CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE

25 October 2018

WRITTEN UPDATES

Agenda Item 7
16/01268/OUT - South East Bicester, Wretchwick Way, Bicester

Additional Representations received

ENVIRONMENT AGENCY**: Objection removed** subject to the imposition of conditions relating to flood storage compensation, provision and management of an ecological buffer zone, realignment and enhancement of watercourses and submission of an ecological management plan.

OXFORDSHIRE COUNTY COUNCIL RESPONSE**:** Revised response in relation to Highways, Drainage and Education (available in full on-line) stating:

OCC Transport : **Objection can now be withdrawn**. The original objections related to the following:
The modelling assumes the delivery of both the South-East Perimeter Road (SEPR) and dualling of the Eastern Peripheral Route. However, there is a risk that the development could be built out before the delivery of these strategic improvements. The traffic impact of this scenario has not been fully assessed and; It is proposed that Wretchwick Avenue would not link through the site end to end until the final phase of the development, however no assessment has been undertaken to determine the impact of this on the local highway network during the interim period.

Key Points

- To address these reasons for refusal, a Technical Note (VACE/JW/ITM7245-019A TN) has been submitted which models a scenario whereby the development is built out without the two strategic transport improvement schemes indicated above.
- The Technical Note indicates that, in the absence of the strategic Transport Improvement schemes, the impact of the development upon the Eastern Peripheral Route could be minimised through junction capacity improvements, although strategic transport improvements would ultimately still be required.
- The County Council is satisfied with the updated assessment that has been undertaken, which identifies the need for further junction enhancements should the development be built out prior to delivery of the strategic transport improvements.
- An agreement will be required to detail how these schemes relate to the required Strategic Transport Contributions. A delivery and phasing plan

will also need to be agreed with OCC to determine the trigger points for the S106 obligations and S278 highway works set out in both this response and the county council's previous response to the application.

Strategic Transport

- The applicants Transport Consultants have undertaken a technical exercise detailing further transport mitigation requirements in the event that dualling of the Eastern Peripheral Route and provision of a South East Perimeter Road in Bicester is unlikely to come forward for delivery when required by the site.
- OCC are satisfied that the technical note demonstrates transport mitigation schemes sufficient to reduce Wretchwick Green's impact in the absence of dualling of the Eastern Peripheral Road and provision of a South East Perimeter Road in Bicester, but still highlights the need for these strategic schemes, as a significant level of congestion remains.
- An agreement will be required to detail how these schemes relate to the required Strategic Transport Contributions. A delivery and phasing plan will also need to be agreed with OCC to determine the trigger points for the S106 obligations and S278 highway works required for this application.

Junction Capacity Schemes

- Junction 1 – A4421 Skimmingdish Lane / Buckingham Road / A4095
  The mitigation scheme indicated in Drawing No. ITM7245-SK-158 is acceptable. A full design audit will be carried out at the S278 stage.
- Junction 2 – A4421 / Launton Road
  The mitigation scheme indicated in Drawing No. ITM7245-SK-159 is acceptable. A full design audit will be carried out at the S278 stage.
- Junction 3 – A4421 Charbridge Lane / Bicester Road
  The mitigation scheme indicated in Drawing No. ITM7245-SK-160 is acceptable. A full design audit will be carried out at the S278 stage.
- Junction 15 – A4095 / B4100 / Banbury Road
  The Technical Note submitted indicates that a scheme to mitigate the impact of development traffic at this junction is required.
- The county council has made a bid for Garden Town funding towards a wider capacity improvement scheme at this junction, however no announcement has yet been made as to whether that bid has been successful.
- The county council has also sought developer contributions towards improvements at this junction from other developments in this area. Any such improvements would make the mitigation scheme proposed by the applicant in Drawing No: ITM7245-SK-161 abortive.
- Therefore, rather than implement the mitigation scheme proposed by the applicant, the county council usually would seek a financial contribution towards a wider improvement scheme at this junction.
- However, due to CIL regulation 123 pooling restrictions, no such contribution towards improvements at this junction is sought from this development.

Wretchwick Avenue

- The county council was previously under the impression that Wretchwick Avenue would not link through the site end-to-end until the final stage of the development. However, it is now understood that this is not proposed to be the case.
- The trigger for the completion of Wretchwick Avenue through the site, as well as the secondary road giving access to the school, must be agreed through the S106 / S38 Agreement. This will need to be linked with the county council's requirement for access to the school site, the public transport strategy for the site and the access requirements for residential developments set out in the county council's 'Design Guide for New Residential Developments' document.
- A delivery and phasing plan will need to be agreed with OCC to determine this trigger point.

OCC Education: **No objections** received subject to the imposition of conditions.

Key Issues

- As set out in Oxfordshire County Council's (OCC) response to this application dated 11 August 2016 this development is required to contribute proportionately towards the new secondary school to be included within the eco-town development in NW Bicester. The first phase of the NW Bicester secondary school is expected to be required to open in 2024/25. At present the timing/deliverability of the NW Bicester secondary school is dependent on the progress of development at NW Bicester. Before the NW Bicester secondary school is delivered there is a limit to the amount of development that can be supported by other secondary school capacity in/around Bicester.
- A restriction therefore may be required on the amount of development that can take place on this site prior to the delivery of the NW Bicester secondary school or suitable alternative secondary education capacity. Further work and discussion with the applicant is required to assess what level of development can take place on this site prior to the delivery of additional secondary education capacity and will need to be agreed post committee to ensure the viability and the deliverability of the site is achieved. It is currently anticipated that this cap would need to be set at approximately 800 units.

OCC Drainage: **No Objections** subject to conditions. The changes made in the revised addendum are acceptable to OCC (Drainage) and comply with the National Non – Statutory Technical Standards for SuDS to ensure flood risk is not increased.

Additional Information received

Revised information has been submitted/received from both the Applicant and OCC County Council. In particular this further revised information relates to the comments received from OCC with regards to Drainage, Highways and

Education (all detailed above) and minor amendments/points of clarification from the application. Outline of proposed conditions are also attached.

The key amendments to the Report can be summarised as:

- Consultation responses received have resulted in the removal of objection from the Environment Agency, OCC Highways and OCC Drainage.(See revised responses)
- Revised residential densities plan received
- Revised building heights plan received
- Clarification on Employment Numbers - Paragraph 2.4 sets out that the application would result in 752-868 jobs against a policy requirement of 3,000 jobs. However, the paragraph is not clear that the policy requirement of 3,000 jobs also includes Symmetry Park (16.49ha of the Bicester 12 allocation). This has the potential of making the shortfall of jobs against policy greater than it actually is when Symmetry Park is taken into account.
- Correction to Paragraph 8.24 - that there is a reduction in employment space resulting in approximately 7ha of employment space (rather than a loss of 7ha). This proposed 7ha of employment, when combined with the 16.49ha at Symmetry Park represents 58% of the Bicester 12 allocation.

Officer Comment : The above consultation responses do not result in the change of recommendation for the Local Planning Authority. The removal of objections and submission of further information is considered to strengthen the applicant's position and form a stronger basis for approval.

Change to recommendation
None

Draft Conditions

Conditions relating to the following will be imposed. The conditions detailed below are general in nature and the final wording is subject to change, post committee.

- **Details**: Pre commencement condition relating to submission of full details for layout, scale, appearance and Landscape
- **Phasing Plan:** Prior to submission of reserved matters submission of a phasing plan covering the entire application site
- **Reserved Matters Submission:** Application to be made within 4 years of date of this permission
- **Commencement of development:** Development to begin no later than 2 years from the approval of last reserved matters
- **Approved Plans:** Development to be carried out in compliance with plans, parameter plans and documents

- **Housing densities:** Proposed residential development shall achieve a minimum dwelling per hectare level.
- **Building Heights/Finished Floor Levels:** Proposals to accord with submitted and agreed building height plan.
- **Submission of design code:** Shall include but not limited to details of street types, open spaces, character types, inter relationship of built form, open space edges, landscaping, materials etc
- **Submission of details relating to junction capacity enhancement schemes**
- **Submission of delivery and phasing plans relating to Wretchwick Avenue**
- **Submission of pedestrian crossing points**
- **Site roads, Turning Areas and Car Parking:** Submission of full specifications including construction, layout, surfacing ,lighting drainage and the location and layout of car parking
- **HGV Parking:** Details of proposed HGV parking spaces to be submitted
- **Cycle Parking Provision:** Position and number of bicycle parking to be submitted.
- **Drainage:** Submission of details relating to but not limited to the proposed Surface water drainage scheme for every parcel or phase of development, network drainage calculations, infiltration tests, details drainage layout, SuDS, phasing plans.
- **SuDS Management and Maintenance Plan:** Submission of details relating to maintenance body, maintenance schedule, health and safety
- **Flood storage compensation:** Prior to commencement of development , details of a scheme for flood storage compensation in accordance with the FRA shall be submitted to and approved in writing
- **Ecological Buffer Zone:** No development shall take place until a scheme for the provision and management of an ecological buffer zone along both sides of Cutters Brook shall be submitted to and agreed
- **Watercourse Enhancement:** No development shall take place until the proposals for the realignment and enhancement of the watercourses has been submitted to and approved.
- **Travel Plans:** Submission of a framework travel plan for whole site.
- **Pedestrian and Cycle Routes:** submission of details relating to the alignment and specification of any and all new/enhanced footpaths, bridleways and cycle tracks
- **Public Rights of Way:** Submission of details relating to the protection and enhancement of PRoW's, impact on the existing public rights of way including any temporary or permanent diversions
- **Construction Traffic Management Plan:** Submission of full details of phasing and addressing each construction activity within each phase

- **Archaeology:** Submission and approval of Archaeological Written Scheme of Investigation
- **Archaeology Mitigation:** Prior to any commencement of demolition/development a staged programme of archaeological mitigation shall be carried out
- **Play Areas:** Submission of details relating to play areas proposed, phasing, including Local Areas of Play (LAP's), Local Equipped Areas of Play (LEAP's) Neighbourhood Equipped Areas of Play(NEAP's) and Multi Use Games Area (MUGA's)
- **Landscaping/planting:** Submission of details relating to the proposed and existing hard and soft landscaping for the entire site
- **Removal of trees and hedges:** Any removal shall not occur during nesting season
- **Planting Plan:** Submission of detailed planting plan
- **SAM Buffer:** Details to be submitted relating to the imposed buffer zone, its creation and its maintenance
- **Ecology Updated survey**: submission of updated ecology survey prior to each phase of development as required.
- **Construction Environment Management Plan**: Production and submission of a Construction Environment Management Plan as part of reserved matters application
- **Landscape and Ecology Management Plan**: Submission of a Landscape and Ecology Management Plan or Habitat Management Plan as part of reserved maters application.
- **Ecological Clerk of Works**: requirement to appoint an ecological clerk of works
- **Green Infrastructure**: Advance or early establishment of green infrastructure and ecological mitigation required
- **Ecological Mitigation Measure**: A coordinated approach and scheme of mitigation integrated within the CEMP,LEMP/HMP and EMP to be submitted
- **Lighting**: Prior to the commencement of development of each phase or development parcel a lighting scheme in accordance with the Environmental Statement shall be submitted.
- **High Level Ecological Management Plan**: Compliance with letter from BSG Ecology 5th October 2018
- **Secured by design**: Document to be submitted and approved stating the measures that will be incorporated into the development demonstrating how it will accord with SBD
- **Foul Water Network Infrastructure**: No properties shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional

properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

- **Existing Water Network Infrastructure**: No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan
- **Network Rail:** The applicant must enter into dialogue with Network rail with regards to any proposed development (see network rail consultation response)
- **Comprehensive Intrusive Investigation:** Carry out and submit the results of the investigation prior to any development commencing on site. Dependant on outcome, further remediation conditions may need to be adhered to.
- **Renewable Energy:** Details of renewable energy provision to serve the dwellings within that phase to be submitted and approved prior to commencement of that phase.
- **Street lighting:** Details of street lighting to be submitted and approved prior to the commencement of each phase.
- **Public Artwork:** Prior to occupation of any dwelling details of a scheme of public artwork to be installed within the site shall be submitted and approved.
- **Bins:** Prior to occupation of any dwelling bins shall be provided for the purpose of recycling, residual and garden waste.
- **Sustainable Homes:** All dwellings on site to achieve an energy performance standard equivalent to at least Code Level 4
- **Infrastructure:** All new water, waste, energy and communication related public infrastructure shall be provided and retained underground.
- **Non residential buildings**: Any non residential buildings on the site shall meet at least BREEAM ”very good” standard.
- **Employment**: A minimum of 60% of the proposed employment floor space shall be utilised for purposes falling within class B1 with the remainder of the employment floor space utilised for purposes falling within Class B8.

Agenda Item 8
18/00293/OUT - Caravan Park, Station Approach, Banbury, OX16 5AB

Additional Representations received

OXFORDSHIRE COUNTY COUNCIL **object** on the sole ground that the indicative route for the pedestrian/cycle route through the site is not considered adequate. Failure to provide adequately for this key route would be prejudicial to the successful delivery of the Canalside masterplan**.** It is understood that the sketch layout is indicative only and that this is an outline planning permission. However, provision for a suitable route through the site does need to be secured, and with the quantum of housing and car parking proposed on the site, it is doubtful whether it could be. Please note that in OCC's view, the site would be suitable for a proportion of car free development, due to its highly sustainable location.

CDC HERITAGE: **Comment**: The area is of significance as part of the setting of the Oxford Canal Conservation Area and associated locally listed buildings. The site is currently a degraded area of left over land between Oxford Canal, River Cherwell and in close proximity to the Banbury Railway Station. From the late 20th century onwards the site has been used as a car park associated with the railway and a caravan park. There has been other late 20th century development in the form of industrial units further to the south of the site. These uses have a neutral rather than negative impact on the setting of the conservation area as they are low key and generally screened from the canal through a combination of the change in ground levels and mature vegetation.
There are some concerns with the scale and quantum of the development. It is appreciated that the application is outline only, but the scale and design of the application is considerable and would potentially set the tone for other development in the surrounding area. Given the sensitivity of the site and the impact on the setting of the canal and associated heritage assets it is considered that a holistic approach would be preferable.

Officer comment
These comments are noted. Both the form and precise position of the footpath/cycleway and the design of the buildings are covered by the need for reserved matters approval, and arrangements for the dedication of an adequate pedestrian footway facility and ramping for the bridges can be the subject of a clause in a Section 106 agreement.

Change to recommendation
None

Conditions

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

2. In the case of the reserved matters, no application for approval shall be made later than the expiration of three years beginning with the date of this permission.

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

4. Except where otherwise stipulated by condition, the development shall be carried out in general accordance with the following plans and documents: Application forms, Design and Access Statement dated October 2018, and drawing numbered SKL-01 dated 2.10.18

5. The layout of the site shall provide for a 10 metre wide ecological buffer zone measured from the bank top (defined as the point at which the bank meets the level of the surrounding land) alongside the River Cherwell

6. As part of the reserved matters submission full details of the means of access between the land and the highway, and within the application site, including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

7. Prior to the first use or occupation of the development hereby permitted, covered and uncovered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

8. As part of the reserved matters submission full details of refuse vehicle turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

9. A Construction Traffic Management Plan shall be submitted with the reserved matters application, and shall thereafter be complied with.

10. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid

out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

11. The development hereby approved shall proceed in accordance with the Flood Risk Assessment prepared by [insert] received [insert] accompanying the application unless otherwise previously approved in writing by the Local Planning Authority.

12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
    a) The parking of vehicles of site operatives and visitors;
    b) The routeing of HGVs to and from the site;
    c) Loading and unloading of plant and materials;
    d) Storage of plant and materials used in constructing the development;
    e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
    f) Wheel washing facilities/ road sweeping;
    g) Measures to control the emission of dust and dirt during construction;
    h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
    i) Delivery, demolition and construction working hours;
    j) The mitigation measures recommended at (ADD REFERENCES) of the submitted Environmental Statement (DATE)
    k) Details of the measures to be taken to ensure construction works do not adversely affect residential properties adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents.

    The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

13. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, or detrimentally affect the stability or integrity of the canal and river banks shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

14. 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.

15. If a potential risk from contamination is identified as a result of the work carried out under condition 14, 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.

16. If contamination is found by undertaking the work carried out under condition 15 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.

17. If remedial works have been identified in condition 16 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 16. 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.

18. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

19. Prior to the development commencing a report should be provided and approved in writing by the local planning authority that shows that all habitable rooms within the dwelling will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required then the methods for rating the noise in BS4142:2014 should be used, such as for noise from industrial sources). Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings affected by this condition, the dwellings shall be shall be insulated and maintained in accordance with the approved details.

20. As part of the reserved matters submission an energy statement shall be submitted demonstrating compliance of the development with Policy ESD3 of the Cherwell Local Plan

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Agenda Item 9
18/00792/OUT - Land At Tappers Farm, Oxford Road, Bodicote, Banbury, OX15 4BN

Correction to Report

Page 81, Paragraph 8.56, bullet point 12; Contributions towards community hall facilities of £298.88 per 1sqm.

Should read £428.00 per person.

Draft Recommended Conditions

Submission of Reserved Matters

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

   Reason - This permission is in outline only and is granted 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).

2. In the case of the reserved matters, no application for approval shall be made later than the expiration of three years beginning with the date of this permission.

   Reason - This permission is in outline only and is granted 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).

Commencement of Development

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

   Reason - This permission is in outline only and is granted 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).

Compliance with Approved Plans

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the Proposed Site Access Arrangements Drg No. 0608/01 dated April 2018 and the principles shown on the Parameters Plan Drg No. IL1002 RevB.

   Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority.

Information to Accompany Reserved Matters

5. The application(s) for approval of reserved matters shall be accompanied by a specialist acoustic consultant's report which demonstrates that internal noise levels in habitable rooms within the dwellings and external noise levels for outdoor areas (including domestic gardens and recreation areas) will not exceed the criteria specified in the British Standard BS 8233:2014, 'Guidance on sound insulation and noise reduction for buildings'. Where mitigation measures are required to achieve these standards full details shall be submitted with the application(s). This includes any acoustic barriers, planting, glazing and ventilation requirements. Thereafter and prior to the first occupation of the affected dwellings and the first use of the common areas, the approved details shall be installed and retained in accordance with the approved details.

   Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Saved Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. The application(s) for approval of reserved matters shall be accompanied by a method statement for enhancing biodiversity on site to include an updated Biodiversity Metric such that an overall net gain for biodiversity is

achieved and to provide details of all proposed bat and bird boxes including integrated features within buildings and no development shall commence (including any demolition or site clearance) until the method statement has been approved in writing by the Local Planning Authority. The approved biodiversity enhancement measures shall be carried out and retained 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 and Government guidance contained within the National Planning Policy Framework.

7. The application(s) for approval of relevant reserved matters shall reflect the principles of the Parameters Plan Drg No. IL1002 RevB , the landscape strategy plan and indicative species list (drg no 2719-05 dated 24/09/18) and shall include details of all proposed hedgerow restoration and enhancement. Development shall thereafter proceed in accordance with the approved details.

   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, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Ecological Measures Compliance

8. The development hereby approved shall be carried out in accordance with the recommendations set out in tables 6.1 and 6.2 of the Extended Phase 1 Habitat Survey Report carried out by REC dated April 2018 which require the installation of bird boxes within landscaped areas and on retained mature trees and the installation of at least 5 bat boxes on retained trees. The bat boxes to be in place prior to any demolition of any building.

   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 and Government guidance contained within the National Planning Policy Framework.

Pre-Commencement Arboricultural Method Statement

9. No development shall commence (other than demolition) until an Arboricultural Method Statement (AMS) including protective fencing specifications and construction methods close to all retained trees and hedges, and undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

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 Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Pre-Commencement Construction Environmental Management Plan (CEMP)

10. No development shall commence (including any demolition or site clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of construction traffic management measures, measures to be taken to ensure that construction works do not adversely affect biodiversity and/or protect habitats and species of importance to biodiversity conservation, and the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site, together with details of the consultation and communication to be carried out with local residents. Thereafter the development shall be carried out in accordance with the approved CEMP.

    Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Pre-Commencement Contamination Investigation

11. 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 carried out and 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'. The report should be submitted to and approved in writing by the Local Planning Authority and 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Pre-Commencement Scheme of Remediation if necessary

12. If contamination is found by undertaking the work carried out under condition 11, no development shall take place until a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Pre-Commencement Access Details and Construction

13. No development shall take place (other than demolition) until full details of the means of access between the land and the highway, including layout, construction, materials, surfacing, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in accordance with the approved details prior to any occupation of the dwellings and retained thereafter.

    Reason - In the interests of highway safety in accordance with the National Planning Policy Framework.

Pre-Commencement Surface Water Drainage Scheme

14. No development shall take place (other than demolition) until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. The scheme shall include:
    • Discharge Rates
    • Discharge Volumes
    • SUDS features (Permeable Paving, Attenuation / Infiltration Pond or other SuDS identified in Section 5.3 of the FRA)
    • Maintenance and management of SUDS features, to include provision of a SuDS Management and Maintenance Plan
    • Infiltration in accordance with BRE365 where possible (To include infiltration testing; seasonal monitoring and recording of groundwater levels)

• Detailed drainage layout with pipe numbers
• Network drainage calculations
• Phasing
• Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)

Reason: To ensure that the development is served by proper arrangements for the disposal of surface water, to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Pre-Commencement Archaeological Written Scheme of Investigation

15. No development shall take place until an Archaeological Written Scheme of Investigation has been prepared by a professional archaeological organisation, and has been submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the National Planning Policy Framework.

Pre-Commencement Programme of Archaeological Evaluation and Mitigation

16. Following the approval of the Written Scheme of Investigation referred to in condition 15, and prior to any commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. 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 which shall be submitted to the Local Planning Authority.

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 the National Planning Policy Framework.

Demolition of Buildings Prior to Occupation

17. Prior to the first occupation of any dwelling within the development hereby approved, the buildings and structures on the site at the date of this permission shall have been demolished and the debris and materials removed from the site.

Reason - In order to achieve a satisfactory form of development and amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996.

Remedial Works Prior to Occupation

18. If remedial works have been identified in condition 11, no dwelling shall be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 12. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

    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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Landscape and Ecological Management Plan (LEMP) Prior to Occupation

19. No dwelling shall be occupied until a Landscape and Ecological Management Plan (LEMP) for all landscaped areas, other than privately owned domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include;
    - The long term objectives of the LEMP
    - The timing of the implementation of the LEMP
    - Management responsibilities
    - Maintenance schedules
    - Procedures for the replacement of failed landscaping
    - Monitoring of the LEMP

    Thereafter, development and ecological and landscape management shall be carried out in accordance with the approved LEMP.

    Reason- To provide, enhance and protect habitats of importance to biodiversity conservation in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Travel Plan Statement and Travel Information Pack Prior to Occupation

20. No dwelling shall be occupied until a Travel Plan Statement and Travel Information Pack has been submitted to and approved in writing by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: In the interests of maximising the opportunities for travel by sustainable modes in accordance with the National Planning Policy Framework.

Wastewater Network Upgrades Prior to Occupation

21. No dwelling shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed in writing with the Local Planning Authority to allow properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

    Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be needed in order to avoid sewer flooding and/or potential pollution incidents.

Surface Water Network Upgrades Prior to Occupation

22. No dwelling shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed in writing with the Local Planning Authority to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

    Reason - The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

Water Network Upgrades Prior to Occupation

23. No dwelling shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed in writing with the Local Planning Authority to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

Electrical Vehicle Charging Infrastructure Prior to Occupation

24. No dwelling hereby permitted shall be occupied until it has been provided with a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling.

    Reason – To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

High Speed Broadband Connections Prior to Occupation

25. No dwelling hereby permitted shall be occupied until it has been provided with service connections capable of supporting the provision of high speed broadband to serve that dwelling.

    Reason – To support home working, economic growth and social well-being and to comply with Policy BSC9 of the Cherwell Local Plan 2011-2031 and Paragraph 112 of the National Planning Policy Framework.

Unsuspected Contamination

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

    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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Closure of Existing Access

27. Prior to the first use of the access hereby approved, the existing access onto White Post Road shall be permanently stopped up by means of the installation of a verge and full-height kerb and shall not be used by any vehicular traffic whatsoever.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

Details of Internal Carriageways and Footways

28. No construction of the internal carriageways and footways shall take place until full specification details (including construction, surfacing, layout, drainage and road markings) have been submitted to and approved in writing by the Local Planning Authority. The internal carriageways and footways shall be constructed in accordance with the approved details prior to the first occupation of the development and retained thereafter.

    Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

Details of Vehicular Parking and Manoeuvring Areas

29. No construction of the vehicular parking and manoeuvring areas shall take place until full specification details (including construction, layout, surfacing, drainage and any road markings) have been submitted to and approved in writing by the Local Planning Authority. The parking and manoeuvring areas shall be provided in accordance with the approved details prior to the first occupation of the dwellings to which they relate and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

    Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

Covered Cycle Parking Facilities

30. No dwelling that does not have the use of a garage shall be occupied until covered cycle parking facilities have been provided in accordance with details which have been firstly submitted to and approved in writing by the Local Planning Authority.

    Reason: In the interests of maximising the opportunities for travel by sustainable modes in accordance with the National Planning Policy Framework.

Details of External Lighting

31. No external lighting shall be installed until full details of the external lighting (including predicted lux spill) have been submitted to and approved in writing by the Local Planning Authority. All lighting should conform to the guidelines produced by the Bat Conservation Trust and should avoid lighting vegetation and boundaries. Thereafter, the lighting shall be installed and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Retention of Trees and Hedgerows

32. Notwithstanding the submitted Arboricultural Report and Impact Assessment by AWA Tree Consultants dated May 2018 reference AWA2120, all existing trees and hedgerows within the site, with the exception of hedgerows G10 and G11, shall be retained and shall not be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works. If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

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, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Works outside Bird Nesting Period

33. Any vegetation clearance and all works to demolish existing buildings shall take place outside the bird nesting period (which is from 1st March to 31st August inclusive). Should these works be required within the breeding bird season a check for breeding birds should be undertaken by a suitably qualified surveyor within 24 hours of work commencing. If a nest (or a nest in construction) is found a suitable stand-off area should be maintained until the young have fledged.

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 and Government guidance contained within the National Planning Policy Framework.

Landscaping Implementation

34. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the first occupation of any dwelling or on the

completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Agenda Item 10
18/01252/F - Dewey Sports Centre, Barley Close, Bloxham, Banbury, OX15 4NJ

Additional Representations received

THIRD PARTY LETTERS:

- An additional 46 letters have been received in the last week since the reports were published. 43 of these have been in support of the application, typically highlighting the benefits of the additional capacity to both the children at the Bloxham School and also those of local primary schools which use the facilities. They also highlight the community benefits of increased access to sports facilities. The letters against the proposals highlight issues with protected species and the impacts of the lighting on the neighbouring amenity.

CDC ECOLOGY:

- It appears from the information submitted that the updated Landscape Proposals largely address previous comments with additional planting being provided to the east of the proposed floodlit pitches and additional wildflower planting along the east and to the north of the running track thereby providing a stronger commuting corridor for bats along the eastern boundary of the site. A wildlife pond north of the running track was requested, this has not been provided but I do not think this compromises the bat commuting corridor mitigation proposed.

CDC LEISURE TEAM:

- **[In reference to CDC Playing Pitch Strategy – October 2018]** The table on page 29 (under Banbury Rural) makes specific reference to encouraging Bloxham School to provide more community use on their artificial pitch. The table on page 28 (under Banbury Town) identifies a shortfall of 0.75 match quality hockey pitch. There is further justification / detail / data in the pages prior to the tables.

LIGHTING ASSESSMENT BY DESIGNS FOR LIGHTING

Planning application reference: *18/01252/F*
Development Description: *Erection of 12 floodlights, extension of existing car park, relocation of long jump, and associated landscaping | Dewey Sports Centre Barley Close Bloxham Banbury OX15 4NJ*

We have assessed the application in line with the following documents submitted to the planning portal:

- *Aecom, Bloxham School Floodlighting, Lighting Assessment, April 2018, Revision 3.*
- *CSA/3513/04 Rev A*
- *CSA/3513/05*

The Aecom Lighting Impact Assessment Report (LIA) ***is thorough and provides a reasonable assessment of the lighting characteristics*** *within the areas surrounding the application site.*
Public lighting is sporadically located at distances such that a low level of ambiance is provided in residential areas.
Whilst there is a vast parcel of agricultural land east of the application site, we agree with the assessment that the application site falls immediately within an E2 environmental zone as it is not separated from the adjacent developed area.

As the existing pitches are unlit, an introduction of lighting in the area will always be a significant change, especially where the background levels of illuminance are low. ***Importantly, the lighting designer (Halliday lighting) appear to have taken relevant and necessary steps to minimise obtrusive light as far as is reasonably practical, for nearby residential receptors****. They have demonstrated an understanding of the Institution of Lighting Professional's (ILP) Guidance Notes for the Reduction of Obtrusive Light (GN01:2011) and have undertaken an assessment of their effects on nearby potential receptors.*

Appendix B of the LIA provides an assessment of the light spill from the proposed flood lighting installation, along with the glare levels that nearby residential receptors could experience.
The glare levels are within acceptable limits outlined in ILP GN01:2011 and are likely to be further reduced by the screening effect of the existing and proposed landscaping, once mature and depending on the foliage density which is likely to vary throughout the year.

False Colours are used to prove compliance with the guidance contained in ILP GN01 2011, whilst these provide an indicative overview of the light levels on average, it is expected that each of the potential receptors is assessed on an individual basis. This should follow the same approach taken for assessing the potential glare.

Appendix B of the LIA should be verified with grid values for each façade. As false colours provide an indication of the average light levels across a given surface or plane, the maximum vertical illuminance on each façade should be presented.
Although the false colours do provide an indication that the light spill levels comply with ILP GN01, it does not confirm the maximum vertical illuminance level, as is required by GN01:2011. A condition requiring this information as part of the finalised lighting design details could be imposed to deal with this anomaly.

In accordance with ILP Guidance on Undertaking Environmental Lighting Impact Assessments (PLG04), it is a requirement that the assessment of all proposed lighting is based on the initial light output of the luminaires. It is not clear that the Lighting Impact Assessment is based on the initial light output of the sources, or the maintained average illuminance as a maintenance factor of 0.95 is noted on the drawings contained within Appendix A (Drawing HLS03427 REV4_V, indicating performance with shielding and without vegetation Drawing HLS03427 REV4, indicating performance with shielding and vegetation).
In this instance, the maintenance factor applied is not thought to be significant as the difference between the initial light output and adjusted light output in the LIA is 0.05%.
In the event that the application is permitted, the assessment data must be based on the initial light output.

Table 2 of the LIA outlines the specification of the proposed lighting. The lighting designer proposes luminaires with a correlated colour temperature (CCT) of 5000K. We would advise that this is limited to 4000K to help reduce the potential impacts on ecology. Whilst we acknowledge that the higher colour temperature light source is preferable in sports lighting applications, a limit of 4000K will marginally reduce the perceived level of glare and blue light wavelengths that attract sensitive ecology.

The lighting designer proposes a lighting control strategy, this is a welcomed proposal and should be implemented fully if the application is approved. We would suggest that a condition is placed on this.

Further to the above, the LIA makes reference to a 'Halliday Lighting Strategy' more than once in the document text. It is suggested that a lighting strategy is fully implemented for the site to ensure the long term maintenance of the lighting installation in accordance with the proposed lighting design.

To summarise our assessment, the LIA acknowledges that an increase in light levels are unavoidable if the playing area is to illuminated to the correct standard, following guidance from Sport England and the British Standards Institute. Whilst the light levels will increase in the area, it is apparent that the lighting designer has implemented reasonable steps

in an attempt to reduce and control potentially obtrusive light. Whilst the light spill information for residential receptors should be considered indicative at this stage, we would recommend that the application is approved with the conditions mentioned in our assessment.

Additional Information received

APPLICANT:

- The applicant has supplied a full landscape management plan, which had previously been a requirement by condition if the application were approved. The information includes both mitigation on site on the impact of the proposals on the wider landscape and also to help create a North/South corridor to limit the impacts of the light on the movements of the seven species of Bats present at the site.
- The applicant has committed to offering a new curfew time of 19:15 instead of the previous request for a 21:00 curfew on weekday evenings. This would reduce the number of hours that could be committed for community use but would enable the school to fulfil use of the pitches by local primary schools and outreach during the day with some community use at the weekends.
- Additional comments received from AECOM in support of the decision to assess against zone E2 as opposed to zone E1;
    - *Areas which are fall in the middle of two different brightness characters as defined by ILP GN:01 – Guidance notes for the reduction of obtrusive light, 2011, are recommended to use benchmarks for obtrusive effects which follow the limitations of the more rigorous zone, although this is something we do our best to apply in a way that reflects the area as a whole as well as the brightness conditions local to the proposed site.*
    - *In addition to the ILP GN:01 guidance, the Society for Light and Lighting (CIBSE SLL) Guide to limiting obtrusive light (2013) provides some further consideration for how these characteristics can be incorporated into defining brightness zone characteristics for an assessment area. This guidance recommends that a zone E1 would typically have no road lighting and a low population density, while a zone E2 would have road lighting to the standard of residential roads and a moderate population density.*
    - *While the land to the east of the proposed site is unlit, Bloxham itself does have lighting associated with local roads and buildings, and while controlled, seems like it would be more in keeping with the characteristics of a zone E2. Within the report on page 13, we considered that while the proposed site shares part of its border against playing fields and land beyond, it is still within the developed part of Bloxham and zone E2 would be more representative. This was also consistent with the zone selected by Halliday for initial assessment of the lighting strategy for a rural village or relatively dark outer suburban location.*

- *This seems logical to us and reporting of effects has been made in the context of zone E2 benchmarks and performance. For comparison purposes, however, please attached summary table with high level findings pulled from the report which looks at zone E1 requirements as well.*
- *In most cases the findings from the assessment show sky glow and light spill are not too far over the recommended benchmarks for zone E1, with glare being the most likely to exceed the threshold of 2.5kcd in an unscreened state. We expect that there will be a number of direct or oblique views that will be variably screened by vegetation nearer to them or in association with the proposed site location throughout the year.*
- *This does bring us back to consideration for shut down or curfew on pitch use and lighting for times of year when daylight hours are few. We assume that there floodlights will be off by 21.00 Monday through Friday and by 18.00 Saturday / Sunday, so any of the effects predicted would not be in effect after these times."*

Officer comment

CORRECTIONS TO REPORT - A number of errors have been highlighted in the report these are:-

- Error on page 2 where it states that that 'the proposals meet the requirements of all CDC polices', this should read that the 'impacts of the lighting are contrary to policy which seek to protect the important landscape'.
- Section 10 'recommendation' makes reference to Pipistrelle Bats, when it should have stated 'Barbastelle Bats, which are particularly rare and light sensitive along with 6 other species noted in the survey'.
- Section 2.1 states that the illumination proposed would be between 300-400Lux, this is largely true but some spot readings of up to 600-700 exist.
- Section 8.6 states that the two rugby pitches are only used for training. They do host matches, but it is considered that the reduction in size is not harmful to the intended use – this is supported by Sports England.
- Section 8.9 states that the average illumination level would be 300Lux, this should in fact read 'the average maintained lighting proposed is 368Lux'.

ECOLOGISTS COMMENTS

- The CDC ecology team's comments on the new landscape management plan are considered to provide sufficient detail to remove the reason for refusal for onsite mitigation on the impacts to protected species.

LANDSCAPE MANAGEMENT PLAN

- The landscape management plan includes planting of around 30 trees in total both along the existing eastern hedgerow boundary of the site and also between the hedgerow and the existing pitches. This includes a mixture of evergreen trees such are scots pines and deciduous trees such as Oak. The plan also shows planting of trees and shrubs along the northern and southern boundaries of the site. Provision has also been made for some of these trees to be at least semi-mature when planted, with a full management plan for 5 years described in detail, with a recommendation to replace this once it has come to an end. It is considered that the level of planting, once of a mature enough level, would be sufficient to further shield the masts from views from the key vantages during daylight hours. Eventually many of the proposed trees would reach a height greater than 12.5m and it is possible that the masts would be fully masked from view for much of the year – with the exception of limited views in the winter months. Whilst it is considered that this would reduce the impacts of the proposal during daylight, it would still not mitigate the large block of artificial light which would be clearly visible from the surrounding landscape during the times they would be in use.

INDEPENDENT LIGHTING ASSESSMENT

- The independent assessment by Designs for Lighting, who are corporate members of the Institute of Lighting Professionals. The ILP is the body which provided the legislation that the original AECOM Lighting Report was assessed against - *Guidance for the Reduction of Obtrusive Light*. The main reason for carrying out further consultation on the lighting report was the question of whether the environmental lighting zone around the site should be assessed against zone E1 or zone E2 as defined by the ILP guidance and whether the proposed mitigation against the impacts from the lighting had therefore been correctly assessed. Designs for Lighting state that '*Importantly, the lighting designer (Halliday lighting) appear to have taken relevant and necessary steps to minimise obtrusive light as far as is reasonably practical, for nearby residential receptors'.* The assessment is supportive of the methods and conclusions reached in the original AECOM report and the Halliday Lighting design. This is considered to be a robust affirmation that the amenity of the neighbouring residents has been thoroughly assessed and suitable mitigation has been made in line with the published guidance. It does not however change the fact that despite mitigation there will still be a perceived block of light in this sensitive landscape on the very edge of the settlement and the reason for refusal remains.

TOTAL NUMBER OF PUBLIC COMMENTS RECEIVED

- A total of 111 comments have now been received with 45 in support and the remaining 66 comments against, though some of the

comments against are from the same source(s). Some of the comments received – particularly those received in the last week – do not have addresses, as specified by the terms of our website, and therefore carry limited weight. However the majority do have addresses, in Bloxham and nearby villages as well as some further afield and the figures above are considered to show the trend in sentiment from those comment received.

CHANGE IN CURFEW TIME

- It is acknowledged that the applicant has said they are willing to reduce the curfew time to 19:15, which is in-line with the wishes of the Parish Council who stated this was '*to limit the adverse impact of light and noise pollution on neighbouring residents and to limit the increase in vehicle traffic on the narrow approach roads to the site'.* Whilst there was no recommendation for refusal on the basis of the impact on neighbouring amenity, it is recognised that a reduced curfew would lessen the impact on the immediate neighbouring residents from the light and noise. However, this would in turn reduce the number of hours of community use that could be accommodated by the School, by at least 10 hours it would seem, though a figure has not been submitted at this time. The applicant has highlighted that a 19:15 curfew would still allow them to continue to support the needs of local primary schools whilst also meeting the School's needs.

Change to recommendation

Removal of the first reason for refusal with regards to the lack of an appropriate scheme for onsite mitigation on the impacts to protected species.

Agenda item 11
18/01253/F - Bicester Heritage, Buckingham Road, Bicester

Additional Representations received

THIRD PARTY LETTERS: 3 further letters of **objection** received. These do not raise any additional issues from those which have been mentioned in the report. One of these is a fairly detailed objection in respect of ecology attached to which is a report undertaken by a qualified Ecologist on behalf of the resident. The Council's Ecologist has looked at this report and commented below. The main issue of concern is that the grassland is of significant value, despite being close mown, as this can protect fragments of rare types of grassland and that invertebrates have not been surveyed for. The measures for biodiversity enhancement are not considered by the resident to provide sufficient mitigation or compensation.

LOCAL HIGHWAY AUTHORITY: No objection subject to S106 contributions, an obligation to enter into a S278 agreement and planning conditions, all as set out previously. The amended drawings submitted have resolved the previous objections relating to the site entrance and the mitigation measures at the roundabouts.

CDC ECOLOGY: The botanical surveys which have been undertaken by BSG Ecology in 2016 and subsequently by Ecology Solutions have highlighted that the grassland has been significantly degraded by management practices on site and the current species composition and condition does not meet the LWS selection criteria or to qualify as a Habitat of Principal Importance. In addition the Ecology Solutions report details that calcareous grassland habitat will be created within the landscaped areas of the development to mitigate for the loss. This will be established using locally sourced seed and managed for nature conservation to maintain the habitat in a favourable condition in the future following establishment. With this in mind it can be judged to be compliant with NPPF and local policy ESD10. Reptiles may potentially be impacted by the proposals, within my comments on 13/09/18 I have recommended that a condition be applied to a permission requesting a Reptile Mitigation Strategy to be submitted prior to commencement, so the details of this mitigation e.g. the receptor site can be reviewed and approved prior to commencement. As the hedgerows along the western boundary are to be largely kept intact the need for a brown hairstreak survey does not seem to be required as there habitat will largely be kept intact. The submitted report by Alison Smith of the University of Oxford's Environmental Change Institute is a useful desktop exercise for looking at issues on a holistic level.

Additional Information received

THE APPLICANT: Amended plans have been received in order to address the highways objections relating to the vehicle swept paths and the highways mitigation at the 3 roundabouts on the ring road. Following some direct discussion to overcome some outstanding concerns, further revised plans were submitted and further consultation carried out with Highways.

Officer comment
In respect of the highways issues, now that Highways have removed their objection, the recommendation can be revised by taking out reference to their objection as set out below.

In respect of ecology, as the Council's Ecologist has advised, the measures provided by the applicant within the proposals will provide new areas of calcareous grassland to mitigate the loss and which will help to establish new habitats and in this respect the proposals are therefore considered to comply with policy ESD10 of the Local Plan and the NPPF.

Change to recommendation
DELEGATE TO OFFICERS TO GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 AGREEMENT TO SECURE HIGHWAY INFRASTRUCTURE

Agenda item 12
18/01491/OUT - Land Adj To Cotwold Country Club And South Of Properties On Bunkers Hill, Shipton On Cherwell

Additional Representations received

CDC ENVIRONMENTAL PROTECTION OFFICER: **Comment** that the land may be contaminated as a result of its former use. It is therefore recommended that the standard contaminated land conditions be applied.

ENVIRONMENT AGENCY: **Comment** that the proposal includes connection to a package treatment plant and the environmental risks in the areas relate to foul drainage and waste water. They comment that new development should be connected to the public mains where possible as proliferation of individual treatment plants can cause deterioration in local water quality.

If it is shown not to be feasible to connect to the public foul sewer an Environmental Permit may be required from the Environment Agency.

THIRD PARTY LETTERS**:**
Three additional letters have been received and the issues raised are summarised as follows:

- Previous approval (14/02132/OUT) contrary to officer recommendation and role of previous owner of the site as a Councillor
- Only approved on basis of s106 agreement
- Contributions and benefits offered by current scheme compared with previous applications
- The current application has a £50,000 contribution to affordable housing, but all benefits previously offered to existing Bunkers Hill residents have disappeared.
- Adequacy of access and road to enable refuse vehicles to enter, turn and exit the development in forward gear
- The applicant does not have full control of the area marked as passing place as this land is under an Exclusive Right to Buy Agreement of dubious legal standing.
- Lack of maintenance of land fronting 24 Bunkers Hill, claimed to be in control of applicants, presenting a safety hazard to current residents exiting onto the A4095.

- The proposed development does not meet regional and national sustainability requirements, and withdrawn local benefits no longer mitigate this requirement.

- Plans show bowling green as nursery

- Benefits to Bunkers Hill residents are minimal in overturning guidelines regarding building in open countryside and sustainability

- Other developments in area refused and not recommended

- If approved same amount of generosity should be given to future development in area

- Priority should be given to existing residents to give improved leisure facilities not just squeeze as many houses as possible into a tight space

- Hopes that improvements will be made to the road junction on the main Banbury road to allow safe crossing for families to the north bound bus with consideration of a path / cycle way from Bunkers Hill to Shipton.

- Private sewerage system has been upgraded by existing residents therefore there is no need for it to be replaced as it would not benefit residents further.

- Lack of footpath - on previous plans that the developers proposed there was a lack of footpath for people to get from the new houses to the footpath along the main road.

- Disappointing provision of recreational space and activities for children and families.

- The plan shown includes land owned by Bunkers Hill residents. There is no definition as to which land is owned by the developers and which land requires negotiation with the residents for development to proceed.

- The access road will be shared by the existing residents and the new development. Questions how is this going to work in the long term regarding maintenance costs.

- Safety of access onto A4095.

- Adequacy of parking for proposed and existing residents.

- Due to the location of Bunkers Hill, residents are reliant on car travel. Increasing the amount of cars in this area will increase the pollution levels. This decreases the standard of living for the current residents

Officer comment
The additional representations made are not considered to raise any further relevant planning issues above those already covered in the officer's report.

However, the applicants have advised that they do have control over the land shown for the passing bay and in any event the application is valid as notice has been served on BHMC.

The previous permission on the site was the subject of a completed s106 agreement. The applicants have submitted details of proposed heads of terms under the current application and full details of these are within the officer's report.

Change to recommendation
None

Recommended conditions:

Submission of Reserved Matters

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

   Reason - This permission is in outline only and is granted to comply with the provisions ofSection 92 of the Town and Country Planning Act 1990, as amended by Section 51 of thePlanning and Compulsory Purchase Act 2004, and Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

   Reason - This permission is in outline only and is granted 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 Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Commencement of Development

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted 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 Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Compliance with Approved Plans

4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the application form and the following plans and documents: 392/17/PL1001 rev D, 392/17/PL1002 rev K, 392/17/PL1003, 392/17/PL1004 rev D , Design and Access Statement, Flood Risk Assessment, Preliminary Ecological Appraisal dated 5 January 2018 prepared by Cotswold Wildlife Surveys, and Transport Statement dated February 2018 prepared by HVJ Transport Ltd.

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

Pre-commencement Finished Floor Levels

5. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing and proposed site levels for the proposed dwellings 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 finished floor levels plan.

   Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Pre-commencement Arboricultural Method Statement

6. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

   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 and ESD15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Pre-commencement Arboricultural Site Supervision

7. Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

   a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.
   b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters
   c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.
   d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents
   e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

   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 and ESD15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Pre-commencement Details of Services

8. Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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 and ESD15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Pre-commencement Open Space Details

9. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

Pre-commencement Full details of Access

10. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Pre-commencement Visibility Splays

11. Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the proposed development, the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.9m above carriageway level.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Pre-commencement New Estate Roads

12. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with plans that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation of the development, construction shall commence in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Pre-commencement Vehicle Tracking

13. Prior to the commencement of the development, a plan, which must show that a refuse vehicle of not less than 11.6m in length can enter, turn in, and exit the development safely in forward gear, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation of the development, construction shall commence in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Pre-commencement Drainage

14. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
    - Discharge Rates
    - Discharge Volumes
    - Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)
    - Sizing of features – attenuation volume
    - Infiltration in accordance with BRE365
    - Detailed drainage layout with pipe numbers
    - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
    - Network drainage calculations

• Phasing
• No private drainage into the existing public highway drainage system
• No private drainage into the adoptable highway drainage system.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Pre-commencement Construction Traffic Management Plan

15. Prior to the commencement of development, a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Pre-commencement Land Contamination: Desk Study/Site Walk Over

16. 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.

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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Pre-commencement Habitat Boxes

17. Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat, bird, owl and invertebrate boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any

building, the bat, bird, owl and invertebrate boxes shall be installed on the site 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 adopted Cherwell Local Plan and
Government guidance contained within the National Planning Policy Framework.

Pre-commencement Submission of Watching Brief

18. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority. Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2018).

Pre-commencement Staged Programme of Archaeological Evaluation

19. Following the approval of the Written Scheme of Investigation referred to in condition 18, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. 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 which shall be submitted to the Local Planning Authority.

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 the NPPF (2018).

Schedule of Materials

20. Prior to the construction of the development above slab level, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 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.

Landscaping Scheme

21. Prior to the construction of the development above slab level, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

    (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

    (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

    (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

    Thereafter, the development shall be carried out in strict 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, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping Implementation

22. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

    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, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Tree Retention

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

    b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

    In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the consent.

    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 and ESD15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Land contamination: Intrusive Investigation

24. If a potential risk from contamination is identified as a result of the work carried out under condition 16 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Land Contamination: Remediation Scheme

25. If contamination is found by undertaking the work carried out under condition 24 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Land Contamination: Carry out Remediation

26. If remedial works have been identified in condition 25 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 25. 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Land Contamination not Previously Found

27. 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Refuse Bin Provision and Storage

28. Prior to the first occupation of the development hereby approved, the appropriate number of refuse bins required in relation to the dwellings shall be provided.

    Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Agenda item 13
18/01246/F - Warehouse Car Park And Land At Jacobs Douwe Edberts, Ruscote Avenue, Banbury

Additional Representations received

THIRD PARTY LETTERS:

An additional letter has been received from a neighbouring resident. They have commented that the works have been ongoing since 15th August and that the site is overlooked by neighbours and a footpath.

Officer comment
None

Change to recommendation
None

Recommended Conditions

Full Application: Duration Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
   Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Approved Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement, Flood Risk Assessment prepared by T R Collier and Associates Ltd, Air Quality Assessment dated June 2018 prepared by Vanguardia Ltd, Transport Assessment dated 11 April 2018 prepared by David Tucker Associates and the following Drawing Nos:
16038 P001 Rev B, P002 Rev A, P003 Rev U, P004 Rev B, P006 Rev L, P008 Rev F, P009 Rev D, P0010 Rev J, P011 Rev A, P012 Rev A, P013 Rev A, P014 Rev A, P015 Rev A, P016 Rev A, P017 Rev A, P018 Rev A, P020 Rev A, B3231/E/3231, 2819_T, SK007 Rev B and 19519 - 03.

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

Erection of Boundary Fence

3. Prior to the first use of the building the boundary fence shown green on drawing No. 16083 P010 Rev J along the southern and western boundaries of the site shall be erected and retained as approved thereafter.
   Reason - To safeguard the privacy of the occupants of the existing dwellings adjacent to the site and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Car Parking and Cycle Parking Detail

4. Prior to the first use of the building full specification details (including construction, layout, surfacing and drainage) of the car and cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the building, car parking and cycle parking shall be constructed in accordance with the approved details and shall be retained for the parking of vehicles and bicycles at all times thereafter.

   Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework

Provision of a Pedestrian Walkway Within the Site

5. Prior to the first occupation of the building details of a pedestrian walkway serving the cycle parking within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the pedestrian

walkway shall be completed in accordance with the approved details and shall be retained thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Travel Plan

6. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. 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 ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Drainage

7. Prior to the extension of the hardstanding and altering of any land levels hereby approved, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include:
   - Discharge Rates
   - Discharge volumes
   - SUDS (Underground Attenuation Tank)
   - Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
   - Detailed drainage layout with pipe numbers
   - Network drainage calculations
   - Phasing
   - Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)

   Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

   Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and

Government guidance contained within the National Planning Policy Framework.

Electrical Vehicle Charging

8. Prior to the extension of the parking area a scheme detailing the provision of electrical vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building and the electrical vehicle charging infrastructure shall be retained thereafter.

   Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

Agenda item 14
18/01555/F - Stourwell Barn, Swalcliffe, Banbury, OX15 5EX

No update.

Agenda item 15
18/01610/CM - OS Parcels 0069 4900 7761 7980 7600 0003 And 3100 North East Of Dewars Farm And East, Ardley Road, Middleton Stoney

No Update
