

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held as a Virtual meeting, on 10 September 2020 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 Colin Clarke  
Councillor Ian Corkin  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Mike Kerford-Byrnes  
Councillor Cassi Perry  
Councillor Lynn Pratt  
Councillor George Reynolds  
Councillor Barry Richards  
Councillor Les Sibley

#### Substitute Members:

Councillor Conrad Copeland (In place of Councillor Katherine Tyson)

#### Apologies for absence:

Councillor Simon Holland  
Councillor Katherine Tyson

#### Officers:

Sarah Stevens, Interim Senior Manager – Development Management  
James Kirkham, Principal Planning Officer  
Matt Chadwick, Principal Planning Officer  
Jennifer Crouch, Solicitor  
Lesley Farrell, Democratic and Elections Officer

### **Declarations of Interest**

#### **7. Land North of Hill Farm, Hill Farm Lane, Duns Tew, OX25 0JJ.**

Councillor James Macnamara, Declaration, as he knew the landowner of the application site

#### **8. Land Adj To Unit E25, Telford Road, Bicester.**

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

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

63 **Requests to Address the Meeting**

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

64 **Minutes**

The Minutes of the meeting held on 13 August were agreed as a correct record subject to the following amendments and would be signed by the Chairman in due course:

The addition of Councillor Andrew Beere, Councillor Colin Clarke and Councillor Barry Richards having made a declaration of non-statutory interest in items 6,8 and 9 as a member of Banbury Town Council which had been consulted on these applications.

Councillor Barry Richards having made a declaration of non-statutory interest in item 7 as a member of Banbury Town Council which had been consulted on the application.

65 **Chairman's Announcements**

There were no Chairman's announcements.

66 **Urgent Business**

There were no items of urgent business.

67 **Land North of Hill Farm, Hill Farm Lane, Duns Tew, OX25 0JJ**

The Committee considered application 20/00574/F for the installation of a standalone Solar PV array, associated infrastructure, grid connection, access and landscaping at Land North of Hill Farm, Hill Farm Lane, Duns Tew OX25 0JJ for Greenheath NRG Limited.

Cannon Christopher Hall addressed the Committee in support of the application.

It was proposed by Councillor Mike Kerford-Burns and seconded by Councillor Hugo Brown that application 20/00574/F be approved subject to

the period of landscape maintenance being extended to 10 years and enforcement of construction traffic conditions.

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

## **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 20/00574/F subject to no material planning considerations being raised before the expiry of the consultation period and the following conditions (and any amendments to those conditions as deemed necessary):

### **CONDITIONS**

#### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Duns Tew Energy Park location Plan (PV-0446-02 Rev 9,3); Site Layout Plan (PV-0446-02 Rev 28.5); 20 ft Storage Cont. Elevation Plan (1939/D003 v.1); Outside of Redline Boundary Planting Scheme (PL401 Rev P04); Security Fencing (1939/D001 v.1); Table 4L11 20° for PV-Panel QCells QPLUS-G4 1670x1000x32 (17010001 Rev A); Access Road / CCTV Detail (1939/D002 v.1); 40 ft Storage Cont. Elevation Plan (1939/D004 v.1); Hill Farm, North Aston Road, Duns Tew Proposed Access Track (Appendix 6.1); Proposed Construction Access (Appendix 6.2); Hill Farm, North Aston Road, Duns Tew Proposed Field Access (Appendix 6.3) and Tracking Analysis 16.5m Artic Vehicle (4159-TR02 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.

#### **Temporary Permission**

3. The permission shall expire no later than 40 years from the date when electricity is first exported from any part of the array to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason - In order to safeguard the amenities of the area and protect the rural character of the landscape and to comply with Policies ESD 13 and ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the

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

4. Not later than 24 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and approved by the Local Planning Authority, such scheme to include the management and timing of any works and traffic management plan to address likely traffic impact issues during the decommissioning period. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

Reason - To ensure the environment is protected during decommission in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **Landscaping Implementation**

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Landscape Maintenance**

6. Prior to the clearance of the site a schedule of landscape maintenance for a minimum period of 10 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

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

#### **Archaeology**

7. 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.

8. Following the approval of the Written Scheme of Investigation referred to in condition 7, 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 within two years of the completion of the archaeological fieldwork.

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 (2019).

### **Ecology**

9. The development hereby approved shall be carried out in accordance with the recommendations set out in Sections 5 and 7 of the Preliminary Ecological Appraisal carried out by Western Ecology dated August 2019

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.

### **Flood risk and biodiversity**

10. The development shall not be carried out other than in accordance with the submitted flood risk assessment reference 2640/FRA, version D4, by Hafren Water, dated May 2020 and the following mitigation measures:
  - All built development must be located within Flood Zone 1
  - The solar structures shall be designed to be open to flood water

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

Reason - To ensure that fluvial flood risk is not increased off site in accordance with the requirements of Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the NPPF.

11. No development shall take place until a scheme for the provision and management of a minimum eight metre wide ecological buffer zone alongside the Deddington Brook 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 scheme.

Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting and fencing. The scheme shall include:

- plans showing the extent and layout of the buffer zone which should be a minimum 8 metre width, measured from the top of the bank and where possible include all of flood zone 3.
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

Reason - To reduce flood risk locally and make provision for biodiversity enhancements in accordance with the requirements of Policies ESD6 and ESD10 of the Cherwell Local Plan 2011-2031 Part 1. Such details are required prior to development commencing to ensure this buffer zone is protected during construction so that there is no risk of increased flooding.

### **Lighting**

12. No external lighting shall be installed within the site area unless agreed in writing with the Local Planning Authority.

Reason - To safeguard the amenities of the area and 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

### **Highways**

13. The vision splays shown on drawing number Appendix 6.2 shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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

14. The development shall be carried out in strict accordance with the recommendations set out within the Construction Traffic Management Plan Revision B prepared by ADL Traffic and Highways Engineering Ltd dated April 2020.

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

15. No development shall commence unless and until full design details of the proposed gatehouse, security gate and fencing as shown on drawing titled 'Proposed Construction Access' (Appendix 6.2) have been 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 the visual amenities of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Removal of PD**

16. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its

subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed on the site other than those approved as part of this consent without the grant of further specific planning permission from the Local Planning Authority.

Reason - In the interests of preserving the intrinsic natural beauty of the countryside from inappropriate development in accordance with the requirements of Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings or structures shall be erected, altered, extended or installed at the site without the grant of further specific planning permission from the local planning authority other than that which is explicitly approved by this permission.

Reason - To ensure that further works do not result in significant cumulative harm to the natural environment in accordance with the requirements of Policies ESD10 and ESD13 of the Cherwell Local Plan 2011-2031.

## 68 **Land Adj to Unit E25, Telford Road, Bicester**

The Committee considered application 19/02081/F for the erection of four Class B2 units of varying sizes with associated car parking and landscaping at Land adjacent to Unit E25 Telford Road, Bicester for Knight. This application was a re-submission of application 19/00545F.

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

### **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 19/02081/F subject to:
- 1) 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 £9,000 (index linked) for improvements to bus stop on Boston Road
    - b) Provision of £1,240 Travel Plan Monitoring Fee
    - c) An objection to enter into a S278 Agreement to secure the following:
      - Design and construction of new signalised crossing on Launton Road approximately 30 metres west of the junction with Boston Road.
      - Removal of existing pedestrian refuge.
      - Surfacing works either side of the proposed crossing.

- 2) The following conditions (and any amendments to those conditions deemed necessary):

## CONDITIONS

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Flood Risk Assessment and Drainage Statement, prepared by Infrastruct CS Ltd, reference 2536- ICS-XX-RP-C-001D, Revision D, dated 4 August 2020, Transport Statement (Ref 502.0057/TS/4, Reptile Survey Report (Ref 20-3086 V.2 June 2020), Extended Phase 1 Survey Report (Ref 18-3223 V3 June 2020) and drawing numbers 100F, 101K, 102K, 103H, 104D and 105F

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.

3. Prior to the commencement of works a Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority and agreed in writing. This should identify;
- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
  - Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
  - Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
  - Contact details for the Site Supervisor responsible for on-site works,
  - Travel initiatives for site related worker vehicles,
  - Parking provision for site related worker vehicles,
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
  - Engagement with local residents

Thereafter the development shall be carried out in strict accordance with the approved details.



Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

Note: The CTMP should follow Oxfordshire County Council's template.

4. Prior to commencement of development, details of measures to be incorporated into the proposals demonstrating how Secured by Design (SBD) principles and standards on physical security will be integrated shall be submitted to and approved in writing by the authority. The development will thereafter be carried out in accordance with the approved details.

Reason: To reduce the potential for crime in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework.

5. Prior to any works above slab level full details of the pedestrian access to the site from Telford Road including street lighting has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the development and thereafter retained.

Reason: To provide pedestrian access to the site and to encourage sustainable forms of travel in accordance with Policy SLE4 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework.

6. Notwithstanding the details on the approved plans, prior to any works above slab level full details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy SLE4 of the Cherwell Local Plan and advice in the National Planning Policy Framework.

7. (a) Prior to the commencement of development above slab level, a design stage BREEAM certificate confirming that the development shall be constructed to at least a BREEAM Very Good standard shall be submitted to and approved in writing by the Local Planning Authority.

(b) Within 6 months of the occupation of the development hereby permitted, a final BREEAM certificate shall be submitted confirming that the development has achieved BREEAM Very Good standard.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1, and the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

8. Prior to the first use of the development hereby permitted a framework travel plan shall be submitted and approved to the Local Planning Authority (LPA) for approval before first occupation of the site. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: To promote sustainable modes of transport in accordance with Policy SLE4 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework.

9. No development shall take place until a Detailed Design, Surface Water Management Strategy and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The Detailed Design shall be based upon the Outline Design principles set out in the following documents and drawings:

- 2536-ICS-RP-C-07.001C - Flood Risk Assessment and Drainage Strategy (1) – Revision C, dated 4th June 2020.
- 2536-TELF-ICS-01-XX-DR-C-0200-S2-P06 - Proposed Drainage Strategy
- 2536-TELF-ICS-01-XX-DR-C-0206-S2-P04 - Flood Volumes Comparison Proposed
- 2536-TELF-ICS-01-XX-DR-C-0205-S2-P04 - Flood Volumes Comparison Existing
- 2536-TELF-ICS-01-XX-DR-C-0210-S2-P04 - Flood Zone Map

The details shall include a compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire", Detailed design drainage layout drawings of the SuDS proposals including cross section details, detailed design clearly demonstrating how exceedance events will be managed and Pre and Post development surface water flow paths to be identified on plan. The Drainage Maintenance Plan shall be in accordance with Section 32 of CIRIA C753 including

maintenance schedules for each drainage element, to be prepared and submitted as stand-alone document including contact details of any management company.

The approved drainage system shall be implemented in strict accordance with the approved Detailed Design prior to the use of the building commencing and shall thereafter be managed and maintained in accordance with the approved management and maintenance plan in perpetuity.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter in accordance with Policy ESD7 of the Cherwell Local Plan Part 1 and Government guidance within the National Planning Policy Framework

10. No development shall not commence above slab level until full details of the sustainability and energy proposals (based on the submitted report) has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the buildings hereby permitted and unless otherwise agreed in writing by the Local Planning Authority shall be retained as such thereafter.

Reason: To encourage the use of sustainable construction and renewable energy in accordance with Policy ESD1 to ESD5 of the Cherwell Local Plan and advice in the National Planning Policy Framework.

11. A method statement for enhancing biodiversity on site, to include features integrated into the fabric of the buildings, planting and bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation 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 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

12. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of any part of the development, and retained as such thereafter.

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

13. Prior to the first occupation of any building hereby approved, a record of the approved SuDS details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

- As built plans (in both .pdf and .shp file format);
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter in accordance with Policy ESD7 of the Cherwell Local Plan Part 1 and Government guidance within the National Planning Policy Framework and section 21 of the Flood and Water Management Act 2010.

14. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

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

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level. The hard landscaping shall be provided prior to the first occupation of the development and the approved soft scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord 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.

15. 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 on 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 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.

16. A schedule of materials and finishes to be used in the external walls and roof(s) 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.

17. Prior to the first occupation of the development the parking, turning and loading and unloading shown on the approved plan(s) shall be provided on site and shall be permanently set aside and reserved for that purpose.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking [and turning/loading/unloading] to comply with Government guidance in the National Planning Policy Framework.

18. The development hereby approved shall be carried out in strict accordance with the following details unless otherwise agreed under a separate discharge of planning condition:

- Recommendations at Sections 9.9, 9.13, 9.15, 9.21, 9.23 of Extended Phase 1 Survey Report Lockhart Garratt June 2020).
- Reptile Mitigation Strategy outlined in Section 6, Reptile Survey report, Lockhart Garratt, June 2020
- Recommendations at Section 6 of Bats – Tree Inspection Report, Lockhart Garratt (Ref 20-3123 Version 1)

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

19. The development shall be carried out in strict accordance with the submitted Flood Risk Assessment and Drainage Statement, prepared by Infrastruct CS Ltd, reference 2536-ICS-XX-RP-C-001D, Revision D, dated 4 August 2020, including the following mitigation measures:

- Finished floor levels shall be set no lower than 69.80 metres above Ordnance Datum (AOD).
- 164m<sup>3</sup> of compensatory floodplain compensation storage shall be provided
- A floodable void as outlined in Section 5.2 and shown in Drawings no. 104 – Front elevation and section proposed and no. 105 – Rear and side elevations proposed shall be provided underneath the building

These mitigation measures shall be fully implemented prior to the first occupation of the building. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere. In particular to reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provide and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of floodplain storage

20. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted,

and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: This site has been previously land filled. Although the site investigation concluded that the site does not pose a threat to controlled water, there is the possibility that undetected contamination may exist on site.

- (3) That it be further resolved that as the statutory determination period for this application expired on 30 September 2020, if the Section 106 agreement/undertaking was not able to be issued by that date and no extension of time had been agreed between the parties, that authority be delegated to the Assistant Director for Planning and Development to refuse the application for the following reason:
1. 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 adequate highway infrastructure to encourage sustainable means of Transport to make the impacts of the development acceptable in planning terms contrary to Policy SLE4 and ESD15 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework.

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### **Appeals Progress Report**

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

The Interim Senior Manager for Planning and Development responded to questions from the Committee regarding the Appeals process.

### **Resolved**

- (1) That the position statement be accepted.

The meeting ended at 4.42 pm

Chairman:

Date: