved.

Reason: To encourage and support the incorporation of measures into development that promote more sustainable forms of transport and to comply with Policies ESD1 and SLE4 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

28. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

29. The construction of the development hereby approved shall be carried out during daylight hours only; ceasing one hour before sunset and not commencing until one hour after sunrise.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

30. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 14. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

31. Prior to the first occupation of the development, the approved means of access as detailed on drawing nos. 19294-01 Revision A and 19294-01-2 Revision A shall be constructed and retained thereafter in accordance with the approved details and all ancillary works specified shall be undertaken and the land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or other material.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

32. That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority

Reason: To secure the provision of essential community infrastructure and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

33. Unless otherwise agreed in writing by the Local Planning Authority, all existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.

Reason: To ensure the protection and conservation of the on-site top soil as a viable growing medium for the approved landscaping scheme and in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies ESD13, ESD15 and Banbury 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

34. Except to allow for the means of access and vision splays the existing hedgerow/trees along the Southam Road boundaries of the site shall be retained and properly maintained at a mature height for trees and not less than 3 metres for hedgerows, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD13, ESD15 and Banbury 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
3. Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road

Agreements Team on 01865 815700 or email roadagreements@oxfordshire.gov.uk

4. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
5. The applicant is advised that if further advice is required in relation to conditions 16 and 17, contact should be made with the County Archaeologist on 01865 328944 or by writing to Richard.Oram@oxfordshire.gov.uk or Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE, who can provide advice in terms of the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.
6. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
7. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
8. The Drainage Scheme outlined in Condition 22 should include:
 - Discharge rates
 - Discharge volumes
 - Maintenance and management of SUDS features
 - Points of connection to the public sewerage system as well as the anticipated flows (including flow calculation method and whether the flow will be discharged by gravity or pumped) into the proposed connection points. If the drainage strategy is not acceptable Thames Water will request that an impact study be undertaken.

- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (Pond, Permeable Paving, Swales, Water Butts)
- Network drainage calculations
- Phasing
- Flood Exceedance Routing

9. The ecological buffer scheme outlined in Condition 20 should include:

- Plans showing the extent and layout of the buffer zone
- Details of any ecological enhancements proposed to the Brook
- Details of any proposed planting scheme (for example, native species)
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- Details of any proposed footpaths, fencing, lighting etc. within 1 metre of the buffer edge
- details of how the proposals will provide habitat connectivity both up and downstream of the site

10. The Environment Agency has advised that all proposed buildings and essential infrastructure shall be located entirely outside the 0.1% flood extent or the 1% plus climate change extent, whichever is the greater.

Agenda item 12

18/00971/F - Park Farm Agricultural Barn, New Street, Deddington

Additional Representations received

CDC Ecology Officer: has offered **no objections**, subject to conditions relating to habitat boxes and no works being undertaken between March and August unless otherwise agreed.

CDC Environmental Protection has recommended the inclusion of the contaminated land conditions.

Additional Information received

None

Officer comment

None

Change to recommendation

No change (as it gives delegated authority to officers to amend the conditions as necessary), but to add conditions relating to ecology and contamination

Agenda item 13**18/00972/LB - Park Farm Agricultural Barn, New Street, Deddington**

No update

Agenda item 14**18/00952/CDC - The Hill, Dover Avenue, Banbury, OX16 0JE****Additional Representations received**

OCC Local Highways Authority (LHA): raise no objections to the proposals subject to the conditions previously imposed

Additional Information received

Applicant: In response to the proposed conditions, the applicant has been proactive and submitted a construction management plan, contaminated land report and details of the external surfaces of the car park.

Officer comment

In order to facilitate the commencement of development (and in accordance with government guidance) it is proposed to change some of the pre-commencement conditions to 'no development above slab level', instead of 'prior to the commencement of development' (3 & 4).

Officers will also assess the information submitted by the applicant and if found acceptable, will change these conditions (5, 7 and 10) from requiring details to be submitted to one of complying with the details already supplied

The OCC conditions are already included in the list of conditions

Change to recommendation

No change (as it gives delegated authority to officers to amend the conditions as necessary to take account of the above), but to amend conditions 3 and 4 to the below:

3. No development above slab level shall take place until samples of the brick, render and composite cladding to be used for the external walls of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No development above slab level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter, the development shall be carried out in accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

and to change conditions (5, 7 and 10) from requiring details to be submitted to one of complying with the details already supplied, if they are considered acceptable.

Agenda item 15

18/00613/F - Land Adjacent To 1 Creampot Crescent, Cropredy

No update

Agenda item 16

18/00070/NMA - Eco Business Centre, Charlotte Avenue, Bicester, OX27 8BL

No update