

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 13 July 2023 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor Maurice Billington (Vice-Chairman)
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor John Broad
Councillor Jean Conway
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lesley McLean
Councillor Julian Nedelcu
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Nigel Simpson
Councillor Amanda Watkins
Councillor Barry Wood

Apologies for absence:

Councillor Becky Clarke MBE
Councillor Simon Holland

Also Present:

Councillor Dan Sames (Speaking as Ward Member for agenda item 10)
Councillor Chris Pruden (Speaking as Ward Member for agenda item 10)

Also Present Virtually:

Councillor Phil Chapman (Speaking as Ward Member for agenda item 8 only, apologies for the rest of the meeting)

Officers:

Paul Seckington, Senior Manager Development Management
Nat Stock, Development Management Team Leader - North Area
Andrew Thompson, Principal Planning Officer
Katherine Daniels, Principal Planning Officer
Imogen Hopkin, Senior Planning Officer

Karen Jordan, Deputy Principal Solicitor
Aaron Hetherington, Principal Officer - Electoral Services Lead
Matt Swinford, Democratic and Elections Officer

Officers Attending Virtually:

Natasha McCann, Planning Officer
Chris Wentworth, Principal Planning Officer

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Declarations of Interest

8. Land Used For Motorcross, Stratford Road, A422, Wroxton, OX15 6HX.

Councillor John Broad, Other Registerable Interest, as member of the British Motorcycle Federation, Motorcycle Action Group and the Campaign to Protect Rural England.

14. Caravan Park, Station Approach, Banbury, OX16 5AB.

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

Councillor Rebecca Biegel, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

15. Borough House, Marlborough Road, Banbury.

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

Councillor Rebecca Biegel, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

16. Borough House, Marlborough Road, Banbury.

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

Councillor Rebecca Biegel, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

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Requests to Address the Meeting

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

18

Minutes

The Minutes of the meeting held on 15 June 2023 were agreed as a correct record and signed by the Chairman.

19 **Chairman's Announcements**

The Chairman made the following announcement:

1. Advised the Committee that following the successful trial at the previous meeting, following the officer's presentation and public speaking on each application, Members would have the opportunity to ask officers questions before the debate.

20 **Urgent Business**

There were no items of urgent business.

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

There were no proposed Pre-Committee site visits.

22 **Land Used For Motorcross, Stratford Road, A422, Wroxton, OX15 6HX**

The Committee considered application 21/00517/F for the Creation of a motocross track and soft landscaping scheme and the change of use of agricultural land to hold moto-cross events including set-up, take down and private practice sessions, with associated camping site, for up to 65 days per year and agricultural grazing (retrospective) at Land Used for Motorcross, Stratford Road, A422, Wroxton, OX15 6HX for Hedges & Kerwood.

John Offord, Chair of Hornton Parish Council, and Julian Philcox, on behalf of Hornton Parish Council and the Upton Estate, addressed the Committee in objection to the application.

Phil Plant, agent for the applicant, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers' report, presentation, addresses of the public speakers and the written updates.

It was proposed by Councillor Reynolds and seconded by Councillor Harwood that the application be refused, contrary to officer's recommendation, for reason relating to noise pollution causing significant harm to the living amenities of nearby residents.

Resolved

That application 21/00517/F be refused, contrary to the officer's recommendation, for the following reasons:

1. The motocross track, by virtue of its increased size and frequency of events, results in a level of noise pollution that causes significant harm to

the living amenities enjoyed by nearby residents and detracts from the rural character of the area. The proposal is therefore contrary to saved Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

23

Land South of Green Lane, Chesterton

The Committee considered application 23/00173/OUT, an outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access) at Land South of Green Lane, Chesterton for Wates Developments.

Stephen Webster, Chesterton Parish Council, addressed the Committee in objection to the application.

John Tarvit, on behalf of the applicant, Wates Developments, addressed the committee in support of the application.

In reaching its decision the Committee considered the officers' report and presentation, addresses of the public speakers and the written updates.

Resolved

That application 23/00173/OUT be refused, in line with the officer's recommendation, for the following reasons:

1. The proposals would result in a disproportionate development when considered against the scale of the existing village and the cumulative impact of growth already carried out in village within the plan period and available facilities within the village and would be predominantly reliant on the private car to carry out day-to-day activity and the application site is not well located to existing services and facilities. The proposals would cause significant adverse landscape and impacts to the settlement character which could not be avoided or mitigated by the proposed development. Further the delivery of infrastructure necessary to make the development acceptable would not be capable of being accommodated within the village and instead would need to be provided elsewhere which would be predominantly reliant by private car and would be contrary to the aims of sustainable growth of housing across the District set out in the Local Plan and sustainable travel initiatives to use sustainable modes of transport. The proposals would be harmful development to the village of Chesterton and the wider aims of Policies Villages 1 and Villages 2 and result in unsustainable growth that would not be capable of mitigation. The proposals would therefore be contrary to Policies PSD1, BSC1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1; saved Policies C28 and

C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

2. The proposals, by reason of the scale and impact on the overall landscape and settlement character would cause harm to the approaches along Green Lane and the unnamed lane to Little Chesterton, and to the overall character of the settlement of Chesterton and its relationship to the surrounding countryside resulting in significant extension and harm to open countryside in particular to the south and west of the existing village. This combined with developments of the Bicester Sports Association in particular would result in a potential negative impact on the individual identity of Chesterton and Little Chesterton. The proposals would therefore be contrary to Policies PSD1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1; saved Policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.
3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

24

Land East of Ploughley Road, Ambrosden

The Committee considered application 22/02866/OUT, an outline planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration at Land East of Ploughley Road, Ambrosden for Archstone Ambrosden Ltd, Bellway Homes Ltd and Rosemary May.

Councillors Pruden and Sames addressed the Committee as Local Ward Members.

Dawn Seaward, Chair of Ambrosden Parish Council, addressed the Committee in objection to the application.

David Bainbridge, Agent to the applicant, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers report, presentation, addresses from the public speakers and the written updates.

Resolved

That application 22/02866/OUT be refused, in line with the officer's recommendation, for the following reasons:

1. The site is located outside the built form of Ambrosden and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape on the approach to Ambrosden to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The proposed development is therefore contrary to Policies ESD13, ESD15, BSC1, PSD1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

25

Land West Of Church Ley Field Adjacent To Blackthorn Road, Ambrosden

The Committee considered application 22/02455/OUT, an outline application for the erection of up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works at Land West Of Church Ley Field Adjacent To Blackthorn Road, Ambrosden for L&Q Estates.

Dawn Seaward, Chair of Ambrosden Parish Council, addressed the Committee in objection to the application.

Stuart Field, on behalf of the applicant, L&Q Estates, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers' report, presentation, and addresses from the public speakers.

Resolved

That application 22/02455/OUT be refused, contrary to the officer's recommendation, for the following reasons:

1. The site is located outside the built form of Ambrosden and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. The development would therefore have an adverse effect on the landscape to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The proposed development is therefore contrary to Policies ESD13, ESD15, BSC1, and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

26 **Land To The North Of Wimborn Close And Mackley Close, Deddington**

The Committee considered application 22/03869/OUT, outline planning application for a residential development for up to 53 dwellings with All Matters Reserved except for Access at Land To The North Of Wimborn Close And Mackley Close, Deddington for Pembury Webb Ltd.

Helen Oldfield, Chair of Deddington Parish Council, and Alan Collins, Deddington PC Member and chair of Deddington Neighbourhood Plan steering group, addressed the Committee in objection to the application.

Mervyn Dobson, on behalf of the applicant, Pembury Webb Ltd, and David Rogers, local resident, spoke to support of the application.

In reaching its decision the Committee considered the officers' report, presentation, the written update, and addresses from the public speakers.

It was proposed by Councillor Reynolds and seconded by Councillor Wood that application 22/03869/OUT be approved, in line with the officer recommendation.

On being put to the vote, the proposal was lost and the motion subsequently fell.

It was proposed by Councillor Broad and seconded by Councillor Billington that application 22/03869/OUT, contrary to the officer recommendation, be refused to due to the reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape setting of Deddington to the detriment of the character and appearance of the countryside and that the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategy in the Local Plan is up to date.

Resolved

That application 22/03869/OUT be refused, contrary to the officer's recommendation, for the following reasons:

1. The site is located outside the built form of Deddington and within an area of open countryside, which has not been allocated for development within the Cherwell Local Plan 2011-2031 or the emerging Deddington Neighbourhood Plan. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape setting of Deddington to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategy in the Local Plan is up to date. The proposed development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The proposed development is therefore contrary to Policies ESD13, ESD15, BSC1, PSD1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

The Chairman advised the Committee that the application had been withdrawn from the planning process by the applicant.

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Caravan Park, Station Approach, Banbury, OX16 5AB

The Committee considered application 22/01564/OUT for the development of car park and caravan park 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 (resubmission of 18/00293/OUT) at Caravan Park, Station Approach, Banbury, OX16 5AB for Mr Patrick Rooney.

Duncan Chadwick, agent for the applicant, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers report, presentation addresses from the public speakers and the written updates.

Resolved

1. That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission, subject to
 - a) The conditions set out below (and any amendments to those conditions as seemed necessary) and
 - b) 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 necessary mitigation as set out below (and any amendments deemed necessary)

Conditions

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

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

2. No development shall commence until a detailed scheme for surface water drainage of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the details contained within the Flood Risk Assessment

(FRA) < Feb 2018 (v2) / Station Caravan Park, Banbury,(2017s6068) / JBA Consulting > and the Drainage Strategy < Oct 2018 (v3) / Station Caravan Park, Banbury, (2017s6068) / JBA Consulting > and shall include (but not be limited to) details of the following (based on the mitigation measures detailed within the Drainage Strategy):

- Limiting the surface water run-off generated by the 100 year critical storm (with an allowance for Climate Change) to 66.9 l/s so that it will provide betterment to the existing run-off from the developed site and not increase the risk of flooding off-site. (Section 3.6.2 of the Drainage Strategy)
- Use of permeable paving SuDS (or other SuDS method described in the strategy) to provide attenuation storage (Section 3.6 of the Drainage Strategy)
- Exceedance storage in the central/northern car park area to contain on site exceedance flows from the development which will be routed away from any residential property (Section 3.5.3 of the Drainage Strategy)
- A SuDS Management and Maintenance Plan (based on the principles outlined in Section 3.7 of the Drainage Strategy). In addition to those principles, It is required to identify the party responsible for maintenance of each element of the SuDS. The Management Plan will include a Site Plan identifying the location of each element of the drainage scheme, including access points, maintenance access easements and outfalls. Maintenance operational areas are to be identified and shown on the plans, to ensure there is room to gain access to the asset, and maintain it with appropriate plant
- A flood evacuation plan to clarify procedures and routes during a flood event.

The surface water drainage scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, and shall be managed and maintained in accordance with the approved plan thereafter.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

3. No development shall take place until a plan showing full details of the finished floor levels of the development (which shall demonstrate that all levels are to be set above 92.42AOD) in relation to existing ground levels on the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure the proposed development is in scale and harmony with its neighbours and surroundings and to protect the development and its occupants from an increased risk of flooding in

order to comply with Government guidance contained within the National Planning Policy Framework and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996.

4. 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, which shall demonstrate where storage will be placed with no storage within the vicinity of the watercourse;
 - 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) 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.
 - k) details of how the canal and river will be protected from run-off and pollution
 - l) details of how the 10m ecological buffer zone adjacent to the River Cherwell will be protected during construction
 - m) details of the measures to be taken to ensure that construction works do not adversely affect biodiversity including a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed
 - n) details of any proposed earthmoving, excavations, foundation construction or other building operations to ensure that construction works do not detrimentally affect the stability or integrity of the canal and river banks. The details required shall include calculations to demonstrate that the proposed development will not impart any load onto the canal.
 - o) Details of how drainage features will be protected during construction.

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.

5. Prior to the first occupation 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 LEMP shall be carried out in accordance with the approved details.

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

6. No development 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' 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 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.

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, then no development shall take place until, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals which 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' has been 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.

8. If contamination is found by undertaking the work carried out under condition 7 then no development shall take place until a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and which 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 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.

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 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.

10. 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.

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.

11. No development shall take place, including any demolition, and any works of site clearance, until a method statement for enhancing the biodiversity on site (which shall include through new wildlife habitat along the river edge, native species planting, installation of bird and bat boxes) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 - 2031 Part1 and Government guidance contained within the National Planning Policy Framework.

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

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

13. No development shall take place until a report that shows that all habitable rooms within each 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) has been submitted to and approved in writing by the Local Planning Authority. If any mitigation is required to meet the necessary noise levels then prior to the first occupation of the dwelling, the mitigation shall be installed and maintained 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 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Prior to the first occupation of the development, details of any proposed external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting shall thereafter be implemented in accordance with the agreed details.

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and other wildlife within the canal habitat corridor and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location in accordance with Policies ESD10 & 16 of the Cherwell Local Plan 2011-2031.

15. 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.

Reason - To support the delivery of renewable and low carbon energy in accordance with Policy ESD3 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

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

17. Except where otherwise stipulated by condition, the development shall be carried out in general accordance with the following plans and documents:

- Site location plan - ROO001/001
- Site Plan - ROO001/002
- Access Arrangements - 17123/05

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

18. The layout of the site shall provide for no less than 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 to the closest point of any development.

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

19. As part of the reserved matters submission details of the construction, drainage and vision splays for the means of access from Station Approach shall be submitted to and approved in writing by the Local Planning Authority, which shall include a 1.8m footway into the site. Thereafter, and prior to construction above slab level, the means of access shall be constructed and retained in accordance with the approved details.

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

20. 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.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. 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.

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

22. No development shall take place until, a detailed scheme for the foul sewage drainage of the development has been 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 foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

Reason - To ensure satisfactory drainage of the site in the interests of public health, to ensure there is sufficient capacity to cope with the new development and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Section 106 Obligations

- a) Affordable housing (30% provision).
- b) Canal towpath contribution – £57,750 – To be index linked to current 2023 figures.
- c) Cemetery contribution – as per previous 2018 formula (awaiting confirmation from Banbury Town Council).
- d) Community hall contribution - £8,673.78 – To be index linked to current 2023 figures.
- e) Footbridge contribution – £39,462.
- f) Health and well-being contribution – £54,432 – To be index linked to current 2023 figures.
- g) Sports facility contribution – 52,601.56 (Offsite Indoor Sports Facility).
- h) Sports facility contribution – £127,072.89 (Offsite Outdoor Sports Facility).
- i) Waste contribution – £6,678 – To be index linked to current 2023 figures.
- j) LEAP offsite provision contribution – £20,779.15 – To be index linked to current 2023 figures.

29

Borough House, Marlborough Road, Banbury

The Committee considered application 23/00401/F for change of use of part of building to form 10no apartments (Use Class C3) including the partial demolition and alterations to the rear elevation, an external staircase, and internal alterations at Borough House, Marlborough Road, Banbury for Fellside Estates.

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

Resolved

That application 23/00401/F be refused, in line with the officer's recommendation, for the following reasons:

1. By virtue of the contrived rear fire escape to serve the library, the proposal would demonstrate less than substantial harm to the designated heritage assets, with no public benefit. Therefore the proposal has a detrimental impact on significance of the Grade II listed building, and would detract from the views within, the character and appearance of the Banbury Conservation Area resulting in harm to both heritage assets. The harm identified significantly outweighs any public

benefits. The proposal therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and guidance contained within the National Planning Policy Framework.

2. There is insufficient information provided to demonstrate that the proposal would not have an effect on drainage and flood risk. The proposal is therefore contrary to Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the CLP 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

30 **Borough House, Marlborough Road, Banbury**

The Committee considered application 23/00402/LB for the Change of Use of part of building to form 10 no. apartments (Use Class C3) including the partial demolition and alterations to the rear elevation, an external staircase, and internal alterations at Borough House, Marlborough Road, Banbury for Fellside Estates.

In reaching its decision the Committee considered the officers report and presentation.

Resolved

That application 23/00402/LB be refused, in line with the officer's recommendation, for the following reason:

1. By virtue of the sub-division, and loss of historic plan form, and the contrived rear fire escape to serve the library, the proposal would demonstrate less than substantial harm to the designated heritage assets, with no public benefit. Therefore, the proposal has a detrimental impact on significance of the Grade II listed building as a designated heritage asset. The harm identified significantly outweighs any public benefits. The proposal therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and guidance contained within the National Planning Policy Framework.

31 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 8.23 pm

Chairman:

Date: