

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 15 July 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 Chris Heath
Councillor Alastair Milne Home
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Lawrie Stratford

Apologies
for
absence: Councillor Maurice Billington
Councillor Nick Cotter
Councillor Leslie F Sibley

Officers: John Hoad, Strategic Director - Planning, Housing and Economy
Philip Clarke, Head of Planning Policy and Economic Development
Bob Duxbury, Development Control Team Leader
David Peckford, Senior Planning Officer
Caroline Roche, Planning Officer
Nigel Bell, Solicitor
Natasha Clark, Senior Democratic and Scrutiny Officer

Members declared interest with regard to the following agenda items:

11. Tree Preservation Order (No. 14) 2010 Oak Tree at 30 Spinney Drive, Banbury.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council.

Councillor Colin Clarke, Personal, as an acquaintance of the owner of the property.

12. Enforcement and legal action relating to the failure to comply with the terms and conditions as set out within a S106 legal agreement dated 13 January 2006 requiring the provision of an area of play at land to the rear of 286-304 Broughton Road Banbury (known as Claypits Close).

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council.

13. Variation of Legal Agreement tied to Planning Permission 01/00210/OUT at the Former Cattle Market, Merton Street, Banbury.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council.

34 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.

35 Urgent Business

There was no urgent business.

36 Minutes

The Minutes of the meeting held on 17 June 2010 were agreed as a correct record and signed by the Chairman.

37 Letter from the Secretary of State for Communities and Local Government (27 May 2010) on the Abolition of Regional Strategies: Implications of the for 5 Year Housing Supply and Current Planning Applications

The Head of Development Control and Major Developments and the Head of Planning Policy and Economic Development submitted a report which informed Members of the implications of the Secretary of State's letter of 27 May 2010 for 5 year housing supply and its impact on current planning applications. In light of a further announcement by the Government, the Head of Development Control and Major Developments and the Head of Planning Policy and Economic Development submitted a supplementary report which informed Members of the implications of the revocation of Regional Spatial Strategies announced by the Secretary of State on 6 July 2010 and new guidance for local authorities published on 6 July 2010, for the 5 year housing supply and its impact on current planning applications.

The Head of Planning Policy and Economic Development advised the Committee that in light of the revocation of the South East Plan, there was no longer a Regional Spatial Strategy for the South East of England. The policies of the South East Plan no longer formed part of the development plan and should therefore carry no weight. The Council was still required to provide a 5 year supply of deliverable housing sites which it would set itself. These must be justified and evidence based.

The Committee discussed the potential implications of the Government's announcements. Members commented that the evidence behind the revoked policy could still be relied upon. The Committee noted that a motion had been submitted to Full Council on 19 July 2010 which instructed Officers to continue work on a Local Development Core Strategy, but to progress on the basis of meeting the locally proposed housing target originally endorsed by Councillors and included in the submission of the draft plan to the Government (11,800 to 2026).

Resolved

- (1) That the report on the implications of the Secretary of State's letter of 27 May 2010 for 5 year housing supply and its impact on current planning applications be noted.
- (2) That the supplementary report on the implications on the revocation of Regional Spatial Strategies with regard to determining planning applications and potential appeals be noted.

38

Land North of Milton Road, Adderbury

The Head of Development Control and Major Developments submitted a report which sought permission for the change of use of the land from agricultural use to recreational use. The site was situated directly to the east of Colegrave Seeds site, to the west of the application site for 35 dwellings (10/00512/OUT), and to the north of Milton Road.

Mr Laurence Wilbraham, the applicant's agent and Mr Matthew Wise, Chairman of Adderbury Park Football Club, spoke in favour of the application.

The Committee discussed pedestrian access and lighting at the site. Planning Officers advised Members that any buildings or lighting would require planning permission and applications would need to be submitted as appropriate.

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

Resolved

That application 10/00508/F be approved subject to the following conditions:

- (1) SC 1.4A Duration limit (3 years) (RC2)

- (2) SC 3.0A Submit Landscaping Scheme (RC10A)
- (3) SC 3.1A Carry Out Landscaping Scheme (RC10A)
- (4) SC3.4AA Retain Existing Hedgerow (with access) (RC11A) 'Sourthern'
- (5) That prior to work commencing on site the proposed means of access (including vision slays) on Milton Road is to be formed, laid out and constructed in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
- (6) SC 4.6AA Vision splay protection (RC13BB)
- (7) Prior to the first use of the site for recreational purposes the required footpath link between Horn Hill Road and the site access and other ancillary 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. (RC13BB)
- (8) That, notwithstanding the provisions of Class A of Part 12, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995 and its subsequent amendments, no buildings, storage containers or areas of hard standing shall be placed on the land without the prior express planning consent of the Local Planning Authority.

39

Land North of Milton Road, Adderbury

The Head of Development Control and Major Developments submitted a report which sought outline planning permission for a development comprising of 35 residential dwellings with associated access, open space and landscaping.

Councillor Rick Atkinson spoke in favour of the application as Ward Member.

Mr Peter Burrows, Chairman of Adderbury Conservation Action Group, spoke in objection to the application.

Mr Laurence Wilbraham, the applicant's agent spoke in favour of the application.

The Committee considered the need for affordable housing in the District and the sustainability of providing affordable housing in the current economic climate. Members of the Committee expressed concern regarding the viability and deliverability. The Committee discussed the impact the development may have on the countryside, in particular the adjacent Adderbury Conservation Area.

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

Resolved

That application 10/00512/OUT be refused for the following reasons:

- (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.
- (2) The proposed development of this site in the manner proposed will be detrimental to the setting of the adjacent Adderbury Conservation Area and the adjacent listed buildings and is therefore contrary to PPS5 (Planning for the Historic Environment) and Policy C28 and C30 of the adopted Cherwell Local Plan and Policies EN39 and EN40 of the Non-Statutory Cherwell Local Plan.
- (3) In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches, education facilities, library facilities, and transport measures will be provided, which would be contrary to Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

40 Land to the West and South of Numbers 7 to 26 The Green, Chesterton

The Head of Development Control and Major Developments submitted a report which sought outline planning permission for the erection of 63 dwellings, new village hall/sports pavilion and associated car parking, enlarged playing pitches, new children's play area, access and landscaping.

Mr David Chapman, resident of Chesterton, spoke in objection to the application.

Mr Mike Robinson, the applicant's agent, and Parish Councillor Philip Clarke, Vice-Chairman of Chesterton Parish Council, spoke in favour of the application.

The Committee discussed the suitability and sustainability of Chesterton for the proposed development. Members of the Committee expressed concern that the proposed development was outside of Cherwell District Council planning policy and the impact of the development on the conservation area.

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

Resolved

That application 10/00547/OUT be refused for the following reasons:

- (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 size of the village and existing level 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.
- (2) In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, contributions to playing pitches, education facilities, library facilities, and transport measures will be provided, which would be contrary to Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011 Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

41 **Land South of Blackwood Place and Molyneux Drive and North West of Cotefield Farm, Oxford Road, Bodicote**

The Chairman advised the Committee that this application had been withdrawn by the applicant.

42 **Tree Preservation Order (No. 14) 2010 Oak Tree at 30 Spinney Drive, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought the confirmation of an unopposed Tree Preservation Order No. (14/2010) relating to an Oak Tree at 30 Spinney Drive, Banbury.

Resolved

That Tree Preservation Order No. (14/2010) be confirmed without modification.

- 43 **Enforcement and legal action relating to the failure to comply with the terms and conditions as set out within a S106 legal agreement dated 13 January 2006 requiring the provision of an area of play at land to the rear of 286-304 Broughton Road Banbury (known as Claypits Close)**

The Head of Development Control and Major Developments submitted a report which brought to the attention of the Committee the continued failure of the developer to provide LAPs (Local Area for Play), as required by the Legal Agreement entered into by the applicants at the time of planning permission being granted, and to allow the Committee to consider the need to take formal action to require compliance.

Resolved

That, 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 be authorised. Such authorisation would 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 equip and landscape the Local Area for Play (LAP) to be reasonable satisfaction of the District Council. The LAP must also be assessed and passed by RoSPA (Royal Society for the Prevention of Accidents).

- 44 **Variation of Legal Agreement tied to Planning Permission 01/00210/OUT at the Former Cattle Market, Merton Street, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought authorisation to allow the legal agreement attached to the development at the former Cattle Market, Merton Street, Banbury to be varied to reduce the commuted payments for Local Areas of Play at the site.

The Development Control Team Leader advised the Committee that a supplementary planning document was being developed which would address commuted sums.

Resolved

That the Head of Legal and Democratic Services be authorised to vary the Section 106 agreement to define the appropriate number of Local Areas of Play and other small open spaces and to negotiate a reduced package of contributions for their maintenance thereby enabling the developer to pay for the undergrounding of the electricity line currently crossing the playing field.

- 45 **Decisions Subject to Various Requirements - Progress Report**

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.

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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 7.00 pm

Chairman:

Date: