

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 20 May 2010 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)
Councillor Rose Stratford (Vice-Chairman)

Councillor Ken Atack
Councillor Colin Clarke
Councillor Mrs Diana Edwards
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Alastair Milne Home
Councillor James Macnamara
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor Chris Heath

Apologies for absence: Councillor Maurice Billington
Councillor Nick Cotter
Councillor D M Pickford

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Nigel Bell, Solicitor
Bob Duxbury, Development Control Team Leader
Rebecca Horley, Senior Planning Officer
David Peckford, Senior Planning Officer
Jon Brewin, Arboriculture Officer
Craig Forsyth, Communications Officer
Simon Dean, Trainee Planning Officer
Michael Sands, Trainee Democratic and Scrutiny Officer
Natasha Clark, Senior Democratic and Scrutiny Officer

3 Declarations of Interest

6. Babbington Barn, Cropredy Lane, Williamscot, Banbury, Oxfordshire, OX17 1AD.

Councillor Ken Atack, Personal, as the applicant was known to him.

7. OS Parcel 4100 Adjoining and South of Milton Road, Adderbury.

Councillor Fred Blackwell, Personal, as the Vice-Chairman of Adderbury Parish Council was known to him.

9. Land to the rear of New Vicarage, Earls Lane, Deddington, Oxon.

Councillor James Macnamara, Prejudicial, as a Member of the Diocesan Glebe & Buildings Committee.

11. Shipton-On-Cherwell Quarry, Shipton-On-Cherwell, Oxon.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Lawrie Stratford, Personal, as a Member of Oxfordshire County Council.

Councillor Michael Gibbard, Personal, as a Member of Oxfordshire County Council.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council.

12. Land adj Former Publishing House, Telford Road, Bicester.

Councillor Lawrie Stratford, Personal, as a Member of Bicester Town Council.

Councillor Leslie F Sibley, Prejudicial, as comments he had made had been published in the local Media.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council.

13. Former Publishing House, Telford Road, Bicester, Oxon.

Councillor Lawrie Stratford, Personal, as a Member of Bicester Town Council.

Councillor Leslie F Sibley, Personal, as a Member of Bicester Town Council.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council.

14. High Speed Two - Exceptional Hardship Scheme - Consultation.

Councillor Michael Gibbard, Personal, as the Portfolio Holder for Planning and Housing.

15. Tree Preservation Order (No 04) 2010 Birch Tree at Stable Cottage, Canal Road, Thrupp.

Councillor Michael Gibbard, Personal, as the applicant was known to him.

4 **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.

5 **Urgent Business**

There was no urgent business.

6 **Minutes**

The Minutes of the meeting held on 22 April 2010 were agreed as a correct record and signed by the Chairman.

7 **Babbington Barn, Cropredy Lane, Williamscot, Banbury, Oxfordshire, OX17 1AD**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of a building to cover the existing outdoor area with the provision of a new stable and storage block and creation of a new outdoor arena and access road.

The Committee were satisfied with the evidence presented.

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

Resolved

That application 10/00197/F be approved subject to the following conditions:

- 1) 1.4A (RC2) – [Time: 3 years]
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the Drawing nos. 0701 220A, 201A, 202B, 203B, 204B received 03.02.2010.
- 3) 3.0 (RC10A) – submit landscaping scheme
- 4) 3.1 (RC10A) – carry out landscaping scheme
- 5) The indoor and outdoor riding arenas and stables hereby permitted shall be used for private use only and no commercial use including riding lessons, tuition, livery or competitions shall take place at any time
- 6) Full details, including positions and specification of lights to be erected on the land or external elevations of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority

prior to the commencement of the development. The development shall be carried out in accordance with the approved details. (RC50)

- 7) Notwithstanding condition no. 6 no further external lighting or floodlighting shall be erected on the land or access road without the prior express consent of the Local Planning Authority (RC50)
- 8) That, notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed along the line of access road hereby permitted without the prior express planning consent of the Local Planning Authority.

8 **OS Parcel 4100 Adjoining and South of Milton Road, Adderbury**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of 65 dwellings with associated access, open space and landscape works and provision of a sports pitch with changing facilities and car park.

Councillor Rick Atkinson spoke in objection to the application as Ward Member.

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

Mr Andrew Saunders-Davies spoke in favour of the application as the applicant's agent.

The Committee considered the need for affordable housing in the District and expressed concern regarding the suitability and sustainability of Adderbury for the proposed development. The Committee discussed the impact the development may have on local amenities.

Councillor George Reynolds proposed that application 10/00270/OUT be refused. Councillor Alistair Milne-Home seconded the proposal.

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

Resolved

That application 10/00270/OUT be refused for the following reason:

- 1) The proposal represents development beyond the built up limits of the settlement and will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS 3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone, a development of this scale is inappropriate at this time given the existing lack of

provision of village facilities. As such The proposed development is contrary to the saved policies H13, H18 and C7 of the adopted Cherwell Local Plan and Planning Policy Statement 3 Housing.

Councillor Blackwell requested that his abstention from the vote be recorded due to his personal interest in the item.

9 **OS Parcel 3873 North east of Hillside House, Street From Cropredy to Great Bourton, Cropredy, Oxon**

The Committee considered a report of the Head of Development Control and Major Developments for the installation of a cess pit, the construction of a store to the side of the brick animal shelter and a stoned a grassed drive/vehicle standing area.

Mrs Upton spoke in objection to the application as the Clerk of the Parish Council.

Councillor Ken Atack proposed that application 10/00293/F be deferred in order to conduct a site visit. Councillor Colin Clarke seconded the proposal.

Resolved

That application 10/00293/F be deferred to allow Members to conduct a site visit in order to assess the site in further detail.

10 **Land to the rear of New Vicarage, Earls Lane, Deddington, Oxon**

The Committee considered a report of the Head of Development Control and Major Developments for four dwellings with garages, parking and private gardens.

Mr Ward spoke in objection to the application.

Councillor Todd spoke in objection to the application as a Member of the Parish Council.

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

The Committee were satisfied with the evidence presented.

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

Resolved

That application 10/00297/F be approved subject to the following conditions:

- 1) 1.4A (RC2) [Full permission: Duration 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: location and block plans and drawing numbers 735/P1, 735/P2, 735/P3, 735/P4, 735/P5, 735/P6, 735/P7, 735/P8, 735/P9, 735/P10 and 735/P11, photographs and design and access statement
- 3) 2.2AA (RC4A) [Samples of walling materials] insert 'stone and brick' 'dwellings and garages'
- 4) 2.2BB (RC4A) [Samples of roofing materials] insert 'tiles and slates' 'dwellings and garages'
- 5) 5.5AA (RC4A) [Submit new design details] insert 'doors and windows, which shall be constructed from timber'
- 6) 2.9AA (RC6A) [Obscured glass windows] insert 'bathroom and ensuite' 'east elevation of house 4 and west elevation of house 1' add at end 'and shall be fixed shut unless any opening element is at least 1.7m above the floor level in the room in which it serves'
- 7) 2.10A (RC7A) [Floor levels]
- 8) 3.7AA (RC12AA) [Submit boundary enclosure details (more than one dwelling)]
- 9) 3.0A (RC10A) [Submit landscaping scheme]
- 10) 3.1A (RC10A) [Carry out landscaping scheme and replacements]
- 11) That the existing hedgerow to the eastern boundary of the site shall be reinforced by additional planting in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority and carried out in the first available planting season following the occupation of the dwellings or on the completion of the development whichever is sooner. The approved hedgerow shall be retained and properly maintained at a height of not less than three 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 (RC11A)
- 12) 4.13CD (RC13BB) [Parking and manoeuvring area retained]
- 13) 6.2AA (RC32A) [Residential – No extensions]
- 14) 6.3A (RC33) [Residential – No new windows]
- 15) 6.6AB (RC35AA) [No conversion of garage]
- 16) 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.

- 17) If a potential risk from contamination is identified as a result of the work carried out under condition 16, 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.
- 18) If contamination is found by undertaking the work carried out under condition 17, 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.
- 19) If remedial works have been identified in condition 18, 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.

Councillor Colin Clarke requested that his abstention from the vote be recorded as he did not attend the site visit.

11 **Land between Normandy and Sunnyside, North Lane, Weston on the Green, Oxon**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of a single storey four bedroom house, garage and green house.

Mr Cook spoke in support of the application as the applicant.

The Committee considered the access arrangements and impact on the Conservation Area.

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

Resolved

That application 10/0359/F be approved subject to the following conditions:

- 1) Time – 3 years
- 2) In accordance with submitted plans
- 3) Notwithstanding Condition 2, submit alternative garage design and relocate solar panels away from the front elevation
- 4) Defined domestic curtilage
- 5) Stone sample to be approved
- 6) Boundary details to be approved
- 7) Window details
- 8) Windows to be timber and retained as such
- 9) PD Restriction – extensions/structures
- 10) PD Restriction – no new windows
- 11) PD Restriction - enclosures (open fronts)
- 12) PD Restriction – solar panels/micro-gen
- 13) PD Restriction – garage conversions
- 14) No parking on footpath/obstruction
- 15) Submit details of gate for footpath
- 16) Submit details for parking surfacing
- 17) Submit details for highways/turning works (and implement)
- 18) Submit landscaping
- 19) Implement landscaping
- 20) Drainage scheme
- 21) Pond levels mitigation

- 22) Carry out development in accordance with ecology survey

The Head of Development Control and Major Developments informed Members that visits to various developments, which had been approved by the Council's Planning Committee, would be arranged later in the year.

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

The Committee considered a report of the Head of Development Control and Major Developments which sought approval to continue the development of the Shipton-On-Cherwell Quarry site without complying with conditions 26 and 36 of 06/02046/CM.

The Committee were satisfied with the evidence presented.

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

Resolved

That Oxfordshire County Council be advised that Cherwell District Council raises no objection to the revised Proposed Schedule of Staged Activities and Schemes Pursuant to Conditions 26 & 36 dated 14 April 2010.

13 **Land adj Former Publishing House, Telford Road, Bicester**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of a discount foodstore (Class A1) including seventy five car parking spaces, servicing area and landscaping.

Mr Lee spoke in support of the application as the applicant's agent.

The Committee considered the potential benefits that the proposed development might have to local amenities and the impact on local economy.

Councillor Diana Edwards proposed that that application 10/00385/F be approved. Councillor Mrs Catherine Fulljames seconded the proposal.

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

Resolved

That application 10/00385/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 drawings: B5170/PL/001 Rev A, PL/002 Rev K, PL/003 Rev A, PL/004 Rev A, PL/005 Rev A, PL/006, 10-11-01, 10-11-02, 10-11-03 and the Design and Access Statement.

- 3) 3.0A – Submit Landscaping Scheme (RC10A) Insert at start “That notwithstanding the submitted scheme...”
- 4) 3.1A – Carry out Landscaping Scheme and Replacements (RC10A)
- 5) 3.2AA – Retained tree (RC10A)
- 6) 3.3AA – (a – q) Scheme to be submitted to protect retained trees (RC72A)
- 7) 6.4BC – Commercial: No mezzanine Floor (RC65AA)
- 8) 4.22AA. (RC13CC)
- 9) That before the development is first occupied, the access, parking and manoeuvring areas shall be provided in accordance with the submitted plans and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter. (RC13BB)
- 10) That before the development is first occupied the redundant vehicular access to the south east of the site shall be closed and the footway and kerb reinstated to an appropriate height. (RC13BB).
- 11) That before the development is first occupied the cycle parking shall be provided in accordance with the submitted plans. (RC13BB)
- 12) That the development 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 shall not exceed 1286 sq.m

14

Former Publishing House, Telford Road, Bicester, Oxon

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the former publishing house and erection of a single storey building to provide four trade counter units (use Class B1 and B8 with ancillary sales area), car parking for twenty four vehicles, improved access and associated landscaping.

The Committee were satisfied with the evidence presented.

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

Resolved

That application 10/00387/F be approved subject to the following conditions:

- 1) 1.4A (RC2) Full Permission: Duration 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 drawings and documents detailed on the schedule 09.001.B1 by Seymour Harris Architecture.
- 3) 3.0A (RC10A) Submit Landscaping Scheme
- 4) 3.1A (RC10A) Carry Out Landscaping Scheme and Replacements
- 5) 3.2AA (RC10A) Retained tree. From the date of this decision notice.
- 6) 3.3AA (RC72A) (a to q) Scheme to be submitted to protect retained trees.
- 7) That the 4 No. trade counter units hereby approved shall be retained as 4 separate units and shall not be amalgamated or split and notwithstanding the provisions of Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting the order with or without modification) no internal alterations, including the provision of mezzanine floorspace, shall be carried out without the prior express planning consent of the Local Planning Authority.
- 8) The units hereby permitted shall be used for purposes within classes B1 or B8 of the Town & Country Planning (Use Classes) Order 1987, or any amendment thereto, and any retail sales of items direct to the public shall be ancillary to the main use. As such customers shall not access any area of the building other than that marked on a floorplan which is to be submitted to and approved by the Local Planning Authority prior to the occupation of each unit. That area shall not exceed 42 sqm for each unit or 168 sq m for the whole building.
- 9) That before the development is first occupied, the access, parking and manoeuvring areas shall be provided in accordance with the submitted plans and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter. (RC13BB)
- 10) That before the development is first occupied, the redundant vehicular access to the south east of the site shall be closed and the footway and kerb reinstated to an appropriate height. (RC13B)
- 11) 4.22AA (RC13CC)

Councillor Leslie Sibley was not present for the duration of the debate and did not vote on the item.

15 **High Speed Two - Exceptional Hardship Scheme - Consultation**

The Committee considered a report of the Head of Development Control and Major Developments which notified Members of the Council's response to a consultation exercise relating to the proposed high speed rail route, exceptional hardship scheme.

The Committee were satisfied with the evidence presented.

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

Resolved

That the Council's response, as set out in the appended letter HS2 Ltd dated 6 May 2010, be noted and endorsed.

16 **Tree Preservation Order (No 04) 2010 Birch Tree at Stable Cottage, Canal Road, Thrupp**

The Committee considered a report of the Head of Development Control and Major Developments which sought the confirmation of an opposed Tree Preservation Order relating to a Birch tree Stable Cottage, Canal Road, Thrupp.

Resolved

That Tree Preservation Order No. (04) be confirmed without modification.

17 **Tree Preservation Order (No 05) 2010 Poplar Tree at Karcher UK Ltd, Beaumont Road, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought the confirmation of an opposed Tree Preservation Order relating to a Poplar tree at Karcher UK Ltd, Beaumont Road, Banbury.

Resolved

That Tree Preservation Order No. (05) be confirmed without modification.

18 **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 caseload statistics.

Resolved

That the report be accepted.

19 **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.

20 **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.

The meeting ended at 7.30 pm

Chairman:

Date: