

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 1 October 2009 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Rose Stratford (Vice-Chairman)

Councillor Ken Atack

Councillor Colin Clarke

Councillor Mrs Catherine Fulljames

Councillor Michael Gibbard

Councillor Eric Heath

Councillor David Hughes

Councillor James Macnamara

Councillor D M Pickford

Councillor G A Reynolds

Councillor Trevor Stevens

Councillor Lawrie Stratford

Councillor John Wyse

Substitute Councillor Russell Hurle (In place of Councillor Chris Smithson)

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

Officers: Jameson Bridgwater, Head of Development Control & Major Developments

Bob Duxbury, Development Control Team Leader

Alexa Coates, Senior Democratic and Scrutiny Officer

Michael Sands, Trainee Democratic and Scrutiny Officer

Caroline Roche, Planning Officer

Craig Forsyth, Communications Officer

Alexa Coates, Senior Democratic and Scrutiny Officer

Michael Sands, Trainee Democratic and Scrutiny Officer

81

### **Declarations of Interest**

#### **8. Bodicote House, White Post Road, Bodicote, Banbury, Oxon.**

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

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

Councillor G A Reynolds, Prejudicial, as a Member of Executive.

Councillor Ken Atack, Prejudicial, as a Member of Executive and a Member of the Accommodation Board.

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

**10. Shipton-On-Cherwell Quarry, Shipton-On-Cherwell, Oxon.**

Councillor Lawrie Stratford, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

**12. Enforcement and Legal Action: The Former Cattle Market, Merton Street, Banbury.**

Councillor Michael Gibbard, Personal, as a Member who had been quoted in the Banbury Guardian on the application.

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

There were no petitions or requests to address the meeting.

83 **Urgent Business**

There was no urgent business.

84 **Minutes**

The Minutes of the meeting held on 10 September 2009 were agreed as a correct record and signed by the Chairman.

85 **33 Oxford Road and Land to the rear of nos.35-59 Oxford Road, Bodicote, Banbury, Oxon**

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of 33 Oxford Road and the erection of 23 dwellings.

The Committee sought clarification on condition 19 which related to application 05/01337/OUT and were advised the permission could not be implemented prior to the implementation of permitted development. The Committee were advised that planning permission for 05/01337/F had been issued following completion of the legal agreement.

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

**Resolved**

That application 09/00939/F be approved subject to the completion of a S106 Agreement covering Affordable Housing, Children's Play Space and Financial contributions.

And of the following conditions:

1. SC1.4A
2. SC2.0
3. SC3.0 – (d) details to also include planting of small trees along the Southern edge of the development. (e) Details also to include planting of an avenue of trees through the entrance road to the site, through to the point of exit of the proposed pathway link to Bankside.
4. SC3.4A – North East, 2metres
5. SC3.10 – Reason as stated
6. SC3.5 – trees, tree, tree
7. SC3.7A
8. SC4.0A Prior to the construction of the dwellings
9. SC4.6 – 0.6m
10. SC4.9A
11. SC4.10A
12. SC4.13CC
13. SC4.14C
14. SC4.21A
15. SC6.2
16. SC6.3
17. SC6.6A
18. 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. Each phase 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 historic and current 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.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, make an assessment of the risks, including those off site, 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.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use 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. 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. Reason- It is suspected that this site and/or nearby land and water may be contaminated as a result of former industrial use(s) or otherwise. To ensure that any ground and water contamination is identified and 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 Policy ENV12 of the adopted Cherwell Local Plan.

19. The permission hereby granted shall not be implemented prior to the lawful implementation of any development permitted pursuant to the planning application reference 05/01337/OUT for residential development and associated facilities of land to the east and including the provision of a primary school, Community Park and other local facilities.
20. No development shall commence until a S278 Agreement has been entered with the County Council for the access works necessary within the public highway.
21. No development shall be commenced until details and plans of the screening fence/Wall to be provided alongside Nos 31 and 35 Oxford Road have been submitted to and approved in writing by the Local Planning Authority. The approved fencing/walling shall be installed prior to the commencement of the works on site and thereafter be maintained at all times.
22. Provision shall be made within the layout to accommodate a footpath/cyclepath link between the site and land to the East and the footpath/cyclepath shall be provided up to the boundary of the site in the position approved to an adoptable standard.
23. That no means of access whatsoever shall be formed or used between the land identified in this application and Canal Lane.
24. No external lighting whatsoever shall be placed on the rear walls or roof of the buildings or sited in the rear gardens of plots 7-15 inclusive without the prior express planning consent of the Local Planning Authority.

25. That the approved Bat mitigation detailed in the Ecological Survey commissioned in June 2009 by Jonathan Flint shall be implemented in full as part of the development and all bat boxes installed as part of the approved mitigation scheme shall not be removed or destroyed and if they become damaged shall be repaired or replaced and thereafter properly maintained.

Councillor Debbie Pickford requested that her abstention from the vote be recorded as she had not been present for the whole of the Officer's presentation and debate.

86 **OS Parcel 1319 South of Paddington Cottage, Milton Road, Bloxham, Oxon**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of a 60-bed care home and 44 retirement dwellings.

The Committee considered the local need for housing of this type and discussed the need for this type of facility in rural areas especially when faced with an ageing population. The Committee discussed the potential difficulty on balancing a local need with the needs of the District. Members also discussed the suitability of the site in terms of its proximity to village amenities and local transport.

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

**Resolved**

That application 09/00965/OUT be refused for the following reasons:

- 1) The application does not demonstrate that it meets an identified local housing need or would be delivered in a time scale to meet that need or deliver high quality development and given its location beyond the built up limits of the village is contrary to PPS3, South East Plan policies SP3, H3, Cherwell Local Plan policies C8, C7, H13, C13 and Non Statutory Local Plan policies H1a and H19.
- 2) The proposed development generates a need for infrastructure, open space and affordable housing, which in the absence of a satisfactory planning obligation, would not be adequately met and as such is contrary to South East Plan policy CC7, H3, Cherwell Local Plan policy H5, R12 and Non Statutory Plan Policy H7 and R8.

87 **Bodicote House, White Post Road, Bodicote, Banbury, Oxon**

The Committee considered a report of the Head of Development Control and Major Developments for the extension of the current car park to accommodate an additional 28 spaces.

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 09/01085/CDC be approved subject to the following conditions:

- 1) SC 1.4A (Time – 3 years)
- 2) SC 4.13CD (Parking and manoeuvring area as plan, specification to be submitted and approved)

88 **The Green Barn, Stoke Lyne Road, Stratton Audley, Bicester, OX27 9AT**

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of an agricultural barn and erection of two pairs of semi-detached houses.

The Committee considered the relevant planning policies and suggested that if the development was outside the boundary of the village only a rural exception site, containing 100% affordable housing could be considered as acceptable development on the site. The Committee also discussed the previous appeal decisions on the site.

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

**Resolved**

That application 09/01118/F be refused on the following grounds:

- 1) The erection of two pairs of semis on the site does not represent a conversion of an existing building, infilling within the built-up limits of the settlement or a significant environmental improvement but rather an unacceptable sporadic ribbon development extending beyond the built-up limits of the village into the open countryside which together with the necessary vision splays and footpath required for highway safety would detract from the rural character and visual amenities of the street scene contrary to policies C8, H14 and H18 of the adopted Cherwell Local Plan. Policy C4 of the South East Plan, Policies H16 and H19 of the non-statutory Cherwell Local Plan and PPS7:Sustainable Developments in Rural Areas.

- 2) By virtue of the size and design of the dwellings, their positioning on the site and inevitable presence of domestic trappings which would result as a product of the development, the proposal would fail to preserve or enhance the character of the Stratton Audley Conservation Area, the boundary of which abuts the site, contrary to Policy BE6 of the South East Plan and PPG15: Planning and the Historic Environment.

89 **Shipton-On-Cherwell Quarry, Shipton-On-Cherwell, Oxon**

The Committee considered a report of the Head of Development Control and Major Developments for the temporary use of the existing haul road, running to the South and East of the site, for the transportation of minerals and waste materials.

The Committee considered the possibility of noise pollution that might occur through increased vehicle movement.

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

**Resolved**

That Oxfordshire County Council be advised that Cherwell District Council objects to the proposed temporary consent on the grounds that it will adversely affect the amenities of the residents of Shipton-On-Cherwell and therefore run contrary to Policy ENV1 of the adopted Cherwell Local Plan and Policies GB7 and EN3 of the Non-Statutory Cherwell Local Plan.

90 **Tree Preservation Order (No. 8) 2009 Ash Tree at 1 The Phelps, Kidlington, Oxon**

The Committee considered a report of the Head of Development Control and Major Developments which sought confirmation for an unopposed Tree Preservation Order relating to an Ash Tree at 1 The Phelps, Kidlington.

**Resolved**

That Tree Preservation Order (No. 8) be confirmed without modification.

91 **Enforcement and Legal Action: The Former Cattle Market, Merton Street, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought to bring the Committees attention to the failure of the developer to provide LAPs (Local Area for Play), LEAPs (Local Equipped Area for Play), 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.

Officers updated Members on a letter received from the planning agents on behalf of the developer.

The Committee considered the importance of ensuring developers fulfilled the Section 106 responsibilities and supported the issue of an injunction as soon as possible. The Committee discussed the need to include Parish and Town Councils in consultation on the terms of the s106 Agreement as many of the responsibilities were passed on to the local Councils.

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

**Resolved**

That the Committee authorises, 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.

92

**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 on various caseload statistics.

Members requested that enforcement action relating to ENF 13/08 in Appendix 1 be taken as soon as possible.

**Resolved**

That the report be accepted.

93

**Decisions Subject to Various Requirements**

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 be accepted.



## **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 be accepted.

The meeting ended at 6:35 pm

Chairman:

Date: