

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 25 October 2018 at 4.00 pm

- Present: Councillor David Hughes (Chairman)  
Councillor James Macnamara (Vice-Chairman)
- Councillor Andrew Beere  
Councillor Maurice Billington  
Councillor Phil Chapman  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Surinder Dhesi  
Councillor Chris Heath  
Councillor Simon Holland  
Councillor Mike Kerford-Byrnes  
Councillor Alan MacKenzie-Wintle  
Councillor Richard Mould  
Councillor Cassi Perry  
Councillor Lynn Pratt  
Councillor G A Reynolds  
Councillor Les Sibley
- Substitute Members: Councillor Barry Wood (In place of Councillor D M Pickford)
- Apologies for absence: Councillor D M Pickford
- Officers: Jim Newton, Assistant Director: Planning Policy and Development  
Bob Duxbury, Joint Majors Manager  
Gavin Forrest, Planning Officer  
Nat Stock, Minors Team Leader  
Ben Arrowsmith, Solicitor  
Aaron Hetherington, Democratic and Elections Officer

### Declarations of Interest

#### **7. South East Bicester, Wretchwick Way, Bicester.**

Councillor Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Richard Mould, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

**8. Caravan Park, Station Approach, Banbury, OX16 5AB.**

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

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

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

**11. Bicester Heritage, Buckingham Road, Bicester.**

Councillor Simon Holland, Declaration, as the applicant was known to him and would therefore not take part in the debate or the vote.

**12. Land Adj To Cotwold Country Club And South Of Properties On Bunkers Hill, Shipton On Cherwell.**

Councillor Alan MacKenzie-Wintle, Declaration, as the applicant was known to him and would therefore leave the chamber for the duration of the item.

**13. Warehouse Car Park And Land At Jacobs Douwe Edberts, Ruscote Avenue, Banbury.**

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

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

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

**15. OS Parcels 0069 4900 7761 7980 7600 0003 And 3100 North East Of Dewars Farm And East, Ardley Road, Middleton Stoney.**

Councillor Les Sibley, Declaration, as a member of the Oxfordshire County Council Planning Committee.

85 **Requests to Address the Meeting**

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

86 **Urgent Business**

There were no items of urgent business.

87 **Minutes**

The Minutes of the meeting held on 20 September 2018 were agreed as a correct record and signed by the Chairman.

88 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

89 **South East Bicester, Wretchwick Way, Bicester**

The Committee considered application 16/01268/OUT, an outline application with all matters reserved apart from access for residential development including up to 1,500 dwellings, up to 7ha of employment land for B1 and/ or B8 uses, a local centre with retail and community use to include A1 and/ or A2 and/ or A3 and/ or A4 and/ or A5 and/ or D1 and/ or D2 and/ or B1, up to a 3 Form Entry Primary School, drainage works including engineering operations to re-profile the land and primary access points from the A41 and A4421, pedestrian and cycle access, circulation routes, related highway works; car parking; public open space and green infrastructure and sustainable drainage systems at South East Bicester, Wretchwick Way, Bicester for Redrow Homes/Wates Developments - Mr M Stock & Mr J Tarvit.

John Tarvit, the applicant, addressed the committee in support of the application.

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

**Resolved**

That application 16/01268/OUT be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

1. Continuing negotiations in respect of the highways infrastructure.
2. In the event that the highways infrastructure contributions are not resolved satisfactorily then the application will be reported back to committee with a revised recommendation.
3. Conditions (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).
4. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and

Compensation Act 1991, in accordance with paragraphs 8.80 and 8.81

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**Caravan Park, Station Approach, Banbury, OX16 5AB**

The Committee considered application 18/00293/OUT, an outline application for the development of car park and caravan park on land to the west of Banbury Railway Station to comprise up to 63 apartments all within Use Class C3; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures at Caravan Park, Station Approach, Banbury, OX16 5AB for Land Group (Banbury) Ltd.

Stephen Hinsley, agent for the applicant, addressed the committee in support to the application.

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

**Resolved**

That application 18/00293/OUT be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

- a) No new material considerations being raised by consultees and third parties to the amended plans.
- b) Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms below:
  - i. Affordable housing as previous UU
  - ii. Canal towpath contribution – This matter is still being discussed by the applicant and CRT
  - iii. Cemetery contribution – as previous formula
  - iv. Community hall contribution – pro rata increase from previous UU on the basis of 63 units rather than 44
  - v. Footbridge contribution calculated on basis set out in OCC response
  - vi. Health and well-being contribution with pro rata increase as above
  - vii. Public art contribution with pro rata increase as above
  - viii. Sports facility contribution with pro rata increase as above
  - ix. Waste contribution with pro rata increase as above
  - x. Education contribution as revised in latest correspondence
- c) Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

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 routing 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 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

91 **Land At Tappers Farm, Oxford Road, Bodicote, Banbury, OX15 4BN**

The Committee considered application 18/00792/OUT, an outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no. dwellings, with associated works and provision of open space Land At Tappers Farm, Oxford Road, Bodicote, Banbury, OX15 4BN for Hollins Strategic Land LLP.

Councillor Adam Hewins, on behalf of Bodicote Parish Council, addressed the committee in objection to the application.

Stephen Harris, agent for the applicant, addressed the committee in support of the application.

Councillor Heath proposed that application 18/00792/OUT be refused as the application would be contrary to Policy Villages 2 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policies C15 and C33 of the adopted Cherwell Local Plan 1996. Councillor Perry seconded the proposal.

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

**Resolved**

That application 18/00792/OUT be refused for the following reasons:

1. Taking into account the number of dwellings already permitted across the Category A villages and Cherwell District Council's ability to demonstrate a 5.4 year housing land supply, which exceeds the requirement for a 3 year housing land supply the proposal is unnecessary and undesirable as it would result in development of an area of open land which is important in distinguishing the settlements of Banbury and Bodicote and would undermine the character and identity of Bodicote. This would be contrary to Policy Villages 2 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policies C15 and C33 of the adopted Cherwell Local Plan 1996.
2. In the absence of the completion of a satisfactory Planning Obligation under s106 of the Town and Country Planning Act 1990, the Local Planning Authority is not convinced that the necessary infrastructure



directly required to mitigate the impact of this development will be provided. This would not be in the interests of delivering sustainable, mixed and balanced communities by providing affordable housing, appropriate public open space and its future maintenance arrangements, providing adequate health services and community and sports provision, meeting education needs and enhancing sustainable transport options. This would be contrary to Policies INF1, BSC3, BSC7, BSC10, BSC11, BSC12 and SLE4 of the adopted Cherwell Local Plan (2011-2031) Part 1, the Council's Adopted Developer Contributions Supplementary Planning Document (SPD) (February 2018) and the National Planning Policy Framework.

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### **Dewey Sports Centre, Barley Close, Bloxham, Banbury, OX15 4NJ**

The Committee considered application 18/01252/F for the erection of 12 floodlights, extension of existing car park, relocation of long jump, and associated landscaping at Dewey Sports Centre, Barley Close, Bloxham, Banbury, OX15 4NJ for Bloxham School.

Councillor McHugh addressed the committee as Ward member.

David Warlow, a local resident, addressed the committee in objection to the application.

Paul Sanderson, Head Teacher of Bloxham School, addressed the committee in support of the application.

Councillor Heath proposed that application 18/01252/F be refused as the proposed development would be contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy BL11 of the Bloxham Neighbourhood Plan 2015-2031 and Government guidance contained in the National Planning Policy Framework. Councillor Billington seconded the proposal.

In reaching their decision, the committee considered the officers' presentation, report, written update and address of the ward member and public speakers.

### **Resolved**

That application 18/01252/F be refused for the following reason:

1. The site is prominent within an attractive and visually sensitive landscape which affords wide-ranging views to Bloxham village. The proposed twelve 12.5m masts with floodlights, due to their siting, scale and illumination, would create a substantial block of light beyond the built confines of the village and highly visible in the landscape. As such, the proposal would have a visually intrusive impact, harmful to the intrinsic character of the surrounding area. Therefore, and in the absence of sufficient mitigation of the visual harm, the proposed development would be contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy BL11 of the Bloxham

Neighbourhood Plan 2015-2031 and Government guidance contained in the National Planning Policy Framework.

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### **Bicester Heritage, Buckingham Road, Bicester**

The Committee considered application 18/01253/F for the erection of a hotel and conference facility with associated access, parking, and landscaping at Bicester Heritage, Buckingham Road, Bicester for Bicester Heritage Ltd.

Councillor Jane Nisbet, on behalf of Caversfield Parish Council, addressed the committee in objection to the application.

Dan Geoghegan, the applicant, addressed the committee in support of the application.

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

### **Resolved**

That application 18/01253/F be approved and that authority be delegated to the Assistant Director for Planning Policy and Development to grant planning permission subject to:

5. continuing negotiations in respect of the highways infrastructure, in particular the strategic transport contribution and the provision of bus stops.
6. in the event that the highways infrastructure contributions are not resolved satisfactorily then the application will be reported back to committee with a revised recommendation.
7. to receive and review an amended energy statement either prior to determination or via a planning condition.
8. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set out below;
  - Strategic Transport Contribution in connection with Policy BIC 1 of the Local Transport Plan 4 in respect of the dualling of the eastern perimeter route and Skimmingdish Lane section (amount to be agreed);
  - £2,180 for Public Transport Infrastructure – for 2 x bus stop flags and case units (to be agreed);
  - £5,200 for an amendment to the Traffic Regulation Order for a reduction in the speed limit on Buckingham Road and a mandatory left-turn egress from the hotel entrance;
  - £2,040 for Travel Plan monitoring
  - An obligation to enter into a S278 agreement with Highways
  - S106 Monitoring fees

9. Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

### **General**

1. Time limit – 3 years
2. Approved plans
3. Restriction of let of aparthotel rooms to a maximum of 1 month

### **Design**

4. \*Finish floor levels (on grounds of visual impact and surface water flooding mitigation)
5. \*Schedule of materials (including samples)
6. \*Architectural detailing
7. \*Further details of the expanded wire mesh cladding
8. Details as to how the Scheduled Monument on the western boundary will be better revealed and its boundary treatment and also how the northern Scheduled Monument will be preserved within the newly created area of track
9. Boundary treatment (if required) details to be submitted
10. Details of the design of the roof screen to the plant and equipment area on the roof
11. Lighting strategy which also must take into account the recommendations in the ecology assessment and to minimise light pollution
12. Signage strategy

### **Trees and Landscaping**

13. Landscaping scheme – hard and soft details – evergreen species, tree pit detailing
14. Landscape Management and Maintenance Plan
15. \*Tree removal plan
16. \*Tree protection plan
17. \*Grassland protection plan
18. \*Arboricultural method statement
19. Replacement planting
20. Earth mounding – cross sections

### **Highways:**

21. \*Construction Travel Management Plan (CTMP)
22. Cycle parking – secure and covered
23. Parking and manoeuvring details
24. \*New access details
25. Amendments to Travel Plan – including Car Parkin Management Plan
26. \*Details of the realignment and surfacing of the existing track

### **Drainage**

27. \*Surface Water Drainage Strategy and SUDs management and maintenance
28. Waste water – relating to the emptying of the swimming pool
29. Foul water to address capacity issue – Infrastructure Phasing Plan

30. Water network upgrades or Infrastructure Phasing Plan – for water

**Contamination**

31. \*Contamination – including a preliminary risk assessment, site investigation, remediation strategy and verification plan
32. Verification report and long-term monitoring and maintenance plan – no occupation
33. Unexpected contamination not previously identified, require development to stop and submit a remediation strategy

**Energy Efficiency**

34. The development should meet BREEAM 'Very Good' rating

**Noise:**

35. \*Plant and machinery
36. \*Noise – acoustic enclosure
37. \*Construction Environment Management Plan (CEMP)

**Economic:**

38. Employment and Skills and Training Plan
39. Construction apprenticeships

**Ecology**

40. Accord with survey
41. \*Landscape and Ecological Management Plan
42. \*Reptile mitigation strategy

(\* Approval will be required from the applicant for the conditions shown with an asterisk which at the time of writing the report are anticipated likely to need to be pre-commencement conditions)

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**Land Adj To Cotswold Country Club And South Of Properties On Bunkers Hill, Shipton On Cherwell**

The Committee considered application 18/01491/OUT, an outline application for the demolition of an existing club house, bowling club pavilion and ancillary store for the erection of 10 no. dwellings and access improvements (further to outline planning permission 14/02132/OUT, dated 8 April 2016) and having a lesser proposed cumulative floor area than that permission at Land Adj to Cotswold Country Club and South of Properties on Bunkers Hill, Shipton On Cherwell for Keble Homes Limited.

David Duthie, a local resident, addressed the committee in objection to the application.

Julian Philcox, agent for the applicant, addressed the committee in support of the application.

**Resolved**

That application 18/01491/OUT be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

1. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set in para 8.26 and 8.27 and;
2. Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).
3. The following 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.
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.

**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.

**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.

**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.

**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.

#### **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)

#### **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.

#### **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.

#### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

**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.

**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.

**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.

**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.

**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.

**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.

### **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.

### **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.

### **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.

**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.

**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.

**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.

**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.

**Warehouse Car Park And Land At Jacobs Douwe Edberts, Ruscote Avenue, Banbury**

The Committee considered application 18/01246/F for the change of use of premises from B8 to B1c/B2/B8, including internal and external alterations, demolition of ancillary structures and new access to Southam Road at

Warehouse Car Park and Land At, Jacobs Douwe Edberts, Ruscote Avenue, Banbury for Paloma Capital And Graftongate.

James Hicks, agent for the applicant, addressed the committee in support of the application.

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

### **Resolved**

That application 18/01246/F be approved subject to the following 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.

#### **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.

#### **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.

#### **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.

#### **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.

### **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.

### **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".

### **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.

### **Stourwell Barn, Swalcliffe, Banbury, OX15 5EX**

The committee considered application 18/01555/F for a new agricultural building, extension to silage clamp, works to existing bund and screen planting (re-submission of application 18/00189/F) at Stourwell Barn, Swalcliffe, Banbury, OX15 5EX for Mr & Mrs Taylor.

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

### **Resolved**

That application 18/01555/F be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

#### **Time 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.

#### **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: Application form, Planning Design and Access Statement (dated August 2018), Environmental Desk Study and Preliminary Risk Assessment report prepared by Apple Environmental (dated April 2018), Landscape and Visual Appraisal report prepared by Crestwood Environmental Ltd (dated 28 August 2018) and drawings numbered: 3210-S1, 3210-A.02.6, 3210-A.02.7, 3210-A.02.9 and 3210-A.02.10.

#### **Surface Water Drainage Scheme**

3. No development shall take place until a full surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate and future management plan. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010. The development shall be carried out in accordance with the approved details prior to the first use of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

#### **Schedule of Materials for the building**

4. Notwithstanding the details submitted, prior to the commencement of the development hereby approved above slab level, a schedule of materials and finishes for the external walls and roof of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule and shall be retained as such thereafter.

#### **Submission of Landscaping Scheme**

5. Notwithstanding the details submitted, prior to the first use of the development hereby approved, a detailed 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.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements of the approved scheme shall be retained as such thereafter.

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

#### **Contamination found during development**

7. 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.

#### **OS Parcels 0069 4900 7761 7980 7600 0003 And 3100 North East Of Dewars Farm And East, Ardley Road, Middleton Stoney**

The Committee considered application 18/01610/CM, a Section 73 application for the continuation of development permitted under 15/01660/CM (MW.0123/15) (for the winning and working of limestone and clay at Dewars Farm as an extension to Ardley Quarry) without complying with conditions 1 and 2, to allow the quarry to continue operating beyond 2020, to permit working until 2028 and restoration by 2029 at OS Parcels 0069 4900 7761 7980 7600 0003 And 3100 North East Of Dewars Farm And East Ardley Road, Middleton Stoney for Smith And Sons (Bletchington) Ltd. Cherwell District Council was a consultee on the application which would be determined by Oxfordshire County Council.

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

**Resolved**

That having noted that Officers have considered the overall benefits of the proposals against the harm having regard to the development plan and other material considerations and have concluded that the proposal can be supported, and that Cherwell District Council should therefore raise no objection to the development, Oxfordshire County Council be advised that Cherwell District Council raises no objection to the proposal. The reasons for reaching this conclusion are summarised below:

1. Government guidance contained within the NPPF and PPG attaches great weight to the benefits of mineral extraction and encourage flexibility with timings in order to prevent minerals from becoming sterilised.
2. Whilst the temporary harm to the visual amenities of the area would be extended, the ultimate restoration of the site would continue to be secured via planning condition.
3. The Environmental Protection Team has no comments to make regarding the scheme and the impact upon environmental pollution and residential amenity is therefore considered acceptable. Previous planning conditions relating to the prevention of environmental pollution would continue to apply.

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**Appeals Progress Report**

The Assistant Director for Planning Policy and Development submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 8.43 pm

Chairman:

Date: