

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 11 March 2010 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Ken Atack
Councillor Colin Clarke
Councillor Mrs Catherine Fulljames
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor David Hughes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Chris Smithson
Councillor Trevor Stevens

Substitute Members: Councillor Russell Hurle (In place of Councillor Michael Gibbard)
Councillor Barry Wood (In place of Councillor Maurice Billington)

Apologies for absence: Councillor Rose Stratford
Councillor Maurice Billington
Councillor Michael Gibbard
Councillor Lawrie Stratford
Councillor John Wyse

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Bob Duxbury, Development Control Team Leader
Nigel Bell, Solicitor
Linda Griffiths, Senior Planning Officer
Caroline Ford, Assistant Planning Officer
Michael Sands, Trainee Democratic and Scrutiny Officer

Members declared interest with regard to the following agenda items:

6. Park Farm, Heyford Road, Middleton Stoney, OX25 4AL.

Councillor Mrs Catherine Fulljames, Personal, as the applicant was known to her.

8. Bicester to Oxford Rail Link.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council.

9. Garage area rear of Buchanan Road, Upper Arncott.

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

Councillor Colin Clarke, Prejudicial, as the father of a Buchanan Road resident.

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

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

Councillor James Macnamara, Prejudicial, as a Member of Executive.

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

11. 45 St Annes Road, Banbury, Oxfordshire, OX16 9EA.

Councillor Colin Clarke, Personal, as a Member of Banbury Town Council.

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

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

174 **Urgent Business**

There was no urgent business.

175 **Minutes**

The Minutes of the meeting held on 18 February 2010 were agreed and signed as a correct record by the Chairman, subject to revised wording on Executive Members' declarations of interests.

176 **Park Farm, Heyford Road, Middleton Stoney, OX25 4AL**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of a pig fattening shed, to replace the existing building, erection of a grain store and electrical control building.

The Committee considered the impact the proposal might have on the character and appearance of the countryside and the potential for odour nuisance.

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

Resolved

That application 09/01749/F be approved subject to the following conditions:

- 1) SC 1_4A (Time limit – 3 years)
- 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:
 - TURNEY – PARK FARM 1
 - TURNEY/A090910/1
 - TURNEY/A090910/2
 - TURNEY/A090910/4
 - Materials schedule, including the details of the 'Corus Colorcoat LG Merlin Grey 18 B 25' roof-sheeting, received on 15 February 2010
- 3) No development shall commence within the application area until the applicant, or their successors in title, has secured the implementation of a staged programme of archaeological investigation and mitigation in accordance with a written scheme of investigation that shall first be submitted to and approved by the Local Planning Authority. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a fill report for publication. The work shall be carried out by a professional archaeological organization acceptable to the Local Planning Authority.

Councillor Mrs Fulljames left the meeting room for the item.

177

OS Parcel 1319 South of Paddington Cottage, Milton Road, Bloxham

The Committee considered a report of the Head of Development Control and Major Developments for the erection of sixty one dwellings and associated access and landscaping.

Mr David Chapman, Mr Doug Eadie and Mr David Carr spoke in objection to the application.

Mr Andy Morris spoke in favour of the application as the Developer.

Mr Tony Clements spoke in favour of the application as the Applicants Agent.

The Committee considered the risk of flooding on the site and the potential effects on traffic volume. The Committee discussed the need to supply affordable housing in rural locations and the impact the proposed development may have to village amenities.

The Committee also considered the visual appearance of the proposed development and the parking provisions allocated to each property.

In reaching their decision, the Committee considered the Officers' report, presentation, written update and the presentation of the public speakers.

Resolved

That application 09/01811/F be approved subject to the following conditions:

- a) the completion/signing of a section 106 agreement
- b) the following conditions:

1. That the development to which this permission relates shall be begun not later than the expiration of 2 years beginning with the date of this permission. (RC2)
2. SC 2.2AA Samples of walling materials (RC4A) 'bricks and stone' 'new dwellings and garages'
3. SC 2.2BB Samples of roofing materials (RC4A) 'slates and tiles' 'new dwellings and garages'
4. SC 5.5 AA Submit New Design Details (RC4A) 'Doors, windows'
5. SC 2.10A Finished floor levels (RC7A)
6. SC 3.1A Carry out Landscaping Scheme and Replacements (RC10A)
7. SC 3.10A Open Space (RC12B)
8. SC 4.1AB Access, specification proposed (RC13BB)
9. SC 4.5AA Vision Splay Dimensions (RC13BB) 'first occupation' 'proposed development' '4.5m by 90m'
10. SC 4.9AB New Estate Roads (RC14AA)
11. SC 4.10AA Estate Accesses, Driveways (RC14AA)
12. SC 4.13CD Parking and Manoeuvring Area Retained (RC13BB)
13. SC 4.14DD Green travel plan (RC66A)
14. Prior to the first occupation of the proposed development the required off-site works are to be constructed, laid out and to the approval of the Local Highway Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works shall be undertaken. (RC16AA)
15. SC 9.3 Construction Environmental Management Plan (RC84)
16. SC 9.4A Carry out mitigation in ecological report (RC85A) 'Sections 4 and 5' 'Ecological Appraisal' 'Diversity' 'July 2009'

17. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be 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 shall be 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. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.
18. If a potential risk from contamination is identified as a result of the work carried out under condition w, 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.
19. If contamination is found by undertaking the work carried out under condition x, 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.
20. If remedial works have been identified in condition y, the remedial works shall be carried out in accordance with the scheme approved under condition y. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.
21. SC5.9AA Archaeological Watching Brief (RC28AA)
22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Dated November 2009, carried out by Stuart Michael Associates ref 3307.FRA&DS and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off rate generated by the development to 3.4l/s/ha so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Providing sufficient attenuation for a volume of 697m³ so that it will not exceed the run-off volume from the undeveloped site and not increase the risk of flooding off-site.
- All adoptable roads and parking areas will be permeable paving and all dwellings will have water butts.

23. Development shall not commence until a drainage strategy detailing any on or and off site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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Bicester to Oxford Rail Link

The Committee considered a report of the Head of Development Control and Major Developments for improvements to the railway line between Bicester and Oxford, as part of the proposals by Chiltern Railways to provide a new route between Bicester and London.

The Committee considered the need for adequate parking facilities and requested that comment three in the report be amended to ensure this was taken into consideration.

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

Resolved

That Chiltern Railways be advised that Cherwell District Council welcomes the proposed improved passenger rail service and supports the application in principle but raises the following issues:

1. The relocation of the aggregate depot into the open countryside and Green Belt north of the site is contrary to Policies SP5 and CO4 of the South East Plan, Policy GB1 of the adopted Cherwell Local Plan, Policy GB1 of the Non-Statutory Cherwell Local Plan and Central Government Guidance in PPG2 'Green Belts' and is therefore inappropriate development for which no very special circumstances have been put forward.
2. There are concerns about the design of the new bridge over the Tubbs Lane crossing and at Islip Mill in terms of its visual impact upon the amenities of the locality in general and impact upon the residential amenities of adjacent residential properties in terms of its size, height and appearance from those properties, and in respect of Islip Mill, the impact upon the character and appearance of the Green Belt.

3. The District Council would like to see clarity on how this proposal relates to the County Councils Integrated Transport Strategy, the Park and Ride at SW Bicester and the modal shift from Bicester North by bus to the station from all parts of Bicester and between the two stations.

179

Garage area rear of Buchanan Road, Upper Arncott

The Committee considered a report of the Head of Development Control and Major Developments for the erection of six dwellings and the demolition of garage blocks (as amended by plans received 12/02/2010).

The Committee considered the risk of flooding and also expressed concern regarding the visual appearance of the proposed development.

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

Resolved

That application 10/00071/F be approved subject to the following:

- (i) Confirmation of the need or otherwise of a legal agreement regarding nomination rights and tenure mix.
- (ii) the following Conditions
 1. 1.4A - Full Permission: Duration Limit (3 years) (RC2)
 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: Drawing no's TR291006/01, SLP02, P05, S02, S01, P01 Rev A, P02 Rev A, P08, P04 Rev A, P06 Rev A and P07 Rev A.
 3. That the dwellings hereby approved shall remain as affordable dwellings, defined as housing (either for outright sale, rent, shared equity or staircasing to full ownership) within the financial means of households that are otherwise unable to secure private sector housing for purchase or rent in prevailing economic circumstances.
 4. That the dwellings hereby approved shall be constructed to the HCA Design and Quality Standards, and to Lifetime Homes standards.
 5. 2.0A – Details of Materials and External Finishes (RC4A) insert 'new dwellings'
 6. 2.8A – Colouring: Walls etc (RC4A) insert 'render for the dwellings'
 7. 2.10A – Floor levels (RC7A)
 8. 3.0A – Submit landscaping scheme (RC10A)

9. 3.7AA – Submit boundary enclosure details (more than one dwelling) (RC12AA)
10. 4.3AA– Access details for approval (RC13BB)
11. 4.4AA – Vision splay details (RC13BB) (first dwelling) (0.5 metre)
12. 4.9AB – New estate roads (RC14AA)
13. 4.10AA – Estate Accesses, Driveways (RC14AA)
14. 4.13CD – Parking and Manoeuvring (RC13BB)
15. 6.2AA – Residential – No extensions (RC32A)
16. 6.6AB – Residential – No conversion of garage (RC35AA)
17. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
18. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be 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 shall be 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.
19. If a potential risk from contamination is identified as a result of the work carried out under condition 18, 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.

20. If contamination is found by undertaking the work carried out under condition 19, 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.
21. If remedial works have been identified in condition 20, the remedial works shall be carried out in accordance with the scheme approved under condition 20. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

Councillor George Reynolds left the meeting room for the item.

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Yarnton House, Rutten Lane, Yarnton

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the existing building and construction of a two storey nursing home (100 bedrooms) together with associated communal space, landscaping, amenity space and parking.

The Committee were satisfied with the evidence presented.

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

Resolved

That application 10/00131/F be approved subject to the following:

- (i) The Agent entering into a deed of modification of the previously agreed S106 Agreement which secured
 - £2000 towards library book stocks
 - The provision of a piece of public art
 - The provision of the appropriate numbers of waste and recycling bins.
 - Administration and monitoring fees payable to both the District and County Councils
- (ii) The following conditions:
 - 1) S.C. 1.4A (RC2) [Full Permission: Duration Limit (3 years)]
 - 2) S.C. 2.0 (RC4a) [Details of materials and External Finishes]
'building'

- 3) That the colour for any render on the building hereby approved shall be submitted to and agreed in writing by the Local Planning Authority, the building shall be rendered in accordance with the approved details (RC4)
4. S.C. 2.10 (RC7a) [Finished Floor Levels]
'building'
5. S.C. 2.13a (RC8a) [Demolition of Buildings - (before commencement of development)]
6. S.C. 3.1 (RC10a) [Carry Out Landscaping Scheme and Replacements]
7. Notwithstanding the submitted details, the junction of the access road with Rutten Lane shall be served by minimum visibility splays of 2.4m x 70m, with any vegetation or obstruction exceeding 0.6m in height above the adjacent carriageway removed to the satisfaction of the Local Planning Authority.
8. That revised access and access road details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These details should include provision for a dropped kerb access point onto Rutten Lane and traffic calmed shared surface access road which shall be constructed in all respects in accordance with the approved details and maintained as such in perpetuity.
9. That full design details of the approved cycle parking shall be submitted to an agreed in writing by the Local Planning Authority prior to the commencement of the development. The cycle parking shall be laid out and constructed in accordance with the approved details (RC66a).
10. S.C. 4.21aa (RC19aa) [Surface/Foul Water Disposal]
11. S.C. 6.14aa (RC40aa) [Specified Use Only]
'building', 'nursing home', 'C2'
12. S.C. 9.6a (RC87a) [Fire Hydrants]
13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2009, produced by HCD Group dated February 2009 ref E2080092 and the following mitigation measures details within the FRA:
 - a) Providing an overall run-off rate of 10 l/s.
 - b) The proposed scheme shall include surface water drainage systems set out within the FRA and detailed on drawing C100 Rev D.
 - c) A maintenance plan shall be produced to ensure the lifetime management of the SUDS and the proposed trash screen.
14. 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 hydrogeological context of the development, has been

submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) That full detailed calculations shall be provided to include all rainfall events up to and including an allowance for climate change as requested in the Environment Agency's responses dated 9 February and 23 January 2009. The calculations shall take into account the attenuation features proposed including the pond.
- b) The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

15. Prior to work commencing details of a piece of artwork to enhance the site shall be submitted to and approved in writing by the Local Planning Authority. The approved artwork shall thereafter be installed prior to the first occupation of the building.

16. No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, 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 meters 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 with the demolition of buildings, structures and surfacing within or adjacent to the Root Protection Areas of retained trees.
- l) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

The Committee considered a report of the Head of Development Control and Major Developments for a single storey rear extension (as amended by side elevations and floor plans received 24/02/2010 and additional roof plan received 01/03/10).

The Committee were satisfied with the evidence presented.

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

Councillor Miss Debbie Pickford requested that her abstention from the vote be recorded, as she was not present for the whole of the debate.

Resolved

That application 10/00150/F be approved subject to the following conditions:

1. 1.4A - Full Permission: Duration Limit (3 years) (RC2)
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: existing front and rear elevations, existing side elevations, floor plans and side elevations received 24/02/2010
3. 2.6AA – Materials to match (RC5AA)
4. 6.3A – Residential: no new windows (RC33)

182 **Tree Preservation Order (No 02) 2010 Birch Tree at 35 Kings End, Bicester**

The Committee considered a report of the Head of Development Control and Major Developments which sought the confirmation of an unopposed Tree Preservation Order relating to a Birch Tree at 35 Kings End, Bicester.

Resolved

That Tree Preservation Order No. (02/2010) be confirmed without modification.

183 **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.

184 **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 noted.

185

Review of Validation Checklist for Planning Applications

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on the result of the formal consultation upon the review of the Local Validation Checklist for planning applications, considered by the Committee on 19 November 2009, and which sought approval for the adoption of the document.

Resolved

That the formal adoption of the revised validation checklist and guidance note, as originally considered but with variations as explained in paras. 2.3-2.9, be agreed.

The meeting ended at 7.05 pm

Chairman:

Date: