

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 30 May 2019 at 4.00 pm

Present: Councillor James Macnamara (Chairman)
Councillor Maurice Billington (Vice-Chairman)

Councillor Andrew Beere
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Ian Corkin
Councillor Chris Heath
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Barry Richards
Councillor Les Sibley
Councillor Katherine Tyson

Substitute Members: Councillor Mike Bishop (In place of Councillor Simon Holland)
Councillor Tony Ilott (In place of Councillor Colin Clarke)

Also Present: Councillor Barry Wood – local ward member speaking on item 11

Apologies for absence: Councillor Colin Clarke
Councillor Simon Holland
Councillor David Hughes

Officers: Robert Jolley, Assistant Director: Planning & Economy
Bob Duxbury, Joint Majors Manager
James Kirkham, Principal Planning Officer
Andrew Lewis, Principal Planning Officer
Nat Stock, Minors Team Leader
David Mytton - Solicitor
Lesley Farrell, Democratic and Elections Officer

The Chairman opened the meeting and immediately adjourned for 10 minutes.

Declarations of Interest

9. Ban 15 Land Adj M40 J11 And West Of Daventry Road, Banbury.

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

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

Councillor Tony Ilott, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

10. Meadow Barn, Merton Road, Ambrosden, Bicester, OX25 2LZ.

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

12. Broken Furrow, Warwick Road, Banbury, OX17 1HJ.

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

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

Councillor Tony Ilott, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

13. Stone Pits, Hempton Road, Deddington, Banbury, OX15 0QH.

Councillor Mike Bishop, Declaration, as it was a family member's application and would therefore leave the Chamber for the duration of the item.

14. Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HD.

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

15. Premier Aggregates, Finmere Quarry, Banbury Road, Finmere, Buckingham, MK18 4AJ.

Councillor G A Reynolds, Declaration, as a member of Oxfordshire County Council Planning Committee and would therefore not vote on this application.

Councillor Mike Kerford-Byrnes, Declaration, as he lives by the application and would therefore leave the Chamber for the duration of the item..

16. Land To The Rear Of The Methodist Church, The Fairway, Banbury.

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

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

Councillor Tony Ilott, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the chamber for the duration of the item

17. 36 - 37 Castle Quay, Banbury, OX16 5UN.

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

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

Councillor Tony Ilott, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the chamber for the duration of the item

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

4 Requests to Address the Meeting

There were no requests to address the Committee. / The Chairman advised that requests to address the meeting would be dealt with at each item.

5 Urgent Business

There were no items of urgent business.

6 Minutes

The Minutes of the meetings held on 18 April 2019 and 14 May 2019 were agreed as a correct record and signed by the Chairman.

7 Chairman's Announcements

The Chairman made the following announcements:

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.
2. There will also be a session on Universal Credit, with representatives attending from the DWP. The session will be held on Wednesday 17 July, further details will be sent out in due course.
3. The Chairman handed over to the Assistant Director Planning and Economy who informed the Committee of a Members workshop on the Cherwell Industrial Strategy which would be held on Tuesday 11 June in the Council Chamber. The workshop would run from 6pm to 9pm and buffet style refreshments would be available from 5:30pm.

8 **Proposed Pre-Committee Site Visits (if any)**

The Assistant Director of Planning and Economy submitted a report, which recommended that Planning Committee agree to hold a pre-Committee site visit for the following application. It was anticipated that this application would be brought before the Committee for determination at its next meeting

Application No.: 18/00904/F

Proposal: Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake.

Location: Glebe Farm, Boddington Road, Claydon

Reason for the visit: Major development which has received many objections from the local community. It would be helpful for members of the Committee to see the application site and its environs first hand.

Resolved

- (1) That a site visit be arranged for application 18/00904/F on Thursday 20 June 2019.

9 **Ban 15 Land Adj M40 J11 And West Of Daventry Road, Banbury**

The Committee considered application 19/00128/HYBRID which consisted of two parts:

Part A was a full planning application for the development of a new priority junction to the A361, internal roads and associated landscaping with two commercial buildings having a maximum floorspace of 33,110m² and with a flexible use [to enable changes in accordance with Part 3 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)] within Class B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 as amended, and ancillary Class B1 offices; and

Part B an outline planning application for the development of up to two commercial buildings having a maximum floorspace of 16,890m² and having a flexible use [to enable changes in accordance with Part 3 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)] within Class B2 or B8

of the Town and Country Planning (Use Classes) Order 1987 as amended, and ancillary Class B1 offices, with all other matters reserved for future approval at Ban 15 Land Adj M40 J11 and west of Daventry Road, Banbury for Monte Blackburn Limited.

The Committee heard from two public speakers Malcolm Patterson from Wardington Parish Council in objection to the application and Matthew Wyatt the Agent in support of the application.

In reaching its decision the Committee considered the officer's report and presentation, the written update and the comments of the public speakers.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 19/00128/HYBRID subject to the satisfactory resolution of the comments and objections of Oxfordshire County Council in respect of drainage and the following conditions (and any additional conditions or amendments to conditions as deemed necessary):

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

Description of Development

1. The development hereby permitted shall comprise Part A – a maximum floorspace of 33,110 sqm in 2no. buildings and Part B – a maximum floorspace of 16,890 sqm in up to 2no. buildings, to be utilised only for the purposes falling within Class B2 and B8 (with ancillary B1) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and in accordance with Part 3 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Reason – For the avoidance of doubt and to secure appropriate uses in accordance with Policy Banbury 15 of the Cherwell Local Plan 2011 – 2031 (Part 1). The application was submitted and considered on this basis, as were all significant environmental effects.

Statutory Time Limit (Part A - Full)

2. The development to which the detailed 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.

Statutory Time Limit (Part B - Outline and Reserved Matters)

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the outline development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country

Planning (General Development Procedure) Order 2015 (as amended).

4. Details of the layout, scale, appearance, access and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason : 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 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Compliance with plans

5. 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: 16.145019O; 3568 11 C; 3568 12 C; 3568 13 C; 3568 14 C; 3568 15 C; 3568 16 C; 3568 MP C; 16.145 030 C; 16.145 020 C; 16.145 024 G; 16.145 029 C; 69717-CUR-00-XX-DR-TP-75001-P05;

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.

Prohibition of Outside Storage

6. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

Commercial (no mezzanine)

7. Notwithstanding the provisions of section 55 (2A) of the Town and Country Planning Act 1990 (as amended by Section 49 of the 2004 Act), Part 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site and the impact on the surrounding road network in accordance with Policy SLE4 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

BREEAM

8. The development hereby permitted shall be constructed to at least a BREEAM 'Very Good' standard

Reason - To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

Site Clearance (nesting season)

9. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Maintenance of planting

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development (whichever is the sooner) and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Finished Floor Levels

11. The development shall be carried out in accordance with the submitted flood risk assessment (Junction 11 M40, Banbury, Oxfordshire compiled by Curtins Consulting Ltd dated 17th January 2019 ref 070077-CUR-00-XX-RP-C-001) and the following mitigation measures it details;

- Finished floor levels shall be set no lower than 97.50 metres above Ordnance Datum (AOD)

These mitigation measure shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements for the scheme. The measures detailed above shall be retained and maintained throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Arboricultural Method Statement

12. The development shall be carried out in accordance with the submitted Arboricultural Impact Assessment & Preliminary Method Statement (Land to the north-east of Junction 11 of the M40, Banbury, Oxfordshire compiled by PJC Consultancy dated 21st January 2019 ref 5092/19/01).

Reason: 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 ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy

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

PRE COMMENCEMENT CONDITIONS

Site roads, parking and turning areas

13. Prior to the commencement of each phase of the development hereby permitted, full specification details of the site roads, parking and turning areas including bus turning area to serve the development, which shall include swept path analysis, construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

Pedestrian/cycle connection

14. Prior to the commencement of the development hereby approved, full details of the pedestrian/cycle connections from the north western corner of the site to the public footpath 120/7 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the connection will be provided in accordance with the agreed details prior to occupation of the development.

Reason: To ensure safe and suitable access to the development for all people.

Site Access and Bus Stops

15. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the A361 and bus and pedestrian facilities on the A361, including position, layout, drainage, lighting, visibility splays, refuge crossing, bus laybys, footways and hardstanding shall be submitted to and approved in writing by the Local Planning Authority. There shall be no obstruction of the visibility splays above 0.6m high. Thereafter and prior to the first occupation of any development, the means of access and bus stops 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.

Construction Traffic Management Plan (CTMP)

16. Prior to the commencement of the development of any phase of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall have been developed in consultation with the High Speed Rail 2 project and include a commitment to deliveries only arriving at or leaving the site outside peak traffic periods. Thereafter the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers.

Construction Environmental Management Plan (CEMP) for Biodiversity

17. No development shall take place within any phase of the development (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for that phase (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Construction Environmental Management Plan (CEMP)

18. No development shall take place on any phase of the development hereby approved, including any works of demolition until a Construction Method Statement for that phase 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;

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

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.

Impact Study – Existing Water Supply

19. No development shall take place within any phase until impact studies of the existing water supply infrastructure, which shall determine the magnitude and

timing of any new additional capacity required in the system and a suitable connection point, 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 water supply infrastructure has sufficient capacity to accommodate the additional demand in accordance with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Strategic Water Main

20. No development shall take place until a scheme for the treatment of the strategic water main has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). The scheme shall include details of measures to ensure that the potential for damage to subsurface potable water infrastructure can be prevented. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: The proposed works will be within close proximity to an underground strategic water main utility infrastructure and the works has the potential to impact on local underground water utility infrastructure.

Noise: Acoustic Enclosure

21. Prior to the commencement of the development of any phase hereby approved, full details of a scheme to acoustically enclose all items of mechanical plant and equipment within the building, including compressor motors and fans shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the building, the development shall be carried out 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 Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Land Contamination: Desk Study/Site Walk Over

22. Prior to the commencement of the development of any phase 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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Land contamination: Intrusive Investigation

23. If a potential risk from contamination is identified as a result of the work

carried out under condition 20, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

Land Contamination: Remediation Scheme

24. If contamination is found by undertaking the work carried out under condition 21, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

Land Contamination: Carry out Remediation

25. If remedial works have been identified in condition 22, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 22. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

Archaeology

26. Prior to the commencement of development or any demolition, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation relating to the

whole application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording or archaeological matters within the site in accordance with the NPPF.

27. Following the approval of the Written Scheme of Investigation referred to in condition 26 and prior to the commencement of development or any demolition, 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 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.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

Landscape and Ecological Management Plan (LEMP)

28. Prior to first occupation of the development hereby approved, a site wide Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

Delivery and Servicing Plan

29. Prior to occupation of each phase of the development hereby permitted, a delivery and servicing plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. Site deliveries and servicing shall thereafter be carried out in accordance with the approved plan.

Reason: In the interests of highway safety and to comply with Government guidance within the NPPF.

Cycle Parking

30. Prior to the first occupation of any phase of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

Framework Travel Plan

31. Prior to occupation of any building, a Framework Travel Plan meeting the requirements set out in the Oxfordshire County Council guidance document,

'Transport for New Developments: Transport Assessments and Travel Plans' for that building/occupier shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with Government guidance within the NPPF.

Traffic Signal Control

32. Prior to the first occupation of the development hereby approved MOVA (Microprocessor optimised vehicle actuation) within the traffic signal control at Junction 11 of the M40 shall be in full operation, incorporating measures specifically to reduce the risk of traffic queues reaching the main carriageway of the M40.

Reason: In the interests of highway safety and to mitigate the impact of the development in accordance with policies Banbury 15 and SLE4 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance within the NPPF.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

Schedule of Materials

33. A schedule of materials and finishes to be used in the external walls and roof of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Piling Method Statement

34. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

Boundary Enclosures

35. Full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure shall be erected prior to the first occupation of the buildings.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan

1996 and Government guidance contained within the National Planning Policy Framework.

Details of Lighting

36. Details of the external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In order to safeguard the visual amenities of the area and to achieve a suitable lighting scheme which would minimise the impact to ecology and biodiversity in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

Entrance details

37. Full details of the design/treatment/features of the main entrance to the site including the location of signage and enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved details shall be implemented prior to the first occupation of the buildings.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Land Contamination not Previously Found

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

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

- (2) The 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, as set out in the Committee report (and any amendments as deemed necessary).

- a) Payment of a financial contribution towards a highway improvement scheme to relieve congestion on Hennef Way of £752,081 (index linked);
- b) Payment of a financial contribution towards the enhancement of bus services on the A361 route of £100,000 (index linked);
- c) Payment of a financial contribution towards public transport infrastructure to include bus stop flag poles and bus shelters of £18,470 (index linked);

- d) Payment of the County Council's cost of monitoring the Travel Plan for a 5 year period of £2,040 (index linked);
- e) Delivery of a scheme of improvements to footpaths and cycleways at the M40 underpass and Wildmere Road;
- f) A scheme of Air Quality mitigation measures in accordance with the environmental cost calculation of £386,647;
- g) Delivery of improvements works to the site access; bus laybys and refuge crossing on A361 and any other off site direct highway mitigation required;
- h) Payment of the Council's monitoring costs

10

Meadow Barn, Merton Road, Ambrosden, Bicester, OX25 2LZ

The Committee considered application 19/00055/F for two new semi-detached dwellings and 1 detached dwelling with associated parking and gardens at Meadow Barn, Merton Road, Ambrosden, Bicester, OX25 2LX for Mr Rhys Oliver.

It was proposed by Councillor Macnamara and seconded by Councillor Billington that consideration of the application be deferred as the change of date of the meeting had restricted representation of interested parties to the application.

Resolved

That consideration of application 19/00055/F be deferred as the change of date of this planning committee meeting had restricted representation of interested parties to the application.

11

Middle Farm, Featherbed Lane, Mixbury, Brackley, NN13 5RN

The Committee considered application 19/00423/F for the erection of six poultry rearing buildings and associated infrastructure at Middle Farm, Featherbed Lane, Mixbury, Brackley, NN13 5RN for PR and IC Rymer Limited.

Local Ward Member Councillor Barry Wood addressed the Committee in opposition to the application.

The Committee heard from two public speakers Peter Ryman the applicant and Ian Pick the Agent in support of the application.

It was proposed by Councillor Corkin and seconded by Councillor Heath that application 19/00423/F be refused contrary to the officers recommendation as the benefits did not outweigh harm and the application was contrary to the Local Plan.

In reaching its decision the Committee considered the officer's report and presentation, the written update and the addresses of the Ward Member and the public speakers.

Resolved

That application 19/00423/F be refused for the following reasons:

1. By virtue of its scale and siting, the proposal would result in significant and demonstrable harm to the character and appearance of the area, and harm to the landscape character of the area, the enjoyment of users of the nearby Public Right of Way and to the tranquillity of the area, and this harm significantly and demonstrably outweighs the need for the proposal and the benefits arising from the proposal, including the production of affordable

food. Diversification of the farm has already taken place and it has not been satisfactorily demonstrated that this scale of further diversification is needed in order to keep the farm business viable. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies AG2, C8 and C28 of the Cherwell Local Plan 1996 and government guidance in the National Planning Policy Framework.

2. By virtue of its scale and siting, the proposal would result in harm to the setting of the listed buildings at Middle Farm. This harm which would be 'less than substantial' is not outweighed by public benefits arising from the proposal. The proposal is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance in the National Planning Policy Framework, including paragraph 196.

12

Broken Furrow, Warwick Road, Banbury, OX17 1HJ

The Committee considered application 18/01206/OUT an outline application for the development of up to 46 dwellings including the demolition of existing buildings, structures and associated infrastructure (all matters reserved except the means of access onto Warwick Road) at Broken Furrow, Warwick Road, Banbury, OX17 1HJ for MK1 Developments LLP.

In reaching its decision the Committee considered the officer's report, presentation and the written update.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 18/01206/OUT subject to the following conditions (and any amendments to those conditions as deemed necessary) and the 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, to secure the following (and any amendments as deemed necessary):
 - a) Provision of at least 30% affordable housing on site
 - b) Provision of and commuted sum for maintenance of open space including open space, hedgerows, trees and attenuation features
 - c) Provision of and commuted sum for maintenance of equipped Local Area of Play
 - d) Off-site outdoor sports facilities provision – £92,782
 - e) Off-site indoor sports facilities – £38,497,55
 - f) Community hall facilities - £49,023.12
 - g) £106 per dwelling for bins
 - h) Provision of 2 new pedestrian accesses up to the boundary of the site and allow public access through these points
 - i) £1,428.57 per dwelling to sustain and enhance the local bus service
 - j) £1,869 per dwelling towards 'east west strategic movements – Warwick Road corridor'
 - k) Obligation to enter into a S278 agreement to secure the new access and improvements.
 - l) £22,873 contribution towards nursery provision
 - m) £364,587 contribution towards the primary school provision
 - n) £338,650 contribution towards secondary (incl. sixth form) provision

CONDITIONS

Time Limits

1. No development shall commence until full details of the layout (including the layout of the internal access roads and footpaths), 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 of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. In the case of the reserved matters, the final 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

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason : 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).

Plans

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in broad accordance with the following plans and documents: Flood Risk Assessment; Arboricultural Impact Assessment; Ecological Appraisal; Archaeological Desk-Based Assessment; Flood Risk Assessment and drainage Strategy.

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.

Finished floor levels

5. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework. This information is

required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Desk Study / Site Walkover

6. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been 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 has been 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 any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Intrusive Investigation

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Scheme

8. If contamination is found by undertaking the work carried out under condition 7, 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to

ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Works

9. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Drainage

10. 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 not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- SUDS (Permeable Paving, Soakaway Tanks)
- Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
- Infiltration in accordance with BRE365
- 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 sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Access

11. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway on Warwick Road including position, layout, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

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

Construction Traffic Management Plan

12. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

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

Archaeology

13. 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).

14. Following the approval of the Written Scheme of Investigation referred to in condition 13, 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 and approved in writing.

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.

Energy Statement

15. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

Reason - In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance in the National Planning Policy Framework.

Biodiversity enhancement

16. Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters application for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

NOTE: It is advised that this condition include a Biodiversity Impact Assessment metric to show how a clear net gain for biodiversity will be achieved.

Landscape and Ecological Management Plan (LEMP)

17. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

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

Lighting strategy

18. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance, 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 document.

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

Water system upgrade

19. No properties shall be occupied until approval has been given in writing by the Local Planning Authority 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 and the Local Planning Authority in writing 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

Travel information packs

20. Prior to first occupation the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

Water usage

21. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Compliance with ecological appraisal

22. The development hereby approved shall be carried out strictly in accordance with the recommendations set out in sections MM1-MM8 and MM11-MM14 of the Ecological Appraisal carried out by Aspect Ecology dated March 2018 unless otherwise agreed in writing by the Local Planning Authority.

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

Electrical Vehicle Infrastructure

23. Each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling prior to its first occupation.

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

- (2) As the statutory determination period for application 18/01206/OUT expires on 30 June 2019, if the section 106 agreement/undertaking is not completed and the permission is not able to be issued by this date and no extension of time has been agreed between the parties, that authority be delegated to the Assistant Director for Planning and Economy to refuse the application 18/01206/OUT for the following reason:

1. In the absence of the completion of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of: safeguarding public infrastructure, education provision, community facilities and indoor and outdoor sports/recreation facilities; mitigating highway

safety concerns; encouraging use of sustainable modes of transportation; delivering mixed and balanced communities by the provision of affordable housing; and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, PSD1, SLE4, BSC3, BSC4, BSC9, BSC10, BSC11, BSC12, Banbury 5, ESD1 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

13

Stone Pits, Hempton Road, Deddington, Banbury, OX15 0QH

The Committee considered application 18/02147/OUT an outline planning application for up to 21 dwellings comprising of 1, 2, 3 and 4 bedroom dwellings together with access, garaging and landscaping (all matters reserved except the principal means of access from Hempton Road) at Stone Pits, Hempton Road, Deddington, Banbury, OX15 0QH for Pembury Estates Limited.

The Committee heard from one public speaker, Mervin Dobson the applicant.

In reaching its decision the Committee considered the officer's report and presentation, the written update and the address of the public speaker.

Resolved

That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 18/02147/OUT subject to the following conditions (and any amendments to those conditions as deemed necessary) and the 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, to secure the following (and any amendments as deemed necessary):

- (1)
 - a) Provision of 35% affordable housing on site
 - b) Provision of and commuted sum for maintenance of open space
 - c) Provision of a commuted sum of £52,533.18 to the upgrading of local play equipment in the vicinity of the site
 - d) Contribution of £42,357.63 toward off-site outdoor sports facilities provision
 -
 - e) Contribution of £17,433 toward off-site indoor sports facilities
 - f) Contribution of £22,230.12 towards extension/enhancement of community hall facilities
 - g) £106 per dwelling for bins
 - h) Affordable housing provision – 35%
 - i) £6,263 Deddington library contribution
 - j) £21,000 – Public transport to upgrading of bus frequency to Oxford and Banbury
 - k) £3,400 – Traffic regulation order for relocation of speed limited and traffic calming build out.
 - l) S278 Agreement will be required to secure mitigation/improvement works.

CONDITIONS

Time Limits

1. No development shall commence until full details of the layout (including the layout of the internal access roads and footpaths), 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 of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. In the case of the reserved matters, the final 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

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason : 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).

Plans

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in broad accordance with the following plans and documents: Application form, Ecological Appraisal, Landscape and Visual Impact Assessment and drawing number A_1807 EX100 Rev A.

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.

NOTE: The illustrative layout and Design and Access Statement accompanying the application are not considered to create an appropriate, locally distinctive or high quality development for the site. The applicant is advised to have regard to the Council's New Residential Development Design Guide and engage in pre-application discussions with the Council regarding the 'reserved matters'.

Finished floor levels

5. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to

the acceptability of the scheme.

Land Contamination Desk Study / Site Walkover

6. Prior to the submission of any reserved matters and prior to the commencement of development a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been 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 has been 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 any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Intrusive Investigation

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Scheme

8. If contamination is found by undertaking the work carried out under condition 7, 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to

ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Works

9. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. 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 any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Drainage

10. 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
- SUDS (Permeable Paving, Soakaway Tanks)
- Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
- Infiltration in accordance with BRE365
- 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 sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Access

11. 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, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

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

Construction Traffic Management Plan

12. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

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

Energy Statement

13. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

Reason - In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance in the National Planning Policy Framework.

Biodiversity enhancement

14. Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

NOTE: It is advised that this condition include a Biodiversity Impact Assessment to show how a clear net gain for biodiversity will be achieved.

Landscape and Ecological Management Plan (LEMP)

15. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

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

Lighting strategy

16. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to the recommendations set out in section MM10 of the Ecological Appraisal carried out by Aspect Ecology dated March 2018, 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 document.

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

Travel information packs

17. Prior to first occupation the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

Water usage

18. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Compliance with ecological appraisal

19. The development hereby approved shall be carried out strictly in accordance with the recommendations set out in section MM1 – MM5 inclusive of the Ecological Appraisal carried out by Aspect Ecology dated June 2018.

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

Electrical Vehicle Infrastructure

20. Each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling prior to its first occupation.

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

Framework.

- (2) It was further resolved that as the statutory determination period for application 18/02147/OUT expired on 30 May 2019, if the section 106 agreement/undertaking was not completed and the permission was not able to be issued by this date and no extension of time had been agreed between the parties, authority be delegated to the Assistant Director for Planning and Economy to refuse the application 18/02147/OUT for the following reason:
1. In the absence of the completion of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of: safeguarding public infrastructure, education provision, community facilities and indoor and outdoor sports/recreation facilities; mitigating highway safety concerns; encouraging use of sustainable modes of transportation; delivering mixed and balanced communities by the provision of affordable housing; and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, PSD1, SLE4, BSC3, BSC4, BSC9, BSC10, BSC11, BSC12, VILLAGES 2, ESD1 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

14

Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HD

The Committee considered application 18/02169/F for the temporary change of use of the eastern part of southern taxi way for use in connection with established and lawful car processing operations at Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HD for Paragon Fleet Solutions Limited.

It was proposed by Councillor Corkin and seconded by Councillor Richards that permission be granted subject to a routing agreement and travel plan.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 18/02169/F subject to the following conditions with the addition of a routing agreement and travel plan (and any amendments to those conditions as deemed necessary):

- 1 The permission hereby granted shall be temporary until 31st December 2021 and the use hereby permitted shall be discontinued and the land shall be restored to its former condition on or before that date.

Reason - To enable the Council to review the position at the expiration of the stated period, in order not to prejudice the consideration of future proposals for the land and/or in view of the special/personal circumstances of the case which are such as to override basic planning objections to the development in accordance with Policy Villages 5 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans:

- Site Location Plan P18-1596
- Areas Plan P18-1596_02A
- Existing Security Arrangements P18-1596_03A

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 Central Government guidance contained within the National Planning Policy Framework.

- 3 The area of the application site comprising open hardstanding identified for car processing (defined so as to comprise the inspection, valeting, washing, repairing, tyre replacement, processing and delivery of cars and other car processing activities as may be required from time to time) shall only be used for activity which is related to car processing, and specifically shall not be used for the parking of any other vehicle associated with any other use or activity present on the application site.

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan and Policy Villages 5 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 No car rental or related activities for use by members of the public shall be permitted from within the identified car processing area.

Reason: Such use would be inappropriate on the flying field, generate an inappropriate level of traffic and be contrary to Policy Villages 5 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Within three months of the date of this decision a travel plan and draft routeing agreement shall be submitted to and agreed in writing by the Local Planning Authority. This agreed plan and agreement shall be adhered to for the lifetime of the development thereafter.

Reason: To ensure the effective control of HGVs entering and leaving the site, to comply with Policy SLE4 and Villages 5 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Premier Aggregates, Finmere Quarry, Banbury Road, Finmere, Buckingham, MK18 4AJ

The Committee considered applications 19/00583/CM, 19/00585/CM, 19/00584/CM, 19/00586/CM, 19/00595/CM, and 19/00736/CM for the continued use of a clean water lagoon and silt pond in phase 1 of the area approved for the extraction of sand and gravel and clay, for the use in landfill engineering under planning permission 17/02083/CM (MW.0083/17); an application for secondary aggregate recycling; the extension to an area approved for sand and gravel extraction and retention of processing and concrete batching plants (OCC Ref MW.0030/19); the extension to

the area for non-hazardous waste landfill (OCC Ref MW.0027/19); Section 73 application to planning permission 15/02059/CM to allow for the operation of the Material Recovery Facility (MRF) until January 2026; and the extension of an area approved for clay extraction (OCC Ref MW.0026/19) at Premier Aggregates, Finmere Quarry, Banbury Road, Finmere, Buckingham, MK18 4AJ for AT Contracting and Plant Hire Limited.

Cherwell District Council was a consultee on the application which would be determined by Oxfordshire County Council.

In reaching its decision the Committee considered the officer's report.

Resolved

That Oxfordshire County Council be advised that Cherwell District Council objects to the following applications 19/00583/CM, 19/00585/CM, 19/00584/CM, 19/00586/CM, 19/00595/CM, and 19/00736/CM and submits the following comments and recommended conditions if the application were approved:

1. Cherwell District Council objects to further intensification of works at the site and the increase in HGV movements that would occur in the period that is currently supposed to see a reduction in intensity leading up to 2032 when the final restoration is scheduled to end.
2. Strict controls are put in place should the County be minded to approve the applications, for the potential impacts on air quality and noise for the protection of the health and amenity of local residents.
3. The hours of operation for vehicles entering the site be kept at the previously agreed times of 7:00 and 18:00.
4. Measures to be put in place to secure jobs created for local people – either by a proportion of the work force or an agreement to take on local apprentices by condition.

16

Land To The Rear Of The Methodist Church, The Fairway, Banbury

The Committee considered application 19/00136/DISC for the discharge of condition 14 (cycle parking) of application 16/00313/CDC at land to the rear of The Methodist Church, the Fairway Banbury for Cherwell District Council.

In reaching its decision the Committee considered the officer's report.

Resolved

That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 19/00136/DISC

17

36 - 37 Castle Quay, Banbury, OX16 5UN

The Committee considered application 19/00535/CLUP for a Certificate of Lawfulness for Proposed Development - Internal works for the relocation of public toilet provision to a new location within the existing shopping centre and external alterations to install 2 louvres to external north eastern elevation facing the existing service yard for Cherwell District Council.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

That permission be granted for application 19/00535/CLUP to enable the Assistant Director for Planning and Economy to grant a Certificate of Lawful Development as follows:

Schedule 1

Internal works for the removal of the existing public toilet provision and to relocate the public toilet provision into part of unit 36/37 within the existing shopping centre. The new toilet provision will include male and female toilets, an accessible toilet, a changing place facility providing a fully accessible facility, and a parent room, providing 2 changing units, 2 privacy booths for nursing parents and a parent and child WC. A water fountain and a bottle refill station will be provided and a customer welcome desk.

External works to provide two ventilation louvres to the north east elevation of the building facing the service yard.

Schedule 2

36-37 Castle Quay
Banbury
OX16 5UN

Schedule 3

The proposed internal works are not operational development, within the meaning set out at Section 55 of The Town and Country Planning Act 1990. The proposed internal works do not require planning permission and are therefore lawful.

The proposed external works are permitted development under Schedule 2, Part 7, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

18 **Appeals Progress Report**

The Assistant Director for Planning and Economy submitted a report which aimed to keep members informed upon applications which had been determined by the Council, where new appeals had been lodged, Public Inquiries/hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 7.25 pm

Chairman:

Date: