

Committee: Planning Committee
Date: Thursday 1 October 2009
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Fred Blackwell
(Chairman)
Councillor Ken Atack
Councillor Maurice Billington
Councillor Colin Clarke
Councillor Mrs Catherine
Fulljames
Councillor Michael Gibbard
Councillor Eric Heath

Councillor Rose Stratford (Vice-Chairman)
Councillor Alastair Milne
Home
Councillor David Hughes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Lawrie
Stratford
Councillor John Wyse

Substitutes

Councillor Luke Annaly, Councillor Rick Atkinson,
Councillor Nick Cotter, Councillor Mrs Diana Edwards,
Councillor Andrew Fulljames, Councillor Timothy
Hallchurch MBE, Councillor Russell Hurle, Councillor
Kieron Mallon, Councillor P A O'Sullivan, Councillor
George Parish, Councillor Nicholas Turner and Councillor
Barry Wood

AGENDA

- 1. Apologies for Absence and Notification of Substitute Members**
- 2. Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. **Petitions and Requests to Address the Meeting**

The Chairman to report on any requests to submit petitions or to address the meeting.

4. **Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. **Minutes** (Pages 1 - 11)

To confirm as a correct record the Minutes of the meeting of the Committee held on 10 September 2009.

Planning Applications

6. **33 Oxford Road and Land to the rear of nos.35-59 Oxford Road, Bodicote, Banbury, Oxon** (Pages 14 - 34) **09/00939/F**
7. **OS Parcel 1319 South of Paddington Cottage, Milton Road, Bloxham, Oxon** (Pages 35 - 57) **09/00965/OUT**
8. **Bodicote House, White Post Road, Bodicote, Banbury, Oxon** (Pages 58 - 62) **09/01085/CDC**
9. **The Green Barn, Stoke Lyne Road, Stratton Audley, Bicester, OX27 9AT** (Pages 63 - 70) **09/01118/F**
10. **Shipton-On-Cherwell Quarry, Shipton-On-Cherwell, Oxon** (Pages 71 - 75) **09/01180/CM**

Tree Preservation Orders

11. **Tree Preservation Order (No. 8) 2009 Ash Tree at 1 The Phelps, Kidlington, Oxon** (Pages 76 - 78)

Report of the Head of Development Control and Major Developments

Summary

To seek the confirmation of an unopposed Tree Preservation Order relating to an Ash Tree at 1 The Phelps, Kidlington (copy plan attached as Annex 1).

Recommendation

It is **RECOMMENDED** that the Committee resolves to confirm the Order without modification.

Enforcement Action

12. Enforcement and Legal Action: The Former Cattle Market, Merton Street, Banbury (Pages 79 - 82)

Report of the Head of Development Control and Major Developments

Summary

The purpose of this report is to bring to the attention of the Committee the continued failure of the developer to provide LAPs (Local Area for Play), LEAPs (Local Equipped Area for Play) and a NEAP (Neighbourhood Equipped Area for Play), a Community building with sports changing rooms and sports/playing pitches as required by the Legal Agreement tied to the land and development.

Recommendation

It is **RECOMMENDED** that the Committee resolves to authorise, subject to the Head of Legal and Democratic Services being satisfied as to the evidence, the application for legal proceedings by way of a court injunction to enforce the terms of the section 106 Agreement in respect of the non-compliance detailed above, such authorisation to include the instituting and continuing of the proceedings to final judgement and any enforcement of the judgement. The application for the injunction would seek to prevent the occupation of further properties on the development until such time as the agreement has been complied with, as well as requirements to take positive steps to achieve compliance.

13. Quarterly Enforcement Report (Pages 83 - 101)

Report of the Head of Development Control and Major Developments

Summary

To inform and update Members of the progress of outstanding formal enforcement cases and to inform Members of various caseload statistics.

Recommendation

It is **RECOMMENDED** that the Committee resolves to accept this report.

Review and Monitoring Reports

14. Decisions Subject to Various Requirements (Pages 102 - 103)

Report of the Head of Development Control and Major Developments

Summary

This is a standard report item the aim of which is to keep Members informed upon applications which they have authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

Recommendation

It is **RECOMMENDED** that the Committee resolve to accept this position statement.

15. Appeals Progress Report (Pages 104 - 105)

Report of the Head of Development Control and Major Developments

Summary

This is a standard report item, the aim of which is to keep Members informed upon applications which have been determined by the Council, where new appeals have been lodged, Public Inquiries/Hearings scheduled or appeal results received.

Recommendation

It is **RECOMMENDED** that the Committee resolves to accept this position statement.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221591 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Queries Regarding this Agenda

Please contact Alexa Coates, Legal and Democratic Services alexa.coates@cherwell-dc.gov.uk (01295) 221591

Mary Harpley
Chief Executive

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