

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House,  
Bodicote, Banbury, OX15 4AA, on 23 July 2009 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)  
  
Councillor Rose Stratford (Vice-Chairman)  
  
Councillor Ken Atack  
Councillor Michael Gibbard  
Councillor Eric Heath  
Councillor Alastair Milne Home  
Councillor David Hughes  
Councillor D M Pickford  
Councillor G A Reynolds  
Councillor Chris Smithson  
Councillor Trevor Stevens  
Councillor John Wyse

Substitute  
Members: Councillor Barry Wood (In place of Councillor James  
Macnamara)

Apologies for absence were received from Councillors Maurice Billington,  
Colin Clarke, Catherine Fulljames, Leslie Sibley and Lawrie Stratford

Officers: Jameson Bridgwater, Head of Development Control & Major  
Developments  
Bob Duxbury, Development Control Team Leader  
Jenny Barker, Major Developments Team Leader  
Simon Dean, Trainee Planning Officer  
Rebekah Morgan, Trainee Planning Officer  
Alexa Coates, Senior Democratic and Scrutiny Officer  
Michael Sands, Trainee Democratic and Scrutiny Officer

41 **Declarations of Interest**

Councillors declared interest with regard to the following agenda items:

**7. Old Barton, High Street, Shutford, Oxfordshire, OX15 6PQ.**

Councillor G A Reynolds, Personal, as some of the objectors were known to the Councillor and as the husband of the Clerk to Shutford Parish Council.

**8. The Gate Lodge, 43 Mill Street, Kidlington OX5 2EE.**

Councillor John Wyse, Personal, as a Member of Kidlington Village Centre.

**11. Land Watts Way to the rear and north of 25 High Street, High Street, Kidlington.**

Councillor Barry Wood, Personal, as a Member of Executive.

Councillor D M Pickford, Personal, as a Member of Executive.

Councillor Ken Atack, Prejudicial, as a Member of Executive.

Councillor Michael Gibbard, Personal, as a Member of Executive.

**12. Proposed Railway Improvement Scheme Between Bicester and Oxford.**

Councillor Barry Wood, Personal, as a Member of Executive.

Councillor Ken Atack, Personal, as a Member of Executive.

42 **Petitions and Requests to Address the Meeting**

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

43 **Urgent Business**

There was no urgent business.

44 **Minutes**

The minutes of the meetings held on the 2 July 2009 were agreed as a correct record and signed by the Chairman.

45 **Fant Hill Farmhouse, Hayway Lane, Hook Norton, Oxfordshire OX15 5QJ**

The Chairman advised that this application had been withdrawn.

46 **Old Barton, High Street, Shutford, Oxfordshire, OX15 6PQ**

The Committee considered a report of the Head of Development Control and Major Developments seeking approval for the erection of a three- car garage with an office in the roof space.

In reaching their decision the Committee considered the Officers report, written update and presentation.

**Resolved**

That application 09/00371/F be deferred to allow for a site visit due to the significant number of objections.

47 **The Gate Lodge, 43 Mill Street, Kidlington OX5 2EE**

The Committee considered a report of the Head of Development Control and Major Developments seeking modification of CHS.416/92 to allow the use of the Gate Lodge as a self contained dwelling house.

The Committee were satisfied with the evidence presented by Officers.

In reaching their decision, the Committee considered the Officers report and presentation.

**Resolved**

That application 09/00414/OBL be referred to the Head of Legal and Democratic Services to vary the agreement to allow the continued use of The Gate Lodge as a self contained dwelling house.

48 **Lower Tadmarton, Banbury, Oxon, OX15 5HL**

The Committee considered a report of the Head of Development Control and Major Developments seeking approval for the change of use of land to extend Golf Club Practice Area.

The Committee were satisfied with the evidence presented by Officers.

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

**Resolved**

That application 09/00553/F be approved subject to the following conditions:

1. 1.4A Full Permission: Duration Limit (3 years)(RC2)

2. Prior to the commencement of any development an additional buffer zone (beyond the current buffer of around 12m) of 10 metres shall be located around the southern section of the short game practice area, which shall also include the area of marshy grassland (as shown on figure 2 of the Herpetofauna Assessment and Mitigation Plan dated June 2009). The buffer zone will be cut on a three year rotation at a height of at least 10cm with the cuttings placed in compost heaps within this area or closer to the pond in sunny locations. These buffer zones shall be properly maintained and retained as buffer zones at all times thereafter. Reason (RC86A)
3. Buffer zones with a minimum width of 3 metres shall be retained and maintained at all times along the additional field boundaries, including the proposed new hedgerows. These buffer zones shall be left undisturbed and mown only once a year in August with the cuttings placed in compost heaps spaced along these hedgerows in sunny locations. Reason (RC86A)
4. The removal of the existing hedgerow must be mitigated through the planting of a new 110 metre section of traditional hedgerow and enhancement of 190 metres of defunct hedgerow to the west. Prior to the commencement of any development on the site full details of the proposed new hedge shall be submitted to and agreed in writing by the Local Planning Authority and carried out in the first available planting season following the use of the land in question as approved. Any plant/tree within the hedgerow which may die within five years from the completion of the development shall be replaced and thereafter properly maintained in accordance with this condition.

Reason – In the interests of the visual amenities of the area and to ensure the replacement of habitats for nature conservation in accordance with the requirements of PPS9 'Planning and Biodiversity' Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

5. The removal of the hedge in question shall be timed so as to avoid the bird nesting/breeding season from March to August inclusive. Reason (RC86A)

49

### **Souldern Gate Garage, Souldern, Bicester, Oxfordshire OX27 7JL**

The Committee considered a report of the Head of Development Control and Major Developments for a retrospective application seeking approval for the use of existing land and buildings to be used for commercial/storage uses including three open yards.

Mr Alan Martin spoke in objection to the application as a Member of Parish Council.

Mrs Jane Clifford spoke in objection to the application.

The Committee discussed the proposed use of the site and were advised that the core activities would be reclamation and demolition and that there was a tolerance level for retail provided that it was ancillary to the core business.

The Committee also raised concerns relating to access to the site, site security and traffic implications.

In reaching their decision the Committee considered the Officers report, presentation and written update.

### **Resolved**

That application 09/00719/F is approved subject to the following conditions:

- 1 That 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.
- 2 That within 3 months of the date of this decision details shall be submitted to and approved in writing by the Planning Authority showing a turning area and 12 parking spaces (8 spaces for cars, 4 spaces for heavy vehicles) to be provided within the curtilage of the site so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway. The turning area and parking spaces shall be retained and unobstructed except for the parking and manoeuvring of vehicles at all times.
- 3 That the visibility spays shown on the drawing shall be provided on both sides of the two site accesses within one month of the date of this decision and the area contained within the spays shall be kept free of any obstruction exceeding 1 metre in height above the nearside channel level of the carriageway.
- 4 That within 3 months of the date of this decision a Travel Plan shall be submitted to and approved in writing by the Planning Authority. Thereafter it shall be implemented in accordance with the agreement and shall remain in use at all times unless previously agreed in writing by the Local Planning Authority.
- 5 Unless otherwise agreed by the Local Planning Authority, within 3 months of the date of this decision, point 1 within this condition as detailed below shall be actioned. Following that assessment, should points 2 and 3 prove necessary these will be actioned as agreed in writing by the Local Planning Authority. If unexpected contamination is found after any further development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until point 4 has been complied with in relation to that contamination.

## 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any further development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of point 1 above, within a proposed timescale subject to written approval by the Local Planning Authority, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3.

- 6 That the open storage on the site shall not exceed a height of 2.0m unless otherwise agreed in writing by the Local Planning Authority.
- 7 That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site to be submitted within 1 month of the date of this decision and which shall include:-
  - (a) details of a 4 metre wide landscape buffer to the road frontage
  - (b) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (c) 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,
- 8 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 approval of the scheme 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.
- 9 That full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development to be submitted within one month of the date of this decision, and such means of enclosure shall be erected prior to the first occupation of the dwelling.

- 10 That except to allow for the means of access and vision splays the existing and proposed hedgerow/trees along the south-west boundary of the site shall be retained and properly maintained at a height of not less than 2.3 metres, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition.
- 11 That the site and premises shall be used only for purposes falling within Class B8 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purposes(s), including retail, whatsoever.
- 12 Notwithstanding the provisions of part 8, Schedule 2 of the Town and Country Planning General Permitted Development Order 1995 (as amended) details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its provision and use.

50 **Land Watts Way to the rear and north of 25 High Street, High Street, Kidlington**

The Committee considered a report of the Head of Development Control and Major Developments seeking approval for the change of use of land at Watts Way to allow Market Trading.

The Committee were satisfied with the evidence presented by Officers.

In reaching their decision the Committee considered the officers report, presentation and the presentation of the objectors.

**Resolved**

That application 09/00749/CDC is approved subject to the end of the twenty one day consultation period and the following conditions:

1. SC 1.4A (RC2) [Full permission: Duration limit (3 years)]
2. That details of the position and number of market stalls shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

51 **Proposed Railway Improvement Scheme Between Bicester and Oxford**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on improvements to the railway line between Bicester and Oxford as part of the proposals by Chiltern Railways for a new route between Oxford and London. The Committee were made aware of the proposal prior to the detailed proposals for the scheme being submitted.

**Resolved**

That the report is noted.

52 **Tree Preservation Order (No. 5) 2009 Lime Tree at Cope Road / Arran Grove, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments seeking confirmation of an unopposed Tree Preservation Order relating to Lime Trees at Cope Road/Arran Grove, Banbury.

**Resolved**

That the Order is confirmed without modification.

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

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

**Resolved**

That the position statement is accepted.

54 **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 appeal results received.

**Resolved**

That the position statement is accepted.

The meeting ended at 5.10 pm

Chairman:

Date: