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Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held in at Bodicote House, Bodicote, Banbury, OX15 4AA, on 11 December 2008 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Mrs Catherine Fulljames
Councillor Ken Atack
Councillor Maurice Billington
Councillor Colin Clarke
Councillor Diana Edwards
Councillor Michael Gibbard
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor James Macnamara
Councillor Christopher Pack
Councillor D M Pickford
Councillor Rose Stratford

Substitute

Members: Councillor P A O'Sullivan (In place of Councillor G A Reynolds)
Councillor George Parish (In place of Councillor Leslie F Sibley)
Councillor Trevor Stevens (In place of Councillor Lawrie Stratford)

Apologies for absence were received from Councillors George Reynolds, Leslie Sibley, Chris Smithson and Lawrie Stratford

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Paul Manning, Assistant Solicitor
Caroline Roche, Planning Officer
Rebekah Neville, Trainee Planning Officer
Alexa Coates, Senior Democratic and Scrutiny Officer
Jon Brewin, Arboriculture Officer
Simon Dean, Trainee Planning Officer

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Declarations of Interest

Agenda Item 6 Formerly Neithrop County Primary Infants School, Prescott Close, Banbury.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor Colin Clarke, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor George Parish, Personal, as a member of Banbury Town Council who may have previously considered the application.

Agenda Item 9 Amenity Area At Sandford Green, Banbury.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor Colin Clarke, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor D M Pickford, Prejudicial, as a member of the Executive as the Council submitted the application.

Councillor George Parish, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor James Macnamara, Prejudicial, as a member of the Executive as the Council submitted the application.

Councillor Michael Gibbard, Personal, as a member of the Executive as the Council submitted the application.

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

There were none.

93 **Urgent Business**

There was no urgent business.

94 **Minutes**

The minutes of the meeting held on 20 November were approved as a correct record and signed by the Chairman.

95 **Formerly Neithrop County Primary Infants School, Prescott Close, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments for the construction of an extra care block of flats with 40 flats and 60 bed care homes with associated gardens and 42 car parking spaces.

The Committee discussed the access to the development and the provision of car parking spaces. The Committee noted the comments of the Local Highway Authority which stated that due to the nature of the establishment visits were likely to be off peak.

Resolved

Following consideration of the Officers' report, written updates and presentation the committee resolved that application 08/02066/F be approved subject to the following conditions:

- (i) The applicant entering into a Legal Agreement to secure highways contributions to the provision of a bus stop with a shelter, contributions for off sire play equipment, contributions to public art, community halls and outdoor and indoor sports facilities and library conditions and the following conditions;

1. SC 1.4A (RC2)
2. SC 2.2A (RC4) 'bricks' 'care home and extra care flats'
3. SC 2.8 (RC4) 'render'
4. SC 2.2B(RC4) 'tiles/slates' 'care home and extra care flats'
5. SC 2.10 (RC7) 'care home and extra care flats'
6. SC 5.5A (RC4) 'windows and doors'
7. SC 3.0 (RC10)
8. SC 3.1 (RC10)
9. SC 3.4B (RC11) 'north-western' '2.5'
10. 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 development, and such means of enclosure shall be erected prior to the first occupation of the care home or extra care flats whichever is the earliest. (RC12) Remove 'and proposed dwellings' from the reason.
11. That prior to the commencement of development on the site the existing access road to the site (Prescott Close) shall be widened in accordance with the details shown on plan No. 5003446/921/003/4110/A accompanying the application (as modified by the requirement to safeguard the health of the two oak trees) to a specification to be first submitted to and agreed in writing by the Local Planning Authority relating to phased road works to take account of construction vehicles and final completion. (RC14A)
12. SC 4.12A (RC14A) 'Car parking and internal access road'
13. SC 9.6 (RC87)
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 hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion. Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the drainage system.
15. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to be approved, in writing, by the local planning authority:
 - (1) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associates with those uses
 - A Conceptual model of the sire indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
 - (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The previous use of the site points to potential source of contamination, such as oil tanks used for heating. The proposed development sits on top of a minor aquifer and the ground water needs to be protected.

96 **Manor Farm, Ardley Road, Middleton Stoney**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of a new grain store.

The Committee were satisfied with the evidence presented by the Head of Development Control and Major Developments.

Resolved

Following consideration of the Officers' report and presentation the committee resolved that application 08/02112/F be approved subject to the following conditions:

1. SC 1.4 Full Duration Limit (3 years) (RC2)
2. SC 2.0 Details of materials and finishes (RC4) – GRAIN STORE AND FAN ROOM
3. SC 8.5 Noise Emission Plant and Equipment (RC4)

97 **Land North of Willowbank Farm, Fewcott Road, Fritwell**

The Committee considered a report of the Head of Development Control and Major Developments for the installation and operation of a meteorological testing mast for the period of one year to evaluate wind resource.

The Committee discussed the impact of the mast on the nearby conservation areas in Fewcott and Fritwell, and the Ministry of Defence safeguard area. The Committee also raised concerns relating to the removal of the mast at the completion of the one year period.

Officers advised the Committee that the visual impact on the Conservation areas was not great enough to refuse the application and that the Defence Estates had been consulted and raised no objections. The Committee were assured that if the mast was not removed by the applicant one year after erection then the Council would take the necessary enforcement action.

Resolved

Following consideration of the Officers' report, written updates and presentation the committee resolved to approve application 08//02236/F subject to the following conditions:

1. SC 1.4A (RC2)
2. That the developer shall inform the Local Planning Authority, in writing, of the date of installation of the meteorological testing mast and that at the expiration of one year from the date of installation the mast shall be removed from the site and the land shall be restored to its former condition on or before that date. Reason To enable the Council to review the position at the expiration of the stated period, in order not to prejudice the consideration of future proposals for the land.

98 **Amenity Area At Sandford Green, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments for a change of use to an open space car park.

Councillor Strangwood spoke in support of the application as Ward Member.

The Committee were satisfied with the evidence presented by the Head of Development Control and Major Developments.

Resolved

Following consideration of the Officers' report, written updates the committee resolved that application 08/02292/CDC be approved subject to the following conditions and any other deemed necessary by the Local Highway Authority:

1. S.C 1.4A (RC2) [Time]
2. S.C 4.13CC (RC13B) [Parking and Manoeuvring Area Retained]
3. That samples of the concrete block pavers to be used in the construction of the parking areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved. (RC4)
4. That three of the nineteen parking spaces shall be disabled parking spaces and be retained for the life of the development. Reason – In the interests of highway safety and to comply with Government advice contained in PPG13: transport and Policy T8 of the Oxfordshire Structure Plan 2016.

99 **Oxhay Farm, Mollington Road, Cropredy, Oxfordshire**

The Committee considered a report of the Head of Development Control and Major Developments for the replacement of an existing dwelling and re-use of two small barns for further accommodation and garaging.

The Committee considered the scale of the proposed development and the impact on the tenants of the property.

Resolved

Following consideration of the Officers' report, written updates and presentation the committee resolved that application 06/01346/F be refused.

100 **Tree Preservation Order (No 03) 2008, Applegate, East End, Hook Norton**

The Committee considered a report of the Head of Development Control and Major Developments which sought the confirmation of a tree preservation order which had been opposed at Applegate, East End Hook Norton.

Resolved

That Tree Preservation Order (No.03) 2008 be confirmed.

101 **Tree Preservation Order (no. 4) 2008 Ash Tree at Land Adjacent to 60 Tadmarton Road, Bloxham**

The Committee considered a report of the Head of Development Control and Major Developments which sought confirmation of an unopposed Tree Preservation Order relating to an ash tree at land adjacent to 60 Tadmarton Road, Bloxham.

Resolved

That Tree Preservation Order (No.4) 2008 be confirmed.

102 **Tree Preservation order (no. 5) 2008 - Norway Maple at Heriot house, 8 Dog Close, Adderbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought confirmation of an unopposed Tree Preservation Order relating to a Norway Maple at Heriot House, 8 Dog Close, Adderbury.

Resolved

That Tree Preservation Order (No.5) 2008 be confirmed.

103 **Appeals Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments updating Members upon applications which had been determined by the Council, where new appeals had been lodged, public inquires/hearings scheduled or appeal results received.

Resolved

To accept the position statement.

104 **Decisions Subject to Various Requirements - Progress Report,**

The Committee considered a report of the Head of Development Control and Major Developments updating members upon applications which they had authorised decisions upon, subject to various requirements.

Resolved

To accept the position statement.

105 **Exclusion of the Public and Press**

Resolved

that, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 7 of Schedule 12A of that Act.

EXEMPT

106 **Prosecution Report**

The Committee considered a joint report of the Head of Development Control and Major Developments and the Head of Legal and Democratic Services relating to the progress upon authorised enforcement action and prosecution proceeding against authorised developments.

Resolved

To accept the position statement.

The meeting ended at 5.16 pm

Chairman:

Date:

Application No: 08/02112/F **Ward:** Ambrosden & Chesterton **Date Valid:** 08.10.08

Applicant: Trustees of A Deeley d'cd, c/o Calcutt Farms, Radwell Grounds, Duns Tew Road, Hempton, Deddington, OX15 0QZ

Site Address: Manor Farm, Ardley Road, Middleton Stoney

Proposal: Erection of new grain store

1. Site Description and Proposal

This application relates to Manor Farm, a mixed farming activity comprising a holding of approx. 450 acres (182 ha.). The site is located to the north of Middleton Stoney and is accessed off the B430 Ardley Road. A large spinney screens the site from the easterly direction when viewed from the B430 and is some distance separated from the Heyford Road to the west. No public footpaths run through or close to the site.

Manor Farm includes a farmhouse, range of traditional stone and brick barns, Dutch barn style equivalents and a small grain store. Planning permission was recently granted for the conversion of the traditional buildings to the south of the proposed grain store to form 4 no. dwellings (07/02588/F refers).

Consent is sought for the erection of a purpose built and functionally suitable grain storage and drying building for the agricultural holding. In terms of its siting the building will replace a large open-fronted triple sectional building on the north side of the farm complex, and in terms of its function it will replace an existing grain store which is wholly inadequate in size and compliance with Farm Assured standards.

Measuring 36.5m (l) x 30m (w) x 10m (ridge height), the building will be constructed from steel stanchions with olive green vent air sheeting walls over concrete panels and natural fibre cement roof. The height of the building will be higher to allow for larger vehicles and machinery to tip up throughout the period prior to storage.

A separate fan room to the side of the grain store which will assist with the drying process of the cereals. The building will be sited on a concrete pad with a turning apron around the building.

2. Application Publicity

The application was advertised in the local press and a site notice was posted. No representations have been received.

3. Consultations

Oxfordshire County Council as Local Highway Authority raise no objection

Middleton Stoney Parish Council raise no objection

Environment Agency make no comment.

Agricultural Advisor finds that there is a genuine functional need for the proposed development, as the building will support the agricultural activities occurring at the farm and

will be constructed to comply with the Assured combinable Crops Scheme regulations that came into effect on 1st October 2008.

4. Relevant Planning Policies

Oxfordshire Structure Plan 2016	- Saved Policies	G2 and EN1
Adopted Cherwell Local Plan 1996	- Saved Policies	AG2, C7 and C28
Non-Statutory Cherwell Local Plan 2011	- Policies	EMP8 and EN34
National Government Guidance	- PPS7	Sustainable Development in Rural Areas

5. Appraisal

The key issues to be considered are:

- Essential need for the purposes of the holding
- Visual impact

When considering the acceptability of new agricultural buildings the fundamental issue is establishing whether there is a functional need for the building proposed and whether such proposals are necessitated by the need to comply with new environmental, hygiene and welfare legislation and the need for a building to be practical and functional.

Policy AG2 of the adopted Cherwell Local Plan and EMP8 of the Non-Statutory Cherwell Local Plan 2011 deal with the construction of farm buildings and seek to ensure that they are so sited that they do not intrude into the landscape and that materials chosen ensure that the development fits sympathetically into its rural landscape.

The Council's Agricultural adviser wholly supports the application on the basis that there is a genuine functional requirement for the building proposed as it would be required to support the agricultural activities occurring at Manor Farm.

The second issue of concern would be the visual impact of the building on the rural landscape. The building will replace a large open framed building of about 8m high which has a floor area of 828m² (this building serves no further functional need) and the overall proposal will result in an increase floor area of 264m². The building will be sited adjacent an existing large farm building and will be constructed in materials suitable for its rural context. No additional landscape requirements are considered necessary.

It is considered that the form, siting and construction materials proposed for the new grain store building will have a minimal impact upon the immediate and wider landscape and will be concealed from the wider public domain by the natural topography, trees and hedgerows and complies with the relevant development plan policies

6. Recommendation

It is therefore recommended that the application is approved subject to:

1. SC 1.4 Full Duration Limit (3 years) (RC2)
2. SC 2.0 Details of materials and finishes (RC4) – GRAIN STORE AND FAN ROOM
3. SC 8.5 Noise Emission Plant and Equipment (RC4)

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as there is an essential functional agricultural need for the proposed building which will replace an existing, redundant building on the farm complex without resulting in a significant increase in its built form, which also fits sympathetically within the rural landscape. As such the proposal is in accordance with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and saved Policies AG2, C7 and C28 of the adopted Cherwell Local Plan and Policies EMP8 and EN34 of the Non-Statutory Cherwell Local Plan 2011 and PPS7. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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