

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House,  
Bodicote, Banbury, Oxon OX15 4AA, on 14 July 2022 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)

Councillor Rebecca Biegel

Councillor John Broad

Councillor Hugo Brown

Councillor Jean Conway

Councillor Ian Corkin

Councillor Ian Harwood

Councillor Simon Holland

Councillor Fiona Mawson

Councillor Richard Mould

Councillor Lynn Pratt

Councillor Les Sibley

Councillor Amanda Watkins

Councillor Sean Woodcock

Substitute Members:

Councillor Colin Clarke (In place of Councillor Barry Wood)

Councillor Gemma Coton (In place of Councillor Dorothy Walker)

Apologies for absence:

Councillor Maurice Billington

Councillor Andrew Beere

Councillor Dorothy Walker

Councillor Barry Wood

Officers:

Alex Chrusciak, Senior Manager - Development Management

Wayne Campbell, Principal Planning Officer

James Kirkham, Principal Planning Officer

David Lowin, Principal Planning Officer (Major Projects Team)

Nat Stock, Minors Team Leader

Samantha Taylor, Principal Planning Officer

David Mytton, Solicitor

Lesley Farrell, Democratic and Elections Officer

Aaron Hetherington, Democratic and Elections Team Leader

## **Declarations of Interest**

### **6. Urgent Business.**

Councillor Ian Corkin, Conflict of Interest, As a NED for Graven Hill Village Development Company and would leave the meeting for the duration of the item.

Councillor Les Sibley, Declaration, as he did not support application 21/03177/F and would not take part in the debate or vote on the application.

### **8. OS Parcel 5700 South West of Grange Farm, Street through Little Chesterton, Chesterton.**

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

### **10. Waverley House, Queens Avenue, Bicester, OX26 2PY.**

Councillor Les Sibley, Declaration, as a member of Bicester Town Council which had been consulted on the application and that he would speak as local ward member in objection to the application and leave the meeting for the duration of the item

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

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

### **14. Castle Quay 2, Spiceball Park Road, Banbury, OX16 2PA (1217).**

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

### **15. Land Adjacent to The Oxford Canal, Spiceball Park Road, Banbury.**

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

**16. 22 Castle Quay, Banbury, OX16 5UH.**

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

**17. 22 Castle Quay, Banbury, OX16 5UH (LB).**

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

**18. Castle Quay 2, Spiceball Park Road, Banbury, OX16 2PA (1149).**

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

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

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

31 **Requests to Address the Meeting**

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

32 **Minutes**

The Minutes of the meeting held on 6 June 2022 were agreed as a correct record and signed by the Chairman.

33 **Chairman's Announcements**

There were no Chairman's Announcements.

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

There were no proposed Pre-Committee site visits.

35 **Urgent Business**

The Chairman advised that he had agreed to add two items of urgent business to the agenda as the matters had arisen after agenda publication and decisions by the Committee were required before the next scheduled meeting of the Committee.

1. **Application 21/01454/F - Former Rodney House Private Drive Off Graven Hill Road, Ambrosden**

The first item of urgent business related to application 21/01454/F for the proposed Bicester Health and Wellbeing Hub at Former Rodney House, Private Drive off Graven Hill Road, Ambrosden for Mr Richard Drew.

The Committee was advised that following their resolution in February 2022 to delegate authority to the Assistant Director Planning and Development to grant planning permission subject to conditions, an s106 deed of variation to the extant s106 to address the revised biodiversity mitigation and a s106 to secure a contribution to improve public transport (bus) provision to the site, officers had not been able to determine the application due to outstanding

matters which could not be resolved within the scope of the delegated powers to officers within the scope of the resolution to approve the application.

The Applicant had advised that the development may not proceed if a decision was not issued by 22 July 2022. The report was therefore submitted to the Committee as urgent business to request the Committee agree the necessary amendments to the delegated powers previously given to officers.

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

## Resolved

- (1) That authority be delegated to the Assistant Director of Planning and Development to grant permission for application 21/01454/F subject to:
  - i) The conditions set out in the agreed minutes from the 10 February 2022 Planning Committee meeting (and any amendments to those conditions as deemed necessary) and alterations to condition 2 (approved plans) and 22 (footway/cycleway) as follows:
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: [**BHWH-IBI-XX-XX-PL-A-100003 Rev 8 – Red Edge Plan**]; IBI-AR-XXXX-PL-100-004 Rev 17 – Proposed Site Masterplan; WIE11386-HHA-05-001 RevA01 – Health Hub & Western Spine Road Vis.; **WIE-16470-ZZ-XX-DR-L-74-101 RevT02 – Biodiversity Net Gain Offset Plan**; 122447-IBI-XX-WS-PL-A-100-005 Rev 7– Existing Site Location Plan; IBI-XX-XX-PL-A-200-005 Rev 18 – Proposed Site Plan; 16470-WIE-100-74-XX-ZZ-000 Rev A – Colour Masterplan; 122447-IBI-XX-XX-PL-A-200-5010 Rev P4 – Ground Floor Plan; 122447-IBI-XX-XX-PL-A-200-5011 Rev P4 – First Floor Plan; 122447-IBI-XX-XX-PL-A-200-5012 Rev P4 – Second Floor Plan; 122447-IBI-XX-XX-PL-A-200-5013 Rev P1 – Roof Plan; 122447-IBI-XX-XX-EL-A-200-5020 Rev P1 – North & West Elevations; 122447-IBI-XX-XX-EL-A-200-5021 RevP1 – East & South Elevations; 122447-IBI-XX-XX-EL-A-200-5022 Rev P1 – Courtyard Elevations; 8757-MCP-V1-XX-DR-E-9000 Rev P01 – External Lighting Strat. & PV Plan; 16470-WIE-100-74-XX-ZZ-100 Rev P03 – Illustrative Landscape Plan; Design & Access Statement, March 2021; Planning Statement, April 2021; WSI for Archaeological Investigation, February 2021; Technical Note – Biodiversity Net Gain Assessment, April 2021; Supplemental Tech. Note – Biodiversity Net Gain Assessment, August 2021; Ecological Impact Assessment, March 2021; Building Regs Part L Compliance Report, March 2021; Geotechnical Desk-Study Report – Part 1, February 2021; Geotechnical Desk-Study Report – Part 2, February 2021; Geotechnical Site Investigation Report, June 2021; Arboricultural Impact Assessment, April 2021; Arboricultural Survey Schedule, August 2020; Arboricultural Briefing Note, December 2021; Flood Risk Assessment & S/W Drainage Strategy, March 2021; Travel

Plan, March 2021; Transport Assessment – Part 1, April 2021; Transport Assessment – Part 2, April 2021; Transport Assessment – Part 3, April 2021; Supplemental TRICS data for GP Surgeries with Pharmacies; Transport Tech. Note – Primary Health Care Hub proposals, July 2021. 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:

22. The development shall not be brought into use until the footway running from the south of the building and linking to the east to connect to a private road leading to Anniversary Avenue, has been upgraded to a shared footway/cycleway in full accordance with a Scheme of upgrade works that shall include details of lighting, surfacing and signage. This Scheme shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

- ii) A S106 deed of variation to the extant S106 to address the revised biodiversity mitigation and the footway/cycleway as per the following S106 Heads of Terms (and any amendments as deemed necessary):
  - a) An additional commuted sum for the additional planting and the extra maintenance costs of the biodiversity enhancement areas, in addition to any capped commuted sums, of £7,000 (index linked) and associated extra maintenance £7,000 (index linked) or any amendments to those figures deemed necessary; and
  - b) An additional commuted sum for the maintenance of the footpath/cycleway upgrade works, in addition to any capped commuted sums, of £803.25 (index linked) for the maintenance of the re-surfaced footway/cycleway, and an appropriate figure (to be confirmed) for the maintenance of the lighting, or any amendments to those figures deemed necessary.
- iii) 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 S106 Heads of Terms as follows (and any amendments as deemed necessary):
  - a) £310,262 index linked – Payment of a contribution to improve public transport (bus) provision to the site;
  - b) £2,336 index linked – OCC Travel Plan Monitoring Fee; and
  - c) £4,550 – S106 monitoring fee.

iv) In the event that the LLFA objection is not resolved, authority be delegated to the Assistant Director for Planning and Development to add an additional condition 23 (Flood) as follows (and any amendments to that condition as deemed necessary):

23. Prior to commencement of development a surface water drainage management strategy shall be submitted to and approved the Local Planning Authority. The strategy shall include details of the management of the proposed system. Thereafter the development hereby permitted shall be constructed in accordance with this strategy, including calculated micro drainage results and clarification that the site can be satisfactorily drained to the adjoining watercourse and details of arrangements should the surface water system fail.

Reason: To ensure a sustainable and adequate surface water drainage scheme for the development that complies with Government guidance contained within the National Planning Policy Framework and associated Planning Policy Guidance.

## 2. **Application 21/03177/F - Axis J9 Phase 3 Howes Lane Bicester.**

The second item of urgent business related to application 21/03177/F, a full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works at Axis J9 Phase 3, Howes Lane, Bicester for Albion Land.

The Committee was advised that at its 16 June 2022 meeting, the Committee had resolved to refuse the application. Officers had been working on the wording of the reason for refusal and have been advised that the applicant intends to appeal the decision to refuse the application.

Legal advice received after the publication of the agenda for this meeting indicated that officers required additional powers to be delegated from the Planning Committee to allow them to deal with any S106 issues within an appeal. As it was understood the appeal would be lodged imminently, the report was submitted to the Committee as urgent business to ensure the necessary delegation was in place, and that the Committee's refusal reasons were defined and available to the applicant so that their appeal could be lodged against those specified reasons. To delay a decision, could result in the risk of an award of costs against the Council.

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

**Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development, having regard to the Heads of Terms, and Heads of Terms update (attached), to negotiate and complete an agreement containing obligations pursuant to S106 of the Town and Country Planning Act 1990 (as amended) relating to any planning appeal submitted against the decision issued under application 21/03177/F:
- (2) That application 21/03177/F be refused for the following reasons:
  1. The proposed development introduces unanticipated commercial uses onto a site identified for housing via the Masterplan included within the North West Bicester Supplementary Planning Document 2016. The development proposed would be incompatible with the existing residential uses to the east of Howes Lane and would have a detrimental impact upon the residential amenity of those nearby residential occupiers. The proposal is therefore not considered to be sustainable development and is contrary to Policies SLE1 (in particular paragraph 6, bullet point 7 (with respect to land uses and residents only), ESD15 (in particular bullet points 3 and 11 (but not related to privacy, natural lighting, ventilation or indoor and outdoor space)) and Policy Bicester 1 (paragraph 2 and bullet points 1 and 25 under the section titled 'Key site specific design and place shaping principles') of the Cherwell Local Plan Part 1 2011-2031, Policy C31 of the Cherwell Local Plan 1996, the North West Bicester Supplementary Planning Document 2016 and the National Planning Policy Framework.
  2. In the absence of a satisfactory completed S106 or other planning obligation, the Local Planning Authority is not convinced that the necessary infrastructure required both on and off site as a result of this development to mitigate the impact of the development will be provided. This would be contrary to Policies INF1, SLE4, and Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031, the North West Bicester Supplementary Planning Document 2016, the Council's Developer Contributions Supplementary Planning Document (February 2018) and the advice within the National Planning Policy Framework.

**OS Parcel 5700 South West of Grange Farm, Street through Little Chesterton, Chesterton**

The Committee considered application 22/01144/F a full planning application for the erection of a new high quality combined research, development and production facility comprising of Class B2 floorspace and ancillary office floorspace with associated infrastructure including formation of signal-controlled vehicular access to the A41 and repositioning of existing bus stops; ancillary workshops; staff gym and canteen; security gate house; a building for use as an energy centre (details of the energy generation reserved for future approval); loading bays; service yard; waste management area; external plant; vehicle parking; landscaping including permanent landscaped



mounds; sustainable drainage details; together with the demolition of existing agricultural buildings within the red line boundary; and the realignment of an existing watercourse at OS Parcel 5700 South West of Grange Farm Street Through Little Chesterton, Chesterton for Tritax Symmetry Oxford North Limited and Siemens Healthineers.

Nick Wyke, agent for the applicant and Andre Lindeboom of Siemens Magnet Technology, addressed the Committee in support of the application.

It was proposed by Councillor Coton and seconded by Councillor Broad that application 22/01144/F be refused contrary to the officer's recommendation as the site was on unallocated land and not in the local plan. There was also concern around the impact on the local villages of Chesterton, Wendlebury and Weston.

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

It was proposed by Councillor Corkin and seconded by Councillor Clarke that application 22/01144/F be approved.

On reaching its decision the Committee considered the officers report and presentation, the written updates, and the address of the public speakers.

### **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 22/01144/F subject to:
  - i) 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 infrastructure set out in appendix 1 and amendments in the written updates (and any amendments to those obligations as deemed necessary).
  - ii) The following conditions (and any amendments to those conditions as deemed necessary):

### **Time Limit**

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

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:
- Access Plan - Drawing 205223/PD09 Rev C
  - 13-222-SGP-STE-00-DR-A-131002 - Location Plan – Symmetry Park, Oxford North (Rev. P8)
  - 13-222-SGP-ZZ-ZZ-DR-A-131007 – Watercourse Diversion Planning Location Plan (Rev. P1)
  - 13-222-SGP-ZZ-ZZ-DR-A-131009- 01 – Location Plan
  - 13-222-SGP-ZZ-ZZ-DR-A-121404 – Energy Centre Proposed Plan & Elevations (Rev. A)
  - 13-222-SGP-ZZ-ZZ-DR-A-131000 - Site Plan – Phase 1 (Rev. V)
  - 13-222-SGP-ZZ-ZZ-DR-A-131001 - Site Plan – Phase 2 (Rev. V)
  - 13-222-SGP-ZZ-ZZ-DR-A-131003 - External Furniture & Boundary Treatment Plan – Phase 2 (Rev. M)
  - 13-222-SGP-ZZ-ZZ-DR-A-131105 – Phase 1 – Production Area Layout (Rev. F)
  - 13-222-SGP-ZZ-ZZ-DR-A-131106 – Phase 1 & 2 – Office Layout (Rev. D)
  - 13-222-SGP-ZZ-ZZ-DR-A-131107 – Phase 1 – Gross External Area Plans (Rev. C)
  - 13-222-SGP-ZZ-ZZ-DR-A-131108 – Phase 1 - GIA Plans and Critical Dimensions (Rev. E)
  - 13-222-SGP-ZZ-ZZ-DR-A-131109 – Phase 1 – Roof Plan (Rev. G)
  - 13-222-SGP-ZZ-ZZ-DR-A-131110 – Phase 2- Production Area Layout Rev. E)
  - 13-222-SGP-ZZ-ZZ-DR-A-131112 – Phase 2 – Gross External Area Plans (Rev. C)
  - 13-222-SGP-ZZ-ZZ-DR-A-131113 – Phase 2 – GIA Plans & Critical Dimensions (Rev. D)
  - 13-222-SGP-ZZ-ZZ-DR-A-131114 – Phase 2 – Roof Plan (Rev. H)
  - 13-222-SGP-ZZ-ZZ-DR-A-131115 - Phase 1 & 2 – Facilities Management Building (Rev. D)
  - 13-222-SGP-ZZ-ZZ-DR-A-131116 - Phase 1 & 2 – Gatehouse (Rev. B)
  - 13-222-SGP-ZZ-ZZ-DR-A-131200 – Phase 1 – Production Area Sections (Rev. D)
  - 13-222-SGP-ZZ-ZZ-DR-A-131201 – Phase 1 & 2 – Office Sections (Rev. C)
  - 13-222-SGP-ZZ-ZZ-DR-A-131202 – Phase 2 - Production Area Sections (Rev. D)
  - 13-222-SGP-ZZ-ZZ-DR-A-131204 – Phase 1 & 2 - Atrium Sections (Rev. E)
  - 13-222-SGP-ZZ-ZZ-DR-A-131300 – Phase 1 – Elevations (Rev. E)
  - 13-222-SGP-ZZ-ZZ-DR-A-131303 – Phase 2 – Elevations (Rev. E)
  - 13-222-SGP-ZZ-ZZ-DR-A-131307 – Elevation Visuals
  - Drainage Layout Drawing No. T/20/2407 Rev P5
  - Water Course Sections T-212407 60-04 Rev P3
  - Flood Risk Assessment ES Appendix 11.1 FRA V1.5

- Impermeable Areas Plan Drg 51 02 p1 (Dwg. No. T/20/2407 51-02 Rev P1)

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. The building hereby approved shall be constructed to BREEAM Excellent Standard or requirement thereof.

Reason: To ensure sustainable construction and to reduce carbon emissions in accordance with Policies ESD1-5 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

4. All planting, seeding or turfing comprised in the approved details of landscaping (EDP. Drawing no. EDP2425\_d017e) 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 operation of the service yard, or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The Delivery and Servicing Plan (January 2022, included as Appendix T of Vectos Transport Assessment dated March 2022) shall be implemented in perpetuity for the operation of the development hereby approved. The Plan shall ensure the implementation of specific details on the routing of vehicles in order to ensure that larger service / delivery vehicles avoid inappropriate routes on the local road network, in order to mitigate the impact on the surrounding network.

Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Shift change overs of Production Staff will avoid start and finish times during the peak highway network hours of 08:00 – 10:00 and 16:00 – 18:00, Monday-Friday in order to mitigate the impact of the development on the local highway network during peak network hours.

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.

7. No energy generating equipment shall be installed within the energy centre hereby approved until an updated air quality assessment and noise impact assessment has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

8. All plant, machinery, and equipment to be used by reason of the granting of this permission, including any sound attenuating structures, shall be so installed, maintained and operated so as to ensure that the rating noise level from the site does not exceed the baseline background sound levels presented in Table 7.25 of the Environmental Statement (March 2022) and summarised below when measured at the boundary of any noise sensitive receptor. Measurement and rating of noise for the purposes of this condition shall be in accordance with BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Receptor	Period	Derived Background Sound Level L (A90)
Half Mile House	Daytime	54
	Night-Time	42
Green Farm Cottages	Daytime	54
	Night-Time	46
Church Lane	Daytime	56
	Night-Time	41

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.

9. Surface Water Discharge from the development site shall be limited to 80% of QBAR rate up to the 1% AEP event plus an allowance of 40% for climate change (a discharge limit of 18.0 l/s).

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

**PRE-COMMENCEMENT CONDITIONS**

10. No development of any phase shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority for that phase. The CMP shall be appropriately titled (site and planning

permission number) and shall provide for as a minimum:

- Routing of construction traffic and delivery vehicles including means of access into the site;
- Details of any road closures needed during construction;
- Details of any traffic management needed during construction;
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Measures to control the emission of dust and dirt during construction;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours;
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and 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.

11. No development shall take place (including demolition, ground works, vegetation clearance) on any phase until a Landscape and Ecological Management Plan (LEMP) for the development site has been submitted to and approved in writing by the Local Planning Authority for that phase. The LEMP will set out in detail the measures to be implemented to ensure the successful establishment/installation of new habitats/features and the long-term maintenance and management of both existing and new habitats/features proposed as part of the soft landscape scheme.

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.

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

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.

13. 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 shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. If contamination is found by undertaking the work carried out under condition 13, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

15. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 14. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

16. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the relevant phase of development is resumed or continued.

Reason: To ensure that risks from land contamination to the future users

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

17. No development shall take place until 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 (2021).

18. Following the approval of the Written Scheme of Investigation referred to in Condition 17, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological 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 (2021).

19. No development shall take place until, notwithstanding the details included in Woodland Management Plan edp2425\_r018b (June 2022), an updated Woodland Management Plan to include a full management and replanting strategy for the ancient woodland has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the ancient woodlands longevity, and unique habitat is secured.

20. No development shall commence until a construction phasing plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

21. No development shall commence until a Sustainable Surface Water Management Strategy compliance report to demonstrate how the



scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire” shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

22. No development shall commence until a Flood Exceedance Conveyance Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

23. No development shall commence until results from comprehensive infiltration testing across the site to BRE DG 365 standard have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

24. No development shall commence until detailed design drainage layout drawings of the SuDS proposals including cross-section details have been submitted to and approved in writing by the Local Planning Authority. The approved Drainage details shall be fully implemented prior to first occupation of each phase of the development.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

25. No development shall commence until details of how water quality will be managed during construction and post development in perpetuity have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

26. No development above ground shall take place until details of any consents for any connections into third drainage systems have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

#### **PRIOR TO THE CONSTRUCTION OF WORKS ABOVE GROUND LEVEL**

27. No development above ground level shall take place until a strategy has been submitted to and agreed in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided during the construction phase. Prior to the

first occupation and prior to the occupation of any subsequent occupiers of the building, a further strategy shall be submitted to and approved in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided by the occupiers of the unit. The strategies above shall include details of the number of apprenticeships and training posts, over what period of time they will be employed, where the apprentices may be placed within the company and where apprentices will be taken from. The strategies shall be implemented in accordance with the approved details.

Reason: In the interests of ensuring appropriate and adequate apprenticeships are made available in accordance with policy BSC7 of the Cherwell Local Plan 2011-2031, the Council's SPD on Developer Contributions (2018) and Government guidance within the National Planning Policy Framework.

28. No development above ground level shall take place on any phase until a scheme for the installation of PV panels to achieve a total power output of at least 380kWpeak on each phase has been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase shall be operational prior to the first occupation of that phase and be retained in accordance with the approved plans.

Reason: In the interests of sustainable development, and to comply with Policies ESD1-5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

29. A Biodiversity Net Gain will be achieved, as set out in the Biodiversity Impact Assessment edp2424\_r021b (July 2022). No development above ground level shall take place until a detailed Habitat Management Plan (HMP) setting out the specific management prescriptions for each habitat type on Site, including measures for habitat creation/enhancement and ongoing management and maintenance to ensure that the target habitat quality and condition is met post-development, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the building.

Reason: To achieve a Net Gain in biodiversity, this information is required prior to commencement as it is fundamental to the acceptability of the proposals.

30. No development above ground level shall take place until details of all permeable paving have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

31. No development above ground level shall take place until a detailed SuDS maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

**PRIOR TO OCCUPATION**

32. Prior to the first occupation of each phase of the building hereby approved, a detailed scheme showing external illumination of that phase of building and its curtilage shall be submitted to and approved in writing by the LPA. The scheme shall be implemented as approved.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2015, saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

33. Prior to the first occupation of the development car park facilities shall be provided on the site (as shown in drawing ref: 13-222-SGP-ZZ-ZZ-DR-A-131000 Rev V: Site Pan – Phase 1). Thereafter, the car park facilities shall be permanently retained and maintained for the parking of vehicles in connection with the development.

Reason: In the interests of maintaining a well-functioning road network and in accordance with Policy SLE4, ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

34. Prior to the first occupation of the development covered cycle parking facilities shall be provided on the site (as shown in drawing ref: 13-222-SGP-ZZ-ZZ-DR-A-131000 Rev V: Site Pan – Phase 1). 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 promoting sustainable transport modes in accordance with Policy SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

35. Prior to first occupation of the development a Workplace Travel Plan prepared in accordance with the Framework Travel Plan (January 2022, included as Appendix S of Vectos Transport Assessment dated March 2022, to include implementation of working practices for office staff set out in 'Healthineers Way of Working' (December 2020) to achieve a broad 70/30 split of office/remote based working) will be submitted to and approved by the Local Planning Authority. The plan shall incorporate site specific details of the means of regulating the use of private cars

related to the development in favour of other modes of transport and the means of implementation and methods of monitoring.

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.

36. Prior to the first occupation of the development, a record of the installed SuDs and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans (.pdf and .shp file format);
  - b) Photographs to document each key stage of the drainage system when installed on site.
  - c) Photographs to document the completed installation of the drainage structures on site;
  - d) The name and contact details of any appointed management company information.

Reason: In accordance with section 21 of the Flood and Water Management Act 2010.

37

### **Kidlington Garage, 1 Bicester Road, Kidlington, OX5 2LA**

The Committee considered application 22/00017/F for the demolition of an existing vehicle showroom and associated garages and the erection of 2 new housing blocks containing a total of 15 flats including car parking and ancillary supporting uses with landscaping at Kidlington Garage, 1 Bicester Road Kidlington OX5 2LA for Sweetcroft Homes.

Local Ward Member, Councillor Ian Middleton, addressed the Committee regarding the application.

Neil Perry of Anderson Orr Architects addressed the Committee in support of the application.

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

### **Resolved**

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 22/00017/F subject to:
  - i) 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 (and any amendments deemed necessary):

S106 Head of Terms - As set out in the table at Appendix 1.

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

**Time Limit**

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

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:

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.

**Landscaping**

3. 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.
- (d) Full details of all means of enclosures

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The development shall be carried out in accordance with the approved details and the hard landscape elements shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

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 that any

trees 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 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 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.

**Materials Details**

4. No development shall commence above slab level unless and until full details of the materials to be used in the construction of the external walls and roof of the building (including samples) as well as how these materials are to be applied on building have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure and retain the satisfactory appearance of the completed development 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.

**Door and Window Details**

5. No development shall commence above slab level except for demolition unless and until full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details and shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure and retain the satisfactory appearance of the completed development 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.

**Vehicular Access Details**

6. No development shall commence except for demolition unless and until full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting and drainage, have been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access,

driveways and turning areas shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Parking Space Provision**

7. No dwelling shall be occupied until car parking space to serve that dwelling has been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority.

Reason: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

#### **Surface Water Drainage Details**

8. No development shall commence except for demolition unless and until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
  - Discharge Rates
  - Discharge Volumes
  - Maintenance and management of SUDS features
  - Sizing of features - attenuation volume
  - Infiltration in accordance with BRE365
  - Detailed drainage layout with pipe numbers
  - SUDS - (in a treatment train approach to improve water quality)
  - Network drainage calculations
  - Phasing
  - Flood routes in exceedance

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 Policies ESD6 and ESD7 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Site Contamination**

9. Further contamination risk assessment is required in accordance with paragraph 10.3.2 of the submitted Geo-Environmental Site Investigation, BRD3473-OR2-A report. Prior to the commencement of the development hereby permitted, the further assessment recommended at paragraph 10.3.2 shall be undertaken to inform the remediation strategy proposals. This 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.

10. If contamination is found by undertaking the work carried out under condition 9, 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.

11. If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. 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.

12. 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.

### **Cycle Storage**

13. Prior to the first occupation of the dwellings hereby approved, full design details of the cycle storage area, including elevations and materials, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved cycle storage area shall be erected in accordance with the approved details, prior to the first occupation of those dwellings.

Reason: To encourage sustainable modes of transport, to ensure the satisfactory appearance of the completed development and to comply with Policies ESD1 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Waste Management**

14. Prior to the occupation of the development hereby approved, a waste management strategy including details of how waste would be collected from the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

Reason: In order that proper arrangements are made for the disposal of waste, in the interests of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Biodiversity Enhancement**

15. No development shall commence, including any demolition, and any works of site clearance, unless and until a method statement for enhancing the biodiversity on the site 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 Part 1 and Government guidance contained within the National Planning Policy Framework.

**Boundary Treatments**

16. No development shall commence above slab level except for demolition unless until details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Thereafter, boundary treatments shall be implemented prior to the occupation of any unit on the site and retained in accordance with the approved details.

Reason: In order that proper arrangements are made for the disposal of waste, in the interests of highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Site Clearance outside of Nesting Season**

17. 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.

**Noise Levels to Habitable Rooms**

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

Reason: In the interests of the residential amenities of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**Construction Environment Management Plan**

19. No development shall commence unless and until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP

Reason: In the interests of the residential amenities of the area, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

**External Lighting**

20. Prior to the first use of the development hereby approved details of the external lighting and security 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 the first use of the development hereby approved the lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In the interests of the residential amenities of the area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

**Obscure Glazing to Eastern Windows of Block A**

21. The windows at ground floor, first floor and second floor level in the eastern side elevation that serve the habitable living areas of flats 1, 5 and 9 as shown on the Sketch Units – Block A Plans 18112-PP-002-A shall be permanently retained with purpose made obscure glazing and shall be top opening only at 1.7m above the floor level of the room in which the window is installed.

Reason: To safeguard the amenity of the occupiers at Mulberry Court, former 3 Bicester Road, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

22. The amenity space as shown on the Block Plan 18112-PP 001-C shall be retained and maintained as an amenity space for the future occupiers of the development only.

Reason: In the interests of the amenity of future occupiers of the development, to comply with Policy ESD15 of the Cherwell Local Plan

2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

38

**Waverley House, Queens Avenue, Bicester, OX26 2PY**

The Committee considered application 21/02573/F for the demolition of an existing building and erection of a building to form 48 apartments together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure at Waverley House, Queens Avenue, Bicester, OX26 2PY for GG Oxford Investments Limited.

Local Ward Member, Councillor Les Sibley, addressed the Committee in objection to the application.

Jo Bennett, agent for the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Broad and seconded by Councillor Mould that application 21/02573/F be refused as it would cause substantial harm. Notwithstanding that the application site was in a sustainable location, the bulk, scale and height of the building and the loss of setback would be a considerable change in the street scene and would not be in keeping with the character of the street. It was also noted that there was an outstanding objection from the Local Flood Authority.

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

**Resolved**

- (1) That application 21/02573/F be refused contrary to the officer's recommendation for the following reasons, with the exact wording of the reasons for refusal delegated to the Assistant Director Planning and Development:
  - 1) It would cause substantial harm. Notwithstanding that the application site is in a sustainable location, the bulk, scale and height of the building and the loss of setback along with the loss of a non-designated heritage asset would be a considerable change in the street scene and would not be in keeping with the character of the street. The lack of visitor parking would also result in on street parking. It was also noted that there was an outstanding objection from the Local Flood Authority and there was no signed S106 agreement.
- (2) Authority be delegated to The Assistant Director for Planning and Development to negotiate and complete an agreement containing obligations pursuant to S106 of the Town and Country Planning Act 1990 (as amended) relating to any planning appeal submitted against the decision issued under application 21/02573/F.

**North Arms Inn, Mills Lane, Wroxton, OX15 6PY**

The Committee considered application 22/00256/F for the change of use from a public house to a single residential dwelling at the North Arms Inn, Mills Lane, Wroxton, OX15 6PY for James Collins.

James Collins, the applicant, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers report and presentation, the written updates and the address of the public speaker.

**Resolved**

(1) That permission be granted for application 22/00256/F subject to the following 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 information contained within the application form and drawings Site Location Plan and Site P

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

40 **Allotment Gardens West Of Roebuck Inn and South East of The Blinking Owl Ph, Banbury Road, North Newington, OX15 6AB**

The Committee considered application 21/01561/F for the erection of one detached dwelling and detached garage at Allotment Gardens West of the Roebuck Inn and Southeast of The Blinking Owl Public House, Banbury Road, North Newington, OX15 6AB for Mr Christopher McNally.

It was proposed by Councillor Reynolds and seconded by Councillor Corkin that application 21/01561/F be deferred for a site visit to enable Members to see the development site in context with the proposed access and parking.

**Resolved**

That consideration of application 21/01561/F be deferred to allow for a site visit.

41 **Land Adj To Cotswold Country Club and South of Properties on Bunkers Hill, Shipton on Cherwell**

The Committee considered application 22/00978/M106 for the modification of the S106 to application 18/01491/OUT - Planning obligation, specifically sections 1.1, 2.1, 2.3 of Part 5 Schedule 2 of the s106, dated 19/06/2019 (all sections referring to the existing water tower) (resubmission of 21/02503/M106) at Land Adj to Cotswold Country Club and South of Properties on Bunkers Hill, Shipton on Cherwell for Keble Homes.

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

**Resolved**

- (1) That the obligation be modified in accordance with the Deed of Variation dated 1 July 2021, submitted with application 22/00978/M106 on the basis that circumstances had changed since the s106 to 18/01491/OUT was completed. The s106, as modified, continued to serve a useful purpose, delivering the other benefits of the development regarded as necessary at the time of determination to make the development acceptable in planning terms.

42 **Castle Quay 2, Spiceball Park Road, Banbury, OX16 2PA (1217)**

The Committee considered application 22/01217/DISC for the partial discharge of Condition 22 (operational plant and mitigation) in relation to Unit 6 of the Castle Quay 2 Development of application 16/02366/OUT at Castle Quay 2 Spiceball Park Road Banbury Oxfordshire OX16 2PA for Pizza Express Restaurants Limited.

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

**Resolved**

- (1) That permission be granted for the discharge of condition 22 (operational plant and mitigation) in regard to unit 6 of block B, of application 16/02366/OUT. Details approved are as follows:

EMAQ Risk Assessment for Odour  
Kitchen Extract Layout C137-M-11-01  
WC Extract Layout C137-M-11-02  
General Extract Layout C137-M-11-03  
Fresh Air Supply Layout C137-M-11-04  
All Ventilation Layout C137-M-11-05  
First Floor Plant Room Layout C137-M-11-06  
Second Floor Plant Deck Layout C137-M-11-07  
Roof Level C137-M-11-08  
Air Conditioning Layout C137-M-15-01

43 **Land Adjacent to The Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 22/01588/DISC for the partial discharge of condition 22 (operational plant and mitigation) in relation to Unit 4 of Block B of Castle Quay 2 Development of application 16/02366/OUT at Land Adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Nando's Chickenland Limited.

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

**Resolved**

- (1) That permission be granted for the partial discharge of condition 22 (operational plant and mitigation) in regard to Unit 4 of Block B of application 6/02366/OUT. Details approved are as follows:

Equipment Schedule  
Nando's Shell Specification  
Block Plan 1139542  
Proposed Ground Floor HVAC Layout and Sections 8277-02 Rev A  
Proposed First Floor M&E HVAC Layout and Sections 827703 Rev P2  
Proposed Roof HVAC Layout 8277-07 Rev P2

44 **22 Castle Quay, Banbury, OX16 5UH**

The Committee considered application 19/02538/F for Shopfront alterations and other external alterations including the installation of 3 No air conditioning units at 22 Castle Quay Banbury OX16 5UH for Coffee #1 Limited.

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

**Resolved**

- (1) That permission be granted for application 19/02538/F subject to the following conditions:

**Compliance with Plans**

1. 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: P2, P6, P7, T3 Rev A, T05 Rev A and email received on (18.11.2020) at 15:07hrs from the applicant's agent (John-Rhys Davies) confirming the omission of the proposed illumination within the shopfront.

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

45

**22 Castle Quay, Banbury, OX16 5UH (LB)**

The Committee considered application 19/02539/LB, listed building consent for the alteration to a shopfront, installation of new advertisements, installation of 3 No air conditioning units and other external and internal alterations at 22 Castle Quay, Banbury, OX16 5UH for Coffee #1 Limited.

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

**Resolved**

- (1) That listed building consent be granted subject to the following condition:

**Compliance with Plans**

1. 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: P2, P6, P7, T3 Rev A, T05 Rev A and email received on (18.11.2020) at 15:07hrs from the applicant's agent (John-Rhys Davies) confirming the omission of the proposed illumination within the shopfront.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to preserve the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C18



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

46 **Castle Quay 2, Spiceball Park Road, Banbury, OX16 2PA (1149)**

The Committee considered application 2/01149/F for the formation of new external seating area at Castle Quay 2, Spiceball Park Road, Banbury Oxfordshire, OX16 2PA for Pizza Express Restaurants Limited.

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

**Resolved**

- (1) That permission be granted for application 2/01149/F subject to the following 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:

Site Location Plan 2209/SL01  
Proposed External Elevations 2209/P02

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.

47 **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 7.30 pm

Chairman:

Date: