

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 April 2019 at 4.00 pm

- Present: Councillor David Hughes (Chairman)
Councillor James Macnamara (Vice-Chairman)
- Councillor Andrew Beere
Councillor Maurice Billington
Councillor Phil Chapman
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor Chris Heath
Councillor Simon Holland
Councillor Alan MacKenzie-Wintle
Councillor Richard Mould
Councillor Cassi Perry
Councillor D M Pickford
Councillor Lynn Pratt
- Substitute Members: Councillor John Broad (In place of Councillor Les Sibley)
Councillor Douglas Webb (In place of Councillor G A Reynolds)
Councillor Barry Wood (In place of Councillor Colin Clarke)
- Apologies for absence: Councillor Colin Clarke
Councillor Mike Kerford-Byrnes
Councillor G A Reynolds
Councillor Les Sibley
- Officers: Robert Jolley, Assistant Director: Planning & Economy
Paul Seckington, Senior Manager Development Management
Bob Neville, Senior Planning Officer
Matt Chadwick, Senior Planning Officer
Nat Stock, Minors Team Leader
David Mytton, Solicitor
Aaron Hetherington, Democratic and Elections Officer

173

Declarations of Interest

9. Robert Keith Cars Sales Ltd, 2 Cherwell Street, Banbury, OX16 2BB.
Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

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

10. Land To The Rear Of 7 And 7A, High Street, Banbury.

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

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

174 **Requests to Address the Meeting**

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

175 **Urgent Business**

There were no items of urgent business.

176 **Minutes**

The Minutes of the meeting held on 14 March 2019 were agreed as a correct record and signed by the Chairman.

177 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

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

There were no pre-Committee site visits proposed.

179 **OS Parcel 4300 North of Shortlands and South of High Rock, Hook Norton Road, Sibford Ferris**

The Committee considered application 18/01894/OUT for outline planning permission with all matters reserved for up to 25 dwellings with associated open space, parking and sustainable drainage at OS Parcel 4300 North of Shortlands and South of High Rock, Hook Norton Road, Sibford Ferris for Land & Partners Limited.

Ginny Bennett, Sibford Parish Council and Duncan Chadwick, on behalf of the Sibford Action Group, addressed the committee in objection to the application.

Jonathan Harbottle, the applicants agent, addressed the committee in support to the application.

Councillor Chapman proposed that application 18/01894/OUT be refused as the application is contrary to Policies ESD1, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. Councillor Webb seconded the proposal.

In reaching their decision the committee considered the officer's report and presentation.

Resolved

That application 18/01894/OUT be refused for the following reasons:

1. By reason of its scale and the relative sustainability of Sibford Ferris, and taking into account the number of dwellings already permitted across the Category A villages, and Cherwell District Council's ability to demonstrate a 5 year housing land supply, which exceeds the requirement for a 3 year housing land supply, the proposed development is considered to be unnecessary, disproportionate, undesirable and unsustainable development that would undermine the housing strategy in the Cherwell Local Plan Part 1 which seeks to distribute new housing to the most sustainable locations having regard to such matters as public services and facilities, transport and employment. This would be contrary to Policies ESD1, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. By virtue of its extension beyond the built limits of the village on a greenfield site and in an area of Grade 2 (very good) agricultural land and its visual impact on the rural character and appearance of the locality, the proposed development would cause unacceptable harm to the character and appearance of the area, open rural countryside and rural edge of village setting, failing to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 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.
3. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC10 and BSC11 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

The Committee considered application 18/01569/F for the redevelopment of site for mixed use development comprising 19 apartments, commercial space and associated cycle and bin storage facilities at Robert Keith Cars Sales Ltd, 2 Cherwell Street, Banbury, OX16 2BB for Darlow Hemphill Ltd.

Nathan Maddox, the applicants agent, addressed the committee in support to the application.

In reaching their decision, the committee considered the officers' report and presentation.

Resolved

That application 18/01569/F be approved and that authority be delegated to the Assistant Director for Planning and Economy to grant permission, subject to the receipt of satisfactory construction traffic management plan and subject to the conditions set out below (and any amendments to those conditions as deemed necessary) and the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):

a) Payment of a financial contribution towards off site sports and recreation provision and community facilities in the locality as outlined at paragraph 9.41.

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.

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: Application forms, Noise Assessment (version 2 – 12/3/19), Flood Risk, SUDS and Foul Drainage Assessment (P18-049, dated: 22.03.19) and drawing number 477.LN.001 (Location Plan), 477.LN.002 Rev A (Proposed Block Plan), 477.PL.000 Rev U (Proposed Ground Floor Plan), 477.PL001 Rev V (Proposed First Floor Plan), 477.PL.002 Rev V (Proposed Second Floor Plan), 477.PL.03 Rev U (Proposed Third Floor Plan), 477.PL.005 Rev E (Proposed Roof Plan), 477.PL.200 Rev W (Proposed Front Elevation), 477.PL.201 Rev P (Proposed Rear Elevation) and 477.PL.202 Rev C (Propose Side Elevations)

Levels

3. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local

Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.

Construction Traffic Management Plan

4. Prior to the commencement of development, a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall be carried out in accordance with the approved details.

Construction Environmental Management Plan

Prior to the commencement of the development, 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 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Land Contamination Desk Study / Site Walkover

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

Land Contamination Intrusive Investigation

6. If a potential risk from contamination is identified as a result of the work carried out under condition 5, 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.

Land Contamination Remediation Scheme

7. If contamination is found by undertaking the work carried out under condition 6, 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.

Land Contamination Remediation Works

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. 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.

Sustainable Construction

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

Biodiversity

10. A method statement for enhancing the biodiversity of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Noise report

11. Prior to any development above slab level a noise report should be provided and approved in writing by the local planning authority that demonstrate how all habitable rooms within the dwellings hereby permitted will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor noise levels. Thereafter, and prior to the first occupation of the dwellings, the dwellings shall be insulated and maintained in accordance with the approved details.

Drainage

12. The development hereby permitted by shall be carried out in accordance with the approved Flood Risk Assessment (FRA) < 24.8.18 / Mixed Use Development, Cherwell Street,(P18-049) / Simpson Consulting Engineers and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 100-year critical storm (with a 40 % allowance for Climate Change) to 2.0 l/s (and not greater than 9.3 l/s) so that it will provide betterment to the existing run-off from the developed site and not increase the risk of flooding off-site. (As shown on Drawing Ref P18-049 :SK01 A of the FRA)
- Use of underground attenuation tank SuDS to provide attenuation storage (Para 9.10 Table 6 of the FRA)
- A SuDS Management and Maintenance Plan (based on the principles outlined in Para 9.20 of the FRA). This will be based on the principles identified in Para 9.20 of the FRA and associated schedule in Appendix N. In addition to those principles, the applicant shall submit a management plan to the local planning authority to be approved in writing identify the party responsible for maintenance of each element of the SuDS prior to any works above slab level. The Management Plan will include a Site Plan identifying the location of each element of the drainage scheme, including access points, maintenance access easements and outfalls. Maintenance operational areas are to be identified and shown on the plans, to ensure there is room to gain access to the asset, and maintain it with appropriate plant.

The mitigation measures shall be fully implemented prior to the first occupation of the development and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority

Landscaping

13. Unless an alternative time frame is agreed in writing by the developer and the Local Planning Authority, no development shall commence above slab level unless a scheme for landscaping the site has been submitted 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 hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

The hard landscape elements shall be implemented prior to the first occupation of the development and shall be retained as such thereafter. The

soft landscape elements shall be implemented by the end of the first planting season following the first occupation of the development.

Architectural detailing

14. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the development (including stone banding, brick bonds, etc.) together with the eaves and verge treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Shop fronts

15. Prior to the installation of any shop front full details plans of the shop fronts shall be submitted and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the building and shall be retained as such thereafter.

Schedule of materials

16. A schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details and shall be retained as such thereafter.

Brick Sample Panel

17. The external walls of the building shall be constructed in brickwork, of a type, colour, texture, face bond and pointing which is in accordance with sample panels (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the commencement of the brickwork. The sample panels shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Sample of roof materials

18. Samples of the slates to be used in the covering of the roof of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above eaves level. The development shall be carried out in accordance with the samples so approved and shall be retained as such thereafter.

Window and door details

19. Notwithstanding the details on the submitted plans, details of the construction, including cross sections, cill, headers, reveal and colour / finish of the proposed windows and doors to a scale of not less than 1:10 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Obscure glazing

20. Prior to the installation of any window a plan indicating which windows shall be fitted with obscured glass shall be submitted and approved in writing with the local planning authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the development and shall be permanently retained as such thereafter.

Boundary treatments

21. Full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The approved means of enclosure shall be erected prior to the first occupation of any of the buildings and shall be permanently retained as such thereafter.

Cycle Parking Provision

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

Travel Information Packs

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

Bin stores

24. Prior to first occupation of the building the bins stores as shown on the approved plans shall be provided in accordance with those approved details and permanently retained as ancillary to development.

Rainwater goods

25. All rainwater gutters and downpipes, etc. shall be cast iron or aluminium manufacture and painted black unless alternative details are otherwise first approved in writing by the Local Planning Authority.

Water Efficiency

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

Exclusion of fencing/ walls to frontage

27. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of the front wall of any buildings and the highway at any time, without the grant of further specific planning permission from the Local Planning Authority.

181

Land To The Rear Of 7 And 7A, High Street, Banbury

The Committee considered application 18/00487/F for a Part three storey, part two storey development of 14 flats with ground floor commercial units, on land to rear on 7 High Street and car parking area to rear accessed from George Street at Land To The Rear Of 7 And 7A, High Street, Banbury for Gigo Leisure Ltd.

Roger Cummings, the applicant's agent, addressed the committee in support to the application.

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

Resolved

That application 18/00487/F be approved and that authority be delegated to the Assistant Director for Planning and Economy to grant permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary) and the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by The Planning and Compensation Act 1991, to secure the following (and any amendments as deemed necessary):

- a) Provision of 40% affordable housing on site
- b) Payment of a financial contribution towards off site sports, recreation provision and community facilities in the locality as detailed at paragraph 9.40 above.

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.

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: TBC

Archaeology

3. Prior to any demolition and the commencement of the development a Archaeological Written Scheme of Investigation relating to the application site area shall be submitted to and approved in writing by the Local Planning Authority. Following the approval of the Written Scheme of Investigation referred to above, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Levels

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

Drainage

5. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Infiltration in accordance with BRE365 (including seasonal monitoring and recording of groundwater levels)
- Detailed drainage layout with pipe numbers
- Network drainage calculations
- Phasing
- Flood Flow Routing in exceedance conditions

- No private drainage into the existing or proposed adoptable highway drainage system.

Construction Traffic Management Plan

6. Prior to the commencement of development, a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall be carried out in accordance with the approved details.

Access details

7. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Land Contamination Desk Study / Site Walkover

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

Land Contamination Intrusive Investigation

9. If a potential risk from contamination is identified as a result of the work carried out under condition 8, 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.

Land Contamination Remediation Scheme

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.

Land Contamination Remediation Works

11. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. 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.

Sustainable Construction

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

Biodiversity

13. A method statement for enhancing the biodiversity of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Noise report

14. Prior to any development above slab level a noise report should be provided and approved in writing by the local planning authority that demonstrate how all habitable rooms within the dwellings hereby permitted will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor noise levels. Thereafter, and prior to the first occupation of the dwellings, the dwellings shall be insulated and maintained in accordance with the approved details.

Hard landscaping

15. Unless an alternative time frame is agreed in writing by the developer and the Local Planning Authority, no development shall commence

above slab level unless a scheme for the landscaping the site has been submitted to and approved in writing by the Local Planning Authority, which shall include details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps. The approved scheme shall be implemented prior to the first occupation of the development and shall be retained as such thereafter.

Bin store

16. Prior to any works above slab level full details of the bin store enclosures shall be submitted and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and permanently retained as ancillary to development.

Architectural detailing

17. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the development, together with the eaves and verge treatment, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Shop fronts

18. Prior to the installation of any shop front full details of the shop fronts shall be submitted and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the building and shall be retained as such thereafter.

Schedule of materials

19. A schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be completed in accordance with the approved details and shall be retained as such thereafter.

Brick Sample Panel

20. The external walls of the building shall be constructed in brickwork, of a type, colour, texture, face bond and pointing which is in accordance with sample panels (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the commencement of the brickwork. The sample panels shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Render

21. Prior to its occupation, the external wall(s) of the element of the building shown rendered shall be rendered in accordance with a colour and texture sample which shall have first been submitted to and approved in writing by the Local Planning Authority.

Sample of roof materials

22. Samples of the slates to be used in the covering of the roof of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above eaves level. The development shall be carried out in accordance with the samples so approved and shall be retained as such thereafter.

Window and door details

23. Notwithstanding the details on the submitted plans, details of the construction, including cross sections, cill, headers, reveal and colour / finish of the proposed windows and doors to a scale of not less than 1:10 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Boundary treatments

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

Cycle Parking Provision

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

Parking provision

26. The proposed access and parking, turning areas shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The access, parking and turning facilities shall thereafter be retained for use in connection with the development for those purposes only.

Rainwater goods

27. All rainwater gutters and downpipes, etc. shall be cast iron or aluminium manufacture and painted black unless alternative details are otherwise first approved in writing by the Local Planning Authority.

Roof lights

28. All rooflights shall be conservation grade rooflights and shall fit flush with the plane of the roof and shall not project forward of the roof slope into which they are inserted.

Water Efficiency

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

EV Charging points

30. No building hereby permitted shall be occupied until it has been provided with a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that parking space.

Ventilation and Fume Extraction

31. A scheme for the ventilation and extraction of cooking fumes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of any part of the building as a A3 use. The approved system shall be installed and operated in accordance with the approved scheme at all times the building is in use for the purposes hereby permitted.

Open hours

32. Prior to the occupation of any unit for use class A3 full details of the opening hours of the use shall be submitted and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Exclusion of fencing/ walls to frontage

33. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed in front of the front wall of any buildings and the highway at any time, without the grant of further specific planning permission from the Local Planning Authority.

Dcs Group, Rear Pt Lxb Rp No 26, Oceans House, Noral Way, Banbury, OX16 2AA

The Committee considered application 19/00010/F for the erection of warehouse extension, and relocation of lorry park and drivers amenity building, together with associated external works at Dcs Group, Rear Pt Lxb Rp No 26, Oceans House, Noral Way, Banbury OX16 2AA for Dcs Group.

In reaching their decision, the committee considered the officers' report and presentation.

Resolved

That application 19/00010/F be approved and that authority be delegated to the Assistant Director for Planning and Economy to grant permission subject to receipt of satisfactory amended plans including transport assessment report and subject to the conditions set out below (and any amendments to those conditions as deemed necessary)

CONDITIONS

Time Limit

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

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: Location Plan (1988/602); Proposed Site Plan (1988/604); Proposed Floor Plan (1988/605) and Proposed Elevations (1988/606).

Drainage strategy

3. Prior to the first occupation of the development hereby approved, the sewage disposal/drainage works to serve it (as shown on drawing no. 2018 – 204 – 100) shall be completed and operational and the development connected thereto.

Sustainable construction

4. All buildings hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision.

Travel Plan

5. The Workplace Travel Plan prepared by David Tucker Associates dated 3rd April 2019 shall be implemented and carried out in accordance with the recommendations set out in Table 3.

6. The development hereby approved shall be carried out in accordance with the mitigation recommendations set out in sections MM1, MM2, MM3, MM5 and MM6 of the Ecological Appraisal carried out by Aspect Ecology dated March 2019.

Landscape and Ecological Management Plan

7. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) to include the biodiversity enhancement measures outlined within sections EE1 – EE7 inclusive of the Ecological Appraisal carried out by Aspect Ecology dated March 2019 submitted with the application and to include details of landscaping, planting schedules and ongoing management and funding, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved LEMP.

Lighting strategy

8. Prior to the commencement of the development hereby approved, an updated lighting strategy, to include the recommendations outlined within section MM4 of the Ecological Appraisal carried out by Aspect Ecology dated March 2019, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

Construction Environment Management Plan

9. Prior to the commencement of the development, 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 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Land contamination: Intrusive investigation

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.

Land contamination: Remediation scheme

11. 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.

Land contamination: Carry out remediation

12. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. 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.

Land contamination not previously found

13. 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.

183

Motor Fuel Ltd, Bloxham Service Station, South Newington Road, Bloxham, OX15 4QF

The Committee considered application 19/00245/ADV for a retrospective application for 2 No externally illuminated fascia signs (Londis) at Motor Fuel Ltd, Bloxham Service Station, South Newington Road, Bloxham, OX15 4QF for Motor Fuel Group.

Amanda Baxter, a neighbour to the application site, addressed the committee in objection to the application.

Councillor Heath proposed that application 19/00245/ADV be refused as the advertisements are contrary to Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996, Policies BL9, BL10 and BL11 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance contained within the National Planning Policy Framework. Councillor Pickford seconded the proposal.

In reaching their decision the committee considered the officers' report, presentation, written update and address of the public speaker.

Resolved

That application 19/00245/ADV be refused for the following reason:

1. The advertisements, by reason of their size, siting and level of illumination would result in harm being caused to the character and appearance of the village of Bloxham and the amenities of the occupiers of Killowen House and 1 Hartshill Close. The advertisements are therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996, Policies BL9, BL10 and BL11 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance contained within the National Planning Policy Framework.

184 **Park Farm Agricultural Barn, New Street, Deddington**

The Committee considered application 19/00082/DISC for the discharge conditions 3 (stone sample), 8 (contamination present) and 9 (scheme of remediation) of 18/00971/F at Park Farm Agricultural Barn, New Street Deddington for Mr & Mrs Bryn Williams.

In reaching their decision, the committee considered officers report and presentation.

Resolved

That application 19/00082/DISC be approved and that authority be delegated to the Assistant Director for Planning and Economy to approve the details submitted subject to the amendments considered necessary by officers as summarised in the report.

185 **Park Farm Agricultural Barn, New Street, Deddington**

The Committee considered application 19/00095/DISC for the Discharge conditions 3 (stone sample) of 18/00972/LB at Park Farm Agricultural Barn, New Street Deddington for Mr & Mrs Bryn Williams.

In reaching their decision, the committee considered officers report and presentation.

Resolved

That application 19/00095/DISC be approved and that authority be delegated to the Assistant Director for Planning and Economy to approve the details submitted subject to the amendments considered necessary by officers as summarised in the report.

186 **Part Land East And Adj To Roundabout At Junction Of Bicester Road, Launton**

The Committee considered application 19/00163/F for the erection of accommodation building and associated ancillary external works to accommodate gas fuelled demand response electric generation facility to

support the National Grid Part at Land East And Adj To Roundabout At Junction Of Bicester Road, Launton for Powersun Ltd - Mr I Brent-Smith.

In introducing the report, the Senior Planning Officer referred the committee to the written update and the change of recommendation. The Senior Planning officer explain that in regards to the recent appeal, should it be valid, the LPA would be unable to make a determination on the application, but the Planning Committee should be invited to say what decision they would have reached. If the appeal is invalid and not accepted by PINS, the Committee's decision would form its determination on the application. As such the recommendation is changed from 'refusal' to the below, depending on whether the appeal turns out to be valid or not.

Simon Turner, on behalf of Launton Parish Council, addressed the committee in objection to the application.

In reaching their decision, the committee considered the officers report, presentation and address of the public speaker.

That authority be delegated to the Assistant Director for Planning and Economy to either:

- a. If the appeal is invalid, refuse planning permission for the reasons outlined in the committee report; OR
- b. If the appeal is valid, to inform PINS that the local planning authority would have refused planning permission for the reasons outlined in the committee report.

The Assistant Director for Planning Policy and Development submitted a report which informed Members on applications which had been determined

by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.52 pm

Chairman:

Date: