

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 27 January 2011 at 4.00 pm

- Present: Councillor Fred Blackwell (Chairman)
Councillor Rose Stratford (Vice-Chairman)
- Councillor Ken Atack
Councillor Maurice Billington
Councillor Colin Clarke
Councillor Mrs Diana Edwards
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
- Substitute Members: Councillor Russell Hurle (In place of Councillor Mrs Catherine Fulljames)
Councillor Barry Wood (In place of Councillor Lawrie Stratford)
- Apologies for absence: Councillor Nick Cotter
Councillor Mrs Catherine Fulljames
Councillor Leslie F Sibley
Councillor Lawrie Stratford
- Officers: John Hoad, Strategic Director - Planning, Housing and Economy
Bob Duxbury, Development Control Team Leader
Linda Griffiths, Senior Planning Officer
Caroline Ford, Assistant Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Senior Democratic and Scrutiny Officer

127 **Declarations of Interest**

Members declared interests in the following agenda items:

6. Land South of Talisman Road, Adjacent to London Road, Bicester.
Councillor D M Pickford, Personal, as a Member of Bicester Town Council, who had been consulted on the application.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council, who had been consulted on the application.

7. Langford Park Farm, London Road, Bicester.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council, who had been consulted on the application.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council, who had been consulted on the application.

9. Land East of Oxford Spires Business Park, Langford Lane, Kidlington.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council who had submitted the application.

Councillor Maurice Billington, Prejudicial, as a Member of Oxfordshire County Council who had submitted the application.

Councillor Michael Gibbard, Prejudicial, as a Member of Oxfordshire County Council who had submitted the application.

10. Land at Worton Farm, Yarnton.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would determine the application.

11. Worton Rectory Farm, Cassington Road, Yarnton.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would determine the application.

14. Tree Preservation Order No. 22/2010 Birch, Sycamore & Maple tree at 35 Austin Drive, Banbury.

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

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

16. Bodicote Park.

Councillor G A Reynolds, Prejudicial, as the Portfolio Holder who had been involved in the deliberations in the past.

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

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

129 **Urgent Business**

There was no urgent business.

130 **Minutes**

The Minutes of the meeting held on 6 January 2011 were agreed as a correct record and signed by the Chairman.

131 **Land South of Talisman Road, Adjacent to London Road, Bicester**

The Committee considered a report for a residential development for one hundred and forty dwellings with associated parking, access and public open space.

Angela Banks, the applicant's agent, addressed the Committee in favour of the application.

The Committee considered the suitability of the site for residential use and the impact of noise in the locality on any future development. Members also raised concerns about the risk of flooding in the area and the impact of the proposed development on the volume of traffic in the area.

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

Councillor Pickford proposed that application 09/01592/OUT be refused. Councillor Milne Home seconded the proposal.

Resolved

That application 09/01592/OUT be refused for the following reason:

- (1) The proposed development lies on land that is beyond the built-up limits of Bicester and is not allocated for development in either the adopted Cherwell Local Plan or the Council's non-statutory Cherwell Local Plan 2011 which was adopted for development control purposes. The proposal is therefore contrary to the thrust of Policies H1 and H12 of the adopted Local Plan. The Local Planning Authority believes that consideration of the release of the land for development is premature pending the preparation of the Local Development Framework for the district.

132 **Langford Park Farm, London Road, Bicester**

The Committee considered a report for engineering works comprising lowering of land to allow 1:100 year plus climate change flooding.

The Team Leader Development Control and Major Developments advised the Committee that in light of the Committee's decision to refuse application 09/01592/OUT, it was now recommended that application 10/01316/F also be refused. Members were advised that the proposed engineering works would not be required as the proposed development on the site had been refused

(application 09/01592/OUT) and therefore proposal would be unnecessary engineering works in the countryside.

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

Resolved

That application 10/01316/F be refused for the following reason:

- (1) In the absence of need for this development, which was only required to provide flood compensation for the proposed residential development of nearby land which had been refused planning permission (application ref no 09/01592/OUT), this proposal represents development which will harm the character and appearance of the countryside contrary to Policies C7 and C9 of the adopted Cherwell Local Plan.

133 **Land North of Milton Road, Adderbury**

The Chairman advised the Committee that application 10/01684/OUT had been withdrawn by the applicant.

134 **Land East of Oxford Spires Business Park, Langford Lane, Kidlington**

The Chairman advised the Committee that application 10/01841/CM for the construction of a household waste and commercial waste recycling centre (OCC ref. R3.0167/10) was an application by Oxfordshire County Council upon which Cherwell District Council was being consulted.

The Committee was advised that the application was not yet aligned to an approved strategy but was a clear statement of intent by the County Council. Oxfordshire County Council planners had sought further submissions in respect of the other options, traffic implications and Green Belt issues in the light of the potential pattern of availability.

Resolved

That application 10/01841/CM be deferred to await the submission of information in respect of other options, traffic implications and Green Belt issues in the light of the potential pattern of availability and to allow Cherwell District Council to be re-consulted upon the application.

135 **Land at Worton Farm, Yarnton**

The Committee considered a report for the construction and use of a digestate slurry lagoon.

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

Resolved

(1) That Oxfordshire County Council be advised that Cherwell District Council object to the proposal on the following grounds:

- i. The proposal is considered to be inappropriate development in the Oxford Green Belt, which will harm the visual amenities and the openness of the Green Belt and therefore conflict with the purposes of including the land within the Green Belt. The proposal is contrary to PPG2: Green Belts, Policy CO4 of The South East Plan and policy GB1 of the adopted Cherwell Local Plan.
- ii. The Council's Anti Social Behaviour Manager has questioned the conclusions that the applicant has come to in terms of the PAS110 data as it would appear that within PAS110, open storage of liquor can only be recommended where it is intended that the material be spread on the producers own land. It is therefore questioned why there is a differentiation within the standard between producer usage and marketable product. There appears to be a departure from the standard and therefore there is concern that this may result in odour generation.

Cherwell District Council leave it up to the County however to make a full assessment as to whether the very special circumstances put forward are sufficient to outweigh the harm by reason of inappropriateness.

(2) Cherwell District Council also make the following comment on the scheme:

- i. The Council's Ecologist has commented that given the proximity to two SSSIs (Pixey and Yarnton Meads and Cassington Meadows) and a LWS (Cassington gravel pits) and the nature of the application it is considered that it would be advisable to consult Natural England and BBOWT if not already done. Some concerns have been raised about the possible impacts on the adjacent waterbodies given their wildlife value. Potential ecological effects outside this are not mentioned and there will be some loss of habitat on site for which the suggestions for planting will go some way to mitigate. Planting should be carried out using native species. There is a possibility that reptiles or amphibians may be on site so precautions should be taken to ensure they are not harmed during any works.

(3) Cherwell District Council would ask that they be advised of the decision once it is made.

136 **Worton Rectory Farm, Cassington Road, Yarnton**

The Committee considered a report for the continuation of the winning and working of sand and gravel with restoration using suitable imported materials without complying with the requirements of condition 2 in order to extend the time period for extraction until December 2015 and the time period for restoration until December 2017 to allow sufficient time for the working of material from beneath the plant site.

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

Resolved

- (1) That Oxfordshire County Council be advised that Cherwell District Council raise no objections to the proposal.
- (2) Cherwell District Council considers the conditions attached to the original planning permission should be re-imposed where relevant to ensure the development continues in accordance with the planning permission.
- (3) Cherwell District Council request that they be advised of the decision once it has been made.

137 **Tree Preservation Order No. 19/2010 Maple tree at The Old Cider Mill, Chapel Street, Hook Norton**

The Committee considered a report of the Strategic Director Planning, Housing and Economy and Major Developments which sought the confirmation of an unopposed Tree Preservation Order relating to a Maple tree at The Old Cider Mill, Hook Norton.

Resolved

That Tree Preservation Order No. 19/2010 be confirmed without modification.

138 **Tree Preservation Order No. 21/2010 Willow tree at 2 Castle End, Castle Street, Deddington**

The Committee considered a report of the Strategic Director Planning, Housing and Economy and Major Developments which sought the confirmation of an unopposed Tree Preservation Order relating to a Willow tree at 2 Castle End, Deddington.

Resolved

That Tree Preservation Order No. 21/2010 be confirmed without modification.

139 **Tree Preservation Order No. 22/2010 Birch, Sycamore & Maple tree at 35 Austin Drive, Banbury**

The Committee considered a report of the Strategic Director Planning, Housing and Economy and Major Developments which sought the confirmation of an unopposed Tree Preservation Order relating to a Birch, Sycamore and Maple tree at 35 Austin Drive, Banbury.

Resolved

That Tree Preservation Order No. 22/2010 be confirmed without modification.

140 **Tree Preservation Order No. 27/2010 Birch tree at 39 High Street, Bodicote**

The Committee considered a report of the Strategic Director Planning, Housing and Economy and Major Developments which sought the confirmation of an unopposed Tree Preservation Order relating to a Birch tree at 39 High Street, Bodicote.

Resolved

That Tree Preservation Order No. 27/2010 be confirmed without modification.

141 **Bodicote Park**

The Committee considered a joint report of the Head of Legal and Democratic Services and the Strategic Director Planning, Housing and Economy which updated Members on the future plans for Bodicote Park and the position regarding the Section 106 Agreement currently on the site.

Resolved

- (1) That it be noted that Bodicote Park had been acquired by the Council.
- (2) That it be acknowledged that public ownership of the site will facilitate community initiatives to fulfil the original planning intent - to provide improved sports pavilion and make the site available for public sporting use.
- (3) That it be noted that the outstanding planning obligation requirements contained in the Section 106 Agreement dated 25 June 2003 will be held in abeyance pending formal discharge or variation when a new scheme for the site is brought forward.

142 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were subject to various requirements.

Resolved

That the position statement be accepted.

143

Appeals Progress Report

The Committee considered a report of 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 5.40 pm

Chairman:

Date: