

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 May 2011 at 4.00 pm

- Present: Councillor Rose Stratford (Chairman)
Councillor Fred Blackwell
Councillor Ken Atack
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Trevor Stevens
Councillor Lawrie Stratford
- Substitute Members: Councillor Barry Wood (In place of Councillor Alastair Milne Home)
Councillor Leslie Sibley (In place of Councillor George Parish)
- Apologies for absence: Councillor Alastair Milne Home
Councillor Mrs Catherine Fulljames
Councillor George Parish
- Officers: John Hoad, Strategic Director - Planning, Housing and Economy
Bob Duxbury, Development Control Team Leader
Rebecca Horley, Senior Planning Officer
Ross Chambers, Solicitor
Simon Dean, Planning Case Officer
Michael Sands, Democratic and Scrutiny Officer

3 **Declarations of Interest**

Members declared interest with regard to the following agenda items:

6. Land North West Of Launton Road Roundabout Adjoining Skimmingdish Lane Caversfield.

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

Councillor James Macnamara, Prejudicial, as a Member of the Oxford Diocesan Board of Finance.

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

7. Land Between Birmingham London Rail Line and Gavray Drive, Bicester.

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

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

12. Unit 1 Adj Topps Tiles, Southam Road, Banbury.

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

13. Unit 1 Adj Topps Tiles, Southam Road, Banbury.

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

15. The Old Rectory, Mere Road, Finmere, Buckingham.

Councillor Barry Wood, Prejudicial, as Ward Member.

Councillor Fred Blackwell, Prejudicial, as a Member of the Licensing Committee that considered the application.

Councillor G A Reynolds, Prejudicial, as a Member of the Licensing Committee that considered the application.

Councillor James Macnamara, Personal, as the Applicant was known to him.

Councillor Mike Kerford-Byrnes, Prejudicial, as a resident of Finmere and as a Member of Finmere Parish Council.

4 Petitions and Requests to Address the Meeting

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

5 Urgent Business

The Chairman advised that one item of urgent business had been admitted to the agenda to enable Officers to respond to legal advice within the required timeframe. It would be dealt with after the last agenda item.

6 Minutes

The Minutes of the meeting held on 14 April 2011 were agreed as a correct record and signed by the Chairman.

7

Land North West of Launton Road Roundabout Adjoining Skimmingdish Lane Caversfield

The Committee considered a report for reserved matters (ref: outline 05/01563/OUT) B1 Office development with associated parking, turning and landscaping areas.

The Committee considered the impact to the conservation area and also expressed concern regarding the eco standards of the proposed development.

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

Resolved

That application 09/01659/REM be approved subject to the following conditions:

- i) the applicant entering into an agreement to link the existing Section 106 to this permission to secure the required contributions.
- ii) Any further conditions as recommended by the EA (to be delegated to officers)
- iii) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application site plan drawing no. JJG014/101 submitted with the application.

And the following conditions:

- (1) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved plans:

Location Plan	Drawing no-2354-25
Site Plan	Drawing no-2354-12B
Elevations/Floor Plans-Unit A	Drawing no-2354-13B
Elevations/Floor Plans-Unit B	Drawing no-2354-14B
Elevations/Floor Plans-Unit C1	Drawing no-2354-15B
Elevations/Floor Plans-Unit C2	Drawing no-2354-26
Elevations/Floor Plans-Unit D	Drawing no-2354-16B
Elevations/Floor Plans-Unit E	Drawing no-2354-17B
Elevations/Floor Plans-Unit F	Drawing no-2354-18B
Elevations/Floor Plans-Unit H	Drawing no-2354-27
Elevations/Floor Plans-Unit I	Drawing no-2354-21B

Cycle and Refuse Store	Drawing no-2354-22
Pole Sign	Drawing no-2354-23

Landscape Framework Proposals	0385.1.3
Soft Landscape Proposals	0385.1.4

Schematic Surface Water Drainage Strategy-Drawing 3284.410 Rev B
Floodplain compensation (option 2)-Drawing 3284.502 Rev A

- (2) That the external walls and roof(s) of the proposed individual buildings shall be constructed in accordance with a schedule of materials and finishes which, together with samples of all facing materials, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
- (3) All plant, machinery, mechanical ventilation equipment and ducting, other than that shown on the approved plans, shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority.
- (4) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- (5) That, before any part of the development is first occupied the vehicle access via the Skimmingdish Lane Roundabout and the complete internal roads and footpaths network shall be constructed, surfaced, laid and marked out, drained, lit and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- (6) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- (7)
 - (i) Before the use commences screened provision for the storage of refuse and recycling facilities shall be made in accordance with details as shown on the approved plans. Thereafter the facilities shall be retained solely for their intended purpose and refuse and recycling items shall be placed and stored only in this storage area.
 - (ii) Before the use commences screened provision for the storage of cycles shall be made in accordance with details as shown on the approved plans. Thereafter the facilities shall be retained solely for their intended purpose and cycles shall be placed and stored only in this storage area.

- (8) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) comprising:
- (i) FRA dated Nov 2009 ref 3284.FRA&DS produced by Stuart Michael Assoc.
 - (ii) Letter dated 11 Aug from RME Hewitt at Stuart Michael Assoc.
 - (iii) Letter dated 12 Nov from RME Hewitt at Stuart Michael Associates providing
 - micro drainage calculations dated Nov 2010
 - drawings: 3284.410 Rev B dated 12 Nov 2010 'Schematic Surface water Drainage Strategy'
 - SUDS checklist
 - (iv) Letter dated 17 Dec from Tim Wood at Stuart Michael Associates providing:
 - Drawing 3284.502 Rev A dated 12 Nov 2010 'floodplain compensation (option 2)'
 - Floodplain compensation calculations
- and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off following development to less than greenfield rates as set out in the letter from Stuart Michael Associates dated 11 Aug 2010
 2. floodable voids will be utilised under the buildings to ensure that flood flows are not obstructed and Provision of compensatory flood storage on / or in the vicinity of the site to a 1 in 100 year plus climate change standard as set out in the letter from Stuart Michael Associates dated 17 Dec 2010
 3. Finished floor levels are set no lower than 70.075 m above Ordnance Datum (AOD) as set out in the letter dated 11 August 2010
- (9) No development approved by this planning permission shall take place 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.
- The scheme shall also include:
- Details of how the scheme shall be maintained and managed after completion
 - Greenroofs on all buildings, use of porous paving as shown on drainage plan 3284.410 Rev B
 - Limiting the surface water run-off following development to less than greenfield rates as set out in the letter from Stuart Michael Associates dated 11 Aug 2010

8 Land Between Birmingham London Rail Line and Gavray Drive, Bicester

The Committee considered a report for the extension of time limit to 04/02797/OUT: residential development.

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

Resolved

That application 10/01667/OUT be deferred to await the submission of a supplementary Environmental Statement as requested by Natural England.

9

Butchers Meadow, Balscote, Oxfordshire, OX15 6EX

The Committee considered a report for the erection of two business units – previous application number 06/01090/F.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 10/01921/F be approved subject to the applicant entering into an agreement to restrict the disposal of the workshop development and subject to the following conditions and any further conditions required by the Environment Agency:

- (1) SC 1.4A
- (2) Prior to the commencement of the development revised details of materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The external walls and roof of the building shall be constructed not in accordance with the details shown on drawing number 1593/07 but in accordance with details approved under this condition. (Reason: RC4A)
- (3) Prior to the commencement of the development there shall be submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- (4) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding

seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

- (5) That in the first available planting season after the occupation of the development hereby approved or on completion of the development whichever is the sooner, a hedge of a species to be agreed with the Local Planning Authority shall be planted along the whole of the western boundary of the car park area for the workshop building and be so tended as to grow and remain at a height of 2 metres, and that any plant which may die within five years of planting shall be replaced and thereafter be properly maintained in accordance with this condition.
- (6) That the premises shall be used only for purposes falling within Class B1 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.
- (7) SC 4.3AA (RC13BB)
- (8) SC 4.14AB insert 'twelve' (RC15AA)
- (9) Prior to the commencement of the development specification details of a turning area to be provided within the cartilage of the site to allow vehicles to enter, turn around and leave in a forward direction shall be submitted to and approved in writing by the Local Planning Authority. The turning area shall be constructed, laid out and surfaced prior to the commencement of the development and in accordance with the approved details. The turning area shall be retained for the maneuvering of motor vehicles at all times thereafter.
- (10) Prior to the commencement of the development hereby permitted a preliminary site investigation, including a desk study and site walk over as a minimum, 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.
- (11) If contamination is found by undertaking the work carried out under condition 11, 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.

- (12) If remedial works have been identified in condition 12, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition y. A verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- (13) SC 6.4AB (Reason: RC34AA)
- (14) SC 6.4BC (Reason: RC65AA)
- (15) SC 7.13 (Reason: RC50)
- (16) That no building shall be erected within 3 metres of the public foul sewers which cross the site.
- (17) No development approved by this permission shall take place until a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved. Reason: The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances DETR Circular 09/99 advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the Circular in order to justify the use of non-mains drainage facilities. In this instance no information has been submitted.

10 **Butchers Meadow, Balscote, OX15 6EX**

The Committee considered a report to rescind S106 agreements dated the 10 August 2001 and 12 June 2007 and to replace them with a new S106 agreement to ensure the dwelling and any future workshop development on the site are not disposed of separately.

The Committee was satisfied with the evidence presented.

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

Resolved

- (1) That the legal agreements dated the 10 August 2001 and 12 June 2007 be rescinded.
- (2) Replace them with a new agreement with the following owners obligations: That in the event of the commencement of The Workshop Development not to dispose of the freehold of the Workshop Development separately from the remainder of the freehold of the land.

11 **Land north of Fringford, west of A4421, Shelswell Park, Fringford**

The Committee considered a report for the continued use as agricultural land and new solar farm of up to 5MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including electrical inverter and transformer cabinets, switchgear and meter housing, access track, fencing, security cameras and landscaping on land.

Mr Richard Cooper spoke in objection to the application as a resident of Fringford.

Mr Peter Walker spoke in support of the application as the applicants agent.

The Committee considered the size of the proposed development and the possible impact on wildlife. Members also raised concern regarding the possibility of noise pollution.

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

Resolved

That application 11/00177/F be approved subject to:

- a) the Environment Agency not raising objections or in the event of objections being raised a suitable solution to their objections being found
- b) the following conditions:
 - (1) SC 1.4 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:
 - a. Planning application boundary 1:10,000 and 1:5,000
 - b. C210 Rev. 02 General layout Plan
 - c. C310 Rev. 02 Site Access Roads
 - d. C410 Rev. 02 Fencing and security systems layout and CCTV mast detail
 - e. C510 Rev. 02 Sections 1 of 2
 - f. C511 Rev. 02 Sections 2 of 2
 - g. C610 Rev. 02 Vegetation removal plan
 - h. C705 Rev. 02 Typical solar panel details
 - i. C705 Rev. 02 Inverter/Transformer unit layouts
 - j. C707 Rev. 02 Typical fencing and security system details
 - k. C731 Rev. 01 Switch gear & meter housing cabins
 - l. C910 Rev. 02 Cabin drainage details
 - m. 228503/LA/P01 Rev. A Planting plan

- (3) Prior to the commencement of development or the delivery of any parts or materials to the site the existing means of access between the development land and the public highway (A4421) shall be widened, formed, laid out, constructed and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Once approved the access works shall be constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
- (4) Prior to the commencement of development or the delivery of any parts or materials to the site the access road (Restricted Byway) serving the site shall be widened to a minimum of 6.5m in width (to enable two Heavy Goods Vehicles to pass each other) for a minimum distance of 20m in length from the access/junction with the A4421 in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Once approved these works shall be constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
- (5) Prior to the commencement of development or the delivery of any parts or materials to the site a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include a condition survey of the route and written agreement that any damage associated with the construction vehicles along the Restricted Byway shall be made good at the applicant's expense. The Construction Traffic Management Plan shall be implemented as approved throughout the construction of the solar farm. (RC18AA)
- (6) That during the construction phase of the development hereby approved no construction vehicles/deliveries will arrive at or leave the site during the peak times of 0745 to 0900 and 1600 to 1800 – such a restriction will deter queuing on the public highway at busy times. Reason: To limit the potential for queuing along the A4421 as a result of vehicles turning into or out of the site, in the interests of highway safety.
- (7) Wheel washing facilities
- (8) That all vehicular traffic serving the development shall enter and leave the site via the access to the South East of the site onto the A4421 and not via any other access. Reason: In the interest of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction and operation of the solar farm and to comply with Policy ENV1 of the adopted Cherwell Local Plan and guidance within PPG13: Transport.
- (9) That before the development hereby permitted is brought into first use, the security fencing and the exterior surfaces of the electrical inverter and transformer cabinets and switchgear and meter housing shall be permanently coloured in accordance with details to be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of development. (RC4A)

- (10) SC 3.1A Carry out Landscaping Scheme (RC10A)
- (11) SC 3.4AA Retain Existing Hedgerow/Tree Boundary (with access) (RC11A)
- (12) SC 3.3AA Scheme to be submitted to protect retained trees and hedgerows (RC72A)
- (13) SC 9.4A Carry out mitigation in ecological report (RC85 A)
- (14) SC 9.5A Site Clearance (RC86A)
- (15) That the rated level of noise produced by the electrical conversion and transmission equipment shall not exceed background when measured in accordance with British Standard BS 4142:1997 at the nearest noise sensitive dwelling. (RC53AB)
- (16) Prior to the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority. Reason: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with PPS5: Planning for the Historic Environment.
- (17) Prior to the commencement of development and following the approval of the Written Scheme of Investigation referred to in Condition 17, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority. Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through the publication and dissemination of the evidence in accordance with PPS5: Planning for the Historic Environment.
- (18) SC 8.18 No external floodlights/lights (RC50)

All cabling on the site to and from the solar farm shall be underground. (RC10A)

Mr John Cox spoke in objection to the application as a resident of the Rydes.

The Committee expressed concern regarding the use of the proposed materials and also the character of the proposed development in relation to surrounding properties.

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

Resolved

That application 11/00230/F be refused as the proposed development, by reason of its size, design and materials, is considered to be detrimental to the character and appearance of this residential area and detrimental to the amenities of adjacent properties and therefore is contrary to Policies C28 and C30 of the Adopted Cherwell Local Plan.

13 **Unit 1 Adj Topps Tiles, Southam Road, Banbury**

The Committee considered a report for alterations to the existing building comprising external alterations at ground floor level including installation of a new shop front and entrance feature (front elevation) and new fire escape door (rear elevation), internal alterations including installation of mezzanine floor, three fire escape staircases, one feature customer staircase and new customer lift and consequential reconfiguration of car parking.

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

Resolved

That application 11/00266/F be deferred to enable consideration of late representations received from the applicant and their agents.

14 **Unit 1 Adj Topps Tiles, Southam Road, Banbury**

The Committee considered a report for the variation of condition six of 01/01358/OUT.

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

Resolved

That application 11/00267/F be deferred to enable consideration of late representations received from the applicant and their agents.

Corner Meadow, Farnborough Road, Mollington, Banbury

The Committee considered a report for additional mobile home with associated caravans.

Mr Paul Stephenson spoke in objection to the application as a Member of Mollington Parish Council.

The Committee considered access arrangements to the site and parking provision. Members also expressed concern regarding water supply.

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

Resolved

That application 11/00293/F be approved subject to the expiry of the consultation period and the following conditions:

- (1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- (2) The site shall not be occupied by any persons other than gypsies and travellers as defined within paragraph 15 of ODPM Circular 01/2006.
- (3) No more than two gypsy pitches (one of which was granted planning permission under 10/01610/F) shall be positioned on the site which shall each include one mobile home and two associated caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be static caravans or mobile homes) shall be stationed on the site.
- (4) No commercial activities shall take place on the land, including the storage of materials and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.
- (5) That unless otherwise stipulated by conditions attached to this permission, the development hereby permitted shall be carried out in strict accordance with the following list of approved plans and documents: A2 plan containing Site Location Plan at a scale of 1:1250 and Site Plan at a scale of 1:200 and Design and Access Statement all received with the application on 23 February 2011.
- (6) That notwithstanding the approved plans, the access and access gate and associated fencing shall be constructed on site in accordance with Site Location Plan (Scale 1:500) in relation to condition 5 of planning application 09/00622/F.
- (7) That a plan showing a car-parking provision for two spaces to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

the development, and that such parking facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan before the first occupation of the premises. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

- (8) That within two months of this decision full details of an area of play within the site for use by residents of the site shall be submitted to and agreed in writing by the Local Planning Authority. The area of play shall be provided in accordance with the approved details within six months of the date of this decision.

16

The Old Rectory, Mere Road, Finmere, Buckingham

The Committee considered a report for the temporary change of use for a one day public charity fund raising event (ticketed) including marquees, toilets, bandstand and associated facilities. Application to include the set up and take down – total three days.

Mr Chris Padbury spoke in objection to the application as a resident of Finmere.

Mr David Babister spoke in favour of the application as the applicants agent.

The Committee considered the impact on traffic volumes and the issue of highway safety. Members also expressed concern regarding the suitability of the location for the proposed application.

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

Resolved

That application 11/00483/F be refused as the proposal would increase the use of a rural part of the local highway network to the detriment of the safety and convenience of highway users, and it would result in a large number of pedestrians and motor vehicles sharing a rural part of the local highway network where there is potential for conflict to the detriment of highway safety. Further, the site and event represents an unsustainable location as its accessibility is highly dependent upon use of the private motor car which is unsustainable. The proposal is, therefore, contrary to central government guidance contained in PPG13 and Policy T8 of the South East Plan 2009.

17

Tree Preservation Order No 05/2011 Walnut Tree at 4 Gulley Row, Merton

The Committee considered a report which sought the confirmation of an opposed Tree Preservation Order (No. 05/2011) relating to a Walnut tree at 4 Gulley Row, Merton.

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

Resolved

That Tree Preservation Order (No. 05/2011) be confirmed without modification in the interest of public amenity.

18

Quarterly Enforcement Report

The Committee considered a report which updated Members on the progress of outstanding formal enforcement cases and informed Members of caseload statistics.

The Committee requested that a forthcoming report on outstanding enforcement matters in relation to development at the Corner Meadow, Farnborough Road, Mollington should be considered at the same future committee meeting as a newly received application for further development at the site (planning application 11/00783/F for a vehicular access at Corner Meadow). It was noted that the new application would normally be an item for officer delegated decision. However in the circumstances SD (PHE) indicated that he would be referring the application to the Committee for a decision as this would allow a proper consideration of the relationship between conditions on the previous permissions and the new application.

Resolved

That the report be accepted.

19

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.

20

Appeals Progress Report

The Committee considered a report 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.

21 **Exclusion of 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 3 of Schedule 12A of that Act.

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

The Committee considered legal advice regarding the reasons for refusal of application 09/01592/OUT.

Resolved

That the reason for the refusal of application 09/01592/OUT be amended to the following:

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 meeting ended at 7:45 pm

Chairman:

Date: