

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at 39 Castle Quay,  
Banbury, OX16 5FD, on 10 April 2025 at 4.00 pm

#### **Present:**

Councillor Barry Wood (Chairman)  
Councillor Rebecca Biegel  
Councillor Chris Brant  
Councillor Phil Chapman  
Councillor Jean Conway  
Councillor Grace Conway-Murray  
Councillor Dr Isabel Creed  
Councillor David Hingley  
Councillor Lesley McLean  
Councillor Robert Parkinson  
Councillor David Rogers  
Councillor Dr Kerrie Thornhill

#### **Substitute Members:**

Councillor Linda Ward (In place of Councillor John Broad)  
Councillor Douglas Webb (In place of Councillor Ian Harwood)

#### **Apologies for absence:**

Councillor Amanda Watkins (Vice-Chair)  
Councillor John Broad  
Councillor Becky Clarke MBE  
Councillor Ian Harwood  
Councillor Fiona Mawson  
Councillor Les Sibley

#### **Officers:**

Paul Seckington, Head of Development Management  
Andy Bateson, Team Leader - North Area Major Developments  
Karen Jordan, Deputy Principal Solicitor  
Nick Wyke, Principal Planning Officer  
Lewis Knox, Senior Planning Officer  
Nina Guy, Graduate Pathways to Planning  
Matt Swinford, Democratic and Elections Officer  
Martyn Surfleet, Democratic and Elections Officer

127 **Declarations of Interest**

**8. Land North of Grundon, Merton Street, Banbury**

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

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

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

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

**10. 30 Orchard Way, Banbury, OX16 0HA**

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

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

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

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

128 **Requests to Address the Meeting**

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

129 **Minutes**

Subject to the correction of the refusal reason at Minute 124, the Minutes of the meeting held on 20 March 2025 were agreed as a correct record and signed by the Chairman.

130 **Chairman's Announcements**

There were no Chairman's announcements.

131 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

133 **Land North Of Grundon, Merton Street, Banbury**

The Committee considered application 24/02661/F for the development of 10 speculative commercial units and associated car parking/yard areas planning use classes B2, B8, Eg(i), Eg(ii), Eg(iii) at Land North Of Grundon, Merton Street, Banbury for E5 Commercial (Higham Way) Ltd.

Wendy Parga, local resident, addressed the Committee in objection to the application.

It was proposed by Councillor Biegel and seconded by Councillor Creed that application 24/02661/F be refused as the application was contrary to the current allocation in the current Local Plan under policy Banbury 19 and contrary to policy to ESD15 of the Cherwell Local Plan 2025 and saved policies C28 and ENV1 and in absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the proposal was contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework. It was agreed that the exact wording for reasons for refusal to be delegated to officers.

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

**Resolved**

That, against officer recommendation, the application be refused with the exact wording for reasons for refusal to be delegated to officers and to be published with the decision notice.

134 **Land Parcels For Central Energy Centre, Somerton Road, Upper Heyford, OX25 5LB**

The Committee considered application 24/02937/OUT, an outline application with all matters reserved at Land Parcels For Central Energy Centre, Somerton Road, Upper Heyford, OX25 5LB for Upper Heyford Parish Council. The Upper Heyford Heat Network is to provide low-carbon heat supply to 156 buildings in Upper Heyford Village. The buildings comprise 153 Domestic buildings and 3 non-domestic buildings comprising The Barley Mow (public

house), Upper Heyford Reading Rooms and Upper Heyford Village Hall. The three main construction components to the work: 1 - Drilling of 134 no. boreholes to accommodate the closed loop ground source pipework which will provide the long-term low-grade heat for the heat network; 2 - A newly constructed, single storey energy centre building housing internal Ground Source Heat Pump (GSHP) units, thermal storage and other heat generation and supply infrastructure - the building will have external Air Source Heat Pump (ASHP) units and associated pipework; 3 - Approximately 6,614m of trench work to connect pipework from the boreholes to the energy centre and the primary heat distribution system to all the participating buildings via dedicated, in property heat interface units (HIU)

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

### **Resolved**

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning and Development to grant permission for application 24/02937/OUT subject to conditions (and any amendment 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 form and following approved plans and documents:

Heat Network Layout. Drawing No. 2303 005a Rev 2.0;  
Trench Detail. Drawing No. 2303 015 Rev 1.0;  
Natural Heritage Constraints. Drawing No. 23030 006 Rev 3.0;  
Cultural Constraints. Drawing No. 2303 007 Rev 3.0;  
Landscape Character. Drawing No. 2303- 008 Rev 3.0;  
Heat Network Pipe Layout. Drawing No. 2303-009 Rev 3.0;  
Borehole Array Layout. Drawing No. 2303-013 Rev 3.0;  
Site Plan. Drawing No. 2303-001 Rev 3.0; and  
Rights of Way Plan. Drawing No. 2303-003 Rev 3.0.

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.

### Highways

3. No development shall commence unless and until full specification details (including construction, layout, surfacing and drainage) of the turning area and 21 parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, have been submitted to and approved in writing by the Local Planning Authority. The turning area and car parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development shall be retained as such for the parking and manoeuvring of vehicles at all times thereafter.

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.

4. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

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

5. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

6. 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 the unit they serve, 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

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

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

#### Ecology

8. No development shall commence (including demolition, ground works, vegetation clearance) unless and 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 and mitigation 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 (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 the National Planning Policy Framework.

9. No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:
- a non-technical summary
  - the roles and responsibilities of the people or organisation(s) delivering the HMMP
  - the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
  - the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development
  - the monitoring methodology and frequency in respect of the created or enhanced habitat

Notice in writing shall be given to the local planning authority when the:

- HMMP has been implemented
- habitat creation and enhancement work as set out in the HMMP have been completed.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP or such amendments as agreed in writing by the local planning authority.

Monitoring reports shall be submitted to the local planning authority in writing for approval in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

#### Environmental Protection

10. No development shall commence until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that 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 a potential risk from contamination is identified as a result of the work carried out under condition 10, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place unless the local planning authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

13. If remedial works have been identified in condition 12, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 12. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.



Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

14. For each individual unit all plant, machinery and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that the rating noise level from the equipment shall be at least 10dBA below the pre-existing background noise level (dBLA90) when measured at the nearest noise sensitive premises/site boundary. Measurements and rating of noise for the purpose of this condition shall be in accordance with BS 4142:2014:+A1:2019 Method for Rating and Assessing Industrial and Commercial Sound (or subsequent updates).

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

15. No vehicle repairs or other activity connected with the use hereby permitted except loading/unloading shall be carried out other than within the building(s) unless otherwise previously approved in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

16. The operational use of the premises shall be restricted to the following times:
- Monday - Friday: 07:00hrs – 18:00hrs
  - Saturdays: 08:30hrs - 17:00hrs
  - Sundays, Bank and Public Holidays: No time.

Reason: To protect the amenities of nearby residents and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

17. Prior to the first use of the development hereby approved details of the external lighting/security lighting/floodlighting 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: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and

government guidance contained within the National Planning Policy Framework.

#### Flood Risk and Drainage

18. No development shall commence until a scheme for the disposal of surfacewater by means of a sustainable drainage system in has been submitted to and approved in writing by the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - include a timetable for its implementation; and
  - provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 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.

19. No development shall be occupied until confirmation has been provided that either:
- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or –
  - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development”

#### Efficiency

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

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with government guidance contained within the National Planning Policy Framework.

Boundary treatments

21. Full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development hereby approved. Thereafter, the development shall be carried out in strict accordance with the approved plans.

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

135      **30 Orchard Way, Banbury, OX16 0HA**

The Committee considered application 25/00577/HPA, a prior approval application for a single storey rear extension forming accessible bedroom - height to eaves 2.68m, length 5m, overall height 3.5m at 30 Orchard Way, Banbury, OX16 0HA for Mrs Gurmit Saran.

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

**Resolved**

That, in line with the officer's recommendation, prior approval is not required and application approved.

136      **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 5.35 pm

Chairman:

Date: