

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 2 July 2009 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)  
Councillor Rose Stratford (Vice-Chairman)  
Councillor Ken Attack  
Councillor Colin Clarke  
Councillor Michael Gibbard  
Councillor Eric Heath  
Councillor Alastair Milne Home  
Councillor James Macnamara  
Councillor G A Reynolds  
Councillor Chris Smithson  
Councillor Trevor Stevens  
Councillor Lawrie Stratford  
Councillor John Wyse

Substitute Members: Councillor Barry Wood (In place of Councillor Maurice Billington)

Apologies for absence were received from Councillors Maurice Billington, Catherine Fulljames, David Hughes and D M Pickford

Officers: Jameson Bridgwater, Head of Development Control & Major Developments  
Bob Duxbury, Development Control Team Leader  
Tracey Morrissey, Senior Planning Officer  
Caroline Ford, Trainee Planning Officer  
Nigel Bell, Solicitor  
Tony Ecclestone, Communications Officer  
Natasha Clark, Trainee Democratic and Scrutiny Officer  
Michael Sands, Trainee Democratic and Scrutiny Officer

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#### **Declarations of Interest**

Councillors declared interest with regards to the following agenda items:

#### **6. Sainsbury Supermarket Ltd, Oxford Road, Banbury.**

Councillor Colin Clarke, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council Planning Committee who may have previously considered the application.

## **7. 2 Laburnum Grove, Banbury.**

Councillor Colin Clarke, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council Planning Committee who may have previously considered the application.

### **33 Petitions and Requests to Address the Meeting**

The Chairman advised the Committee that requests to speak would be dealt with at each item.

### **34 Urgent Business**

There was no urgent business.

### **35 Minutes**

The minutes of the meeting held on 11 June 2009 were agreed as a correct record and signed by the Chairman.

### **36 Sainsbury Supermarket Ltd, Oxford Road, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments for an extension to an existing food store including associated alterations and improvements to the car park, service yard and landscaping.

Mr Tristan Hutton spoke in favour of the application as the applicant's agent.

The Committee commented that the application was very different to the original proposal the applicant had submitted in 2007.

Members of the Committee raised concerns about the capacity of the Oxford Road junction and discussed various ways of improving the junction. Members of the Committee requested that Officers write to Oxfordshire County Council with regard to the filter lane signalling arrangements when travelling from the Oxford direction.

Officers advised the Committee that a contribution to junction works and monitoring would be embedded in the S106 Legal Agreement.

The Committee considered the layout of the carpark, the acoustic fencing and the impact of an improved store on the town centre, particularly in the current economic climate. Officers assured the Committee that the applicant had been asked to revise the Retail Assessment undertaken in 2006 to take into consideration the effect of the current recession.

In reaching their decision the Committee considered the Officer's report, presentation and written update and the presentation of the supporter.

**Resolved**

That application 08/02605/F is approved subject to the following:

- a) The applicant entering into a legal agreement with the County Council to secure financial contributions of £455,750 that will be divided:

£192,000 contribution to go towards BITLUS and any other transport services or infrastructure (including public transport).

£260,000 contribution to (indicative) junction works and monitoring of the junction over a 5 year period.

£3750 administrative fee

- b) The following conditions:

1. SC 1.4A Full Permission: Duration Limit (3 years) (RC2)
2. SC 2.0 Details of Materials and External Finished (RC4)
3. That the ground floor area of the extension hereby permitted shall be used only for the purposes falling within Class A1 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and that the total net sales floorspace within the extended store shall not exceed 6003 sq.m and that the total net sales floorspace for comparison goods within the store shall not exceed of 2324 sq.m as detailed on page 6 of the WYG Retail Assessment (dated December 2008).
4. That the total floor area of explore and learn facility shall not exceed 103 sq.m
5. That prior to the commencement of the development a method statement of the proposed acoustic barrier fencing installation to the north of the service yard and recycling area and described in section 5.1 of the Noise Assessment report (dated December 2008), shall be submitted to and approved in writing by the Local Planning Authority and that the acoustic fencing shall be installed prior to the commencement of the construction of the extension and that these barriers are maintained in good order thereafter.
6. That all Service yard mitigation and management measures contained in the operating schedule described in section 6 of the Noise Assessment report (dated December 2008) shall be implemented and maintained as such at all times thereafter. (RC53AB)

7. That the recycling area shall not be emptied or otherwise serviced before 08:00 or after 18:00 hrs Mon –Sat and at no time on Sundays, Bank or Public Holidays. (RC53AB)
8. That before the first occupation of the store extension the proposed car parking layout & service area is to be provided in accordance with the plan hereby approved, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter. (RC13BB)
9. 4.14CC (RC66A) – cycle parking
10. 4.14DD (RC66A) – green travel plan
11. Prior to the first occupation of the store extension, details of the proposed car park capacity monitoring mechanism and mitigation measures are submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
12. In the event that the junction capacity works are found to be necessary, no works or development along the Oxford Road shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
  - a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
  - b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.
  - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
  - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
  - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
  - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard

landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed for the installation of highway within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.

13. Prior to the commencement of the development hereby permitted a phased risk assessment shall be carried out by a competent person in accordance with current Government and Environment Agency Guidance and Approved Codes of Practice, such as CLR11, BS10175, BS5930 and CIRIA 665. Phases 1 and 2 have been addressed as part of the Geotechnical and Geo environmental Report (dated November 2007). Details of Phase 3 shall be submitted to and approved in writing by the Local Planning Authority;

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.  
(COMPLETED AND ACCEPTABLE)

Phase 2 shall include 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. If contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.  
(COMPLETED AND ACCEPTABLE)

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use to be submitted to and approved in writing by the Local Planning Authority (LPA). The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

14. The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority. In the event that gas protection is required, all such measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator. 14. That notwithstanding the submitted landscaping scheme, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a revised scheme for landscaping the site 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,
- 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 surface areas, pavements, pedestrian areas, crossing points and steps.

15. That 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.

(Councillor Wood requested that it be noted that he did not participate in the vote as he had not been present for the Officer's presentation and the debate)

## **2 Laburnum Grove, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments for the removal of a flat roof over a dining area, the construction of a single story extension and the installation of a lean to roof over the extension and existing dining area.

The application had been brought before the Committee as the applicant was an employee of Cherwell District Council. The Committee were satisfied with the evidence present by Officers.

In reaching their decision the Committee considered the Officer's report, presentation and written update.

**Resolved**

That application 09/00662/F is approved subject to the following conditions:

- 1) 1.4A (RC2) [Full permission: Duration limit (3 years)]
- 2) 2.6 (RC5) [Materials to match existing]

38 **Quarterly Enforcement Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on the progress of outstanding formal enforcement cases and informed Members of various caseload statistics.

The Committee expressed their thanks to the Development Control and Major Developments for their hard work producing the comprehensive report.

**Resolved**

That the report and the content of the appendices is accepted.

39 **Decisions Subject to Various Requirements - Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on decisions which were subject to various requirements.

**Resolved**

That the position statement is accepted.

40 **Appeals - Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on applications where new appeals had been lodged, public inquiries/hearings scheduled or appeals results received.

**Resolved**

That the position statement is accepted.

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The meeting ended at 5.15 pm

Chairman:

Date: