

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 8 September 2011 at 4.00 pm

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

71 Apologies for Absence and Notification of Substitute Members

Please refer to information above.

72 Declarations of Interest

Members declared interests in the following agenda items:

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

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

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

8. Penrose House, 67 Hightown Road, Banbury.

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council which had been consulted on the application.

10. Former J A Pye Oxford Ltd site, Langford Locks, Kidlington, OX5 1HZ.

Councillor Tim Emptage, Personal, as a Member of Kidlington Parish Council which had been consulted on the application.

11. 42 South Bar Street, Banbury.

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council which had been consulted on the application.

12. 42 South Bar Street, Banbury.

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council which had been consulted on the application.

13. Land at Station Road, Enslow.

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

15. 237 Balmoral Avenue, Banbury.

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council which had been consulted on the application.

20. Appeals Progress Report.

Councillor Mike Kerford-Byrnes, Personal, as the neighbour of the applicants referred to in paragraph 1.1 of the report.

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

The Chairman reported that no petitions had been received and that requests to address the meeting would be dealt with at each item.

74 **Urgent Business**

There was no urgent business.

75 **Minutes**

The Minutes of the meeting held on 11 August 2011 were agreed as a correct record and signed by the Chairman.

76 **Land Between Birmingham London Rail Line and Gavray Drive, Bicester**

The Committee considered a report which sought an extension of time limit for the implementation of the application 04/02797/OUT which was allowed at appeal for residential development in outline only with all matters reserved.

Dominic Woodfield, local ecologist, and David Redhead, Chairman Upper Thames Branch of Butterfly Conservation, addressed the Committee in opposition to the application.

David Keyse, applicant, addressed the Committee in support of the application.

The Committee considered the ecological impact of the development and noted that the application was outline and therefore further discussions with the applicant could take place.

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

Resolved

That application 10/01667/OUT be approved subject to:

- (a) The applicant entering into a planning obligation satisfactory to the District Council to link the existing Section 106 to this permission to secure the required financial contributions and other matters.
- (b) 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 application site plan drawing no. JJG014/101 submitted with the application.
 - (2) No development shall be started on any phase until full details of the siting, scale, design, layout and external appearance of all buildings, landscaping and all means of access within that phase, the provision of infrastructure and the laying out of open space, (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The reserved matters submissions shall be in accordance with the Approved Master Plan and Design Codes, unless otherwise approved in writing by the Local Planning Authority. (RC1)
 - (3) In the case of the reserved matters, application for the first reserved matters approval shall be made not later than the expiration of three years from the date of this permission and the last no later than five years from the date of this permission. (RC1)
 - (4) The development to which this permission relates shall be begun not later than whichever is the later of the following dates:

- a. the expiration of five years from the date of the grant of outline permission
 - b. the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (5) No building on the site shall exceed 3 storeys in height.(RC7A)
- (6) The residential development shall be at a range of densities as set out in the Design Codes but at not less than 30 dwellings per hectare in any phase and to achieve an average density of not less than 35 dwellings per hectare across the site. (RC4A)
- (7) No more than 500 dwellings shall be built on the site. (RC8A)
- (8) A strategy for public consultation in respect of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall include details of the consultation process to be carried out whilst construction works are proposed, carried out and completed on the site including consultation on Design Codes, Master Plans, Ecological Construction Method Statement and reserved matter applications. The approved consultation strategy shall thereafter be implemented and complied with at all times unless any alteration or variation has first been agreed in writing with the Local Planning Authority. (RC4A)
- (9) That with the exception of an application for the approval of the detailed design and strategy of the surface water drainage and for the layout of the internal road network no other reserved matters applications shall be made or development commenced until the submitted Master Plan has been approved in writing by the Local Planning Authority. The Master Plan shall include:
- a. an overall layout plan showing the distribution of all principle land uses throughout the site, including residential, primary school, areas of open space, the retained County Wildlife Site, and the means of access thereto, including the general alignment of the access roads and principal pedestrian and cycle routes,
 - b. the character areas to be covered by Design Codes,
 - c. details of the landscape structure, mitigation planting and hedge/tree protection corridors, including a scheme for hedgerow retention/removal if proposed and agreed,
 - d. the phases and parcels of the development to which the Affordable Housing Parcel Scheme relate,
 - e. details of the foul, surface and land drainage from the site and the development including surface water control measures and balancing, sewers and connections,
 - f. the location of the neighbourhood equipped area of play (NEAP) and the boundaries and principal features of the flood plain area.
 - g. results of the ecological surveys carried out within the 12 months preceding its submission including how any harm to biodiversity has

been avoided, mitigated against and compensated for to result in a net enhancement to biodiversity.

Thereafter, the development shall be carried out in accordance with the approved Master Plan.

- (10) No reserved matters applications shall be made or development commenced until Design Codes for the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the Approved Design Codes. The Design Codes shall include:
 - a. the character, mix of uses and density of each phase or parcel identified on the Master Plan to include the layout of blocks and the structure of public spaces,
 - b. the character and treatment of the perimeter planting to the development areas,
 - c. the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase or parcel,
 - d. the street form, hierarchy and features that will be used to restrict traffic speeds and create legibility and requirements for street furniture,
 - e. the approach to car/cycle parking within the phases and parcels and the level of car/cycle parking to be provided to serve the proposed uses,
 - f. the materials to be used within each character area,
 - g. the treatment of the hedge corridors and retained trees and local areas of play within each phase or parcel,
 - h. measures to ensure energy efficiency and compliance with BRE Eco Homes good/very good ratings,
 - i. measures to ensure the retention of the footpaths through the built development and their enhancement for walkers.
- (11) The Master Plan and Design Codes shall be submitted to the Local Planning Authority within 18 months of the date of this permission. (RC4A)
- (12) The Ecological Construction Method Statement (ECMS) shall be approved in writing by the Local Planning Authority prior to any work commencing on the site pursuant to this permission. All work on site shall thereafter be in accordance with the approved ECMS, unless any alteration or variation has first been agreed in writing by the Local Planning Authority. (RC85A)
- (13) An implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. This shall include the timing of the provision of mitigation planting, major infrastructure, access roads, laying out of the open spaces and the development of any proposed phases or parcels.
- (14) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment

(FRA) by JBA dated March 2010 and the following mitigation measures detailed within the FRA:

1. A flood storage compensation scheme shall be provided in accordance with Section 5 of the FRA.
 2. Finished floor levels shall be set no lower than 67.3m AOD, in accordance with Section 6.1.2 of the FRA.
 3. Ground levels within the developed areas which encroach into the 1 in 100 year flood extent with an allowance for climate change shall be raised to at least 67m AOD as set out in Section 6.1.1 of the FRA.
 4. The surface water drainage scheme shall include permeable paving, water butts and ponds as detailed in Section 6.2.2.
- (15) 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 an assessment of the capacity of the receiving drainage network.
- (16) No development on any phase or parcel shall commence until a scheme for disposal of surface water, including phased works and maintenance thereof, attenuation and storage and on-site balancing arrangements, reflecting current best practice for sustainable urban drainage, have been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved scheme.
- (17) No development shall take place within the site until the applicant has secured the implementation of a stage programme of archaeological investigation measures in accordance with a written scheme which shall be submitted to and approved in writing by the Local Planning Authority. The programme of work shall include all processing, research and analysis necessary to produce an accessible and usable archive and full report for publication. The work shall be carried out by a professional archaeological organisation acceptable to the Local Planning Authority.
- (18) No development shall commence until a scheme for the disposal of surface water, including phased works and the maintenance thereof, attenuation, storage and on-site balancing arrangements, reflecting current best practice for sustainable urban drainage, has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved scheme. (RC67AA)
- (19) Prior to the commencement of the development details of any flood storage works shall be submitted to and approved in writing by the

Local Planning Authority and thereafter development shall take place in accordance with those approved details. (RC88A)

- (20) No development shall commence until a scheme for dealing with foul drainage from the site, including any phased works, has been submitted to and approved in writing by the Local Planning Authority. The foul drainage shall thereafter be carried out in accordance with the approved scheme. (RC23AA)
- (21) Details of the siting and design of the Local Areas of Play (LAPs) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in any phase or parcel and thereafter provided in accordance with the approved details, prior to the occupation of any dwelling situated within 30 metres of the perimeter of the LAP. (RC92A)
- (22) Prior to the construction of any dwelling in any phase of the development a noise assessment, including any necessary mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling any necessary mitigation measures shall be completed in accordance with the approved assessment. (RC53AB)
- (23) Hedges and trees identified for retention shall be protected by a buffer zone on either side measured at least one metre beyond the existing canopy spread of the hedgerow and trees prior to any agreed pruning or reduction works. The buffer zone shall be fenced prior to any work on the phase or parcel taking place, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall thereafter be retained during all construction activity. (RC73A)
- (24) That within 3 to 6 months before works commence on site a survey to check for badger activity shall be undertaken and a report of the findings and recommendations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved recommendations. (RC85A)
- (25) That within 3 to 6 months before works commence on site a survey to check for bat activity shall be undertaken and a report of the findings and recommendations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved recommendations. (RC85A)
- (26) No works of site clearance, demolition or construction shall take place unless or until an egg search survey report for White letter Hairstreak (survey to be carried out by Butterfly Conservation on behalf of the applicant in the November/ December preceding the submission of the survey report and covering the entire proposed development site and any accessible land within a 50m buffer and the report to include details of species & population present, potential impacts and how impacts will be avoided and mitigated and compensation and

enhancement measures) has been submitted to and approved in writing by Cherwell District Council. Any works must, thereafter, be carried out in accordance with the approved scheme.

- (27) A scheme for the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of each phase and shall thereafter be implemented in accordance with the agreed details. (RC87A)
- (28) Details of the location of all site compounds, access thereto and construction site parking, as well as a scheme for their subsequent removal and restoration of the land, shall be submitted to and approved in writing by the Local Planning Authority prior to their establishment. The compounds, accesses and parking shall be located and subsequently removed in accordance with the approved details. (RC91)
- (29) That prior to the first occupation of the development a scheme for the provision of street nameplates, including their location and full design details, shall be submitted to and approved in writing by the Local Planning Authority.
- (30) That prior to the first occupation of the development the street nameplate details approved under condition 29 shall be installed, retained and maintained in accordance with those details.

77

35 The Rydes, Bodicote

The Chairman advised the Committee that application 11/00819/F had been withdrawn by the applicant.

78

Penrose House, 67 Hightown Road, Banbury

The Committee considered a report for the Construction of 14 no. apartments including associated landscaping.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/00820/F be approved subject to:

- (i) The applicant entering into a planning obligation satisfactory to the District Council to secure financial contributions towards;
 - a) the provision and maintenance of outdoor sports facilities in the locality/town

b) the improvement of education, library, community and waste facilities in the locality/town

- (ii) The imposition of the following conditions;
- (1) SC 1_4A (Time limit for implementation)
 - (2) That the development hereby permitted shall be constructed in accordance with a full schedule of materials and finishes (including samples where appropriate) which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
 - (3) That full design details of the fenestration to be used on the development 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 approved details.
 - (4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter unless agreed in writing with the local planning authority.
 - (5) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
 - details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - 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,
 - details of the hard surface areas, walls, trellis screens, pavements, pedestrian areas, crossing points and steps.
 - (6) 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.
 - (7) The protection of any existing tree to be retained in accordance with the approved plans and particulars shall be achieved as follows:

- no equipment, machinery or material shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars which shall have been previously approved by the Local Planning Authority in writing;
 - if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced in accordance with the approved plans and particulars;
 - the fencing shall be maintained in position during the course of construction and until all equipment, machinery and surplus material has been moved from the site;
 - within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavation shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority; and
 - no tree to be retained in accordance with the approved plans and particulars shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut down or grubbed out without the prior approval in writing by the Local Planning Authority.
- (8) Prior to the commencement of any works on the site, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- (9) That prior to the construction of the new building, the existing means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.
- (10) That prior to the first occupation of the proposed flats, the proposed pedestrian access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the approved plans.
- (11) That, before the development is first occupied the access drive shall be constructed, surfaced, laid and marked out, 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.
- (12) That prior to the first occupation of the development hereby approved full details shall be submitted for the prior approval in writing of the Local Planning Authority of the arrangements for the provision of cycle parking facilities and refuse facilities, and thereafter these facilities shall be fully implemented as approved. These facilities shall be constructed and made available for use by residents prior to the occupation of the residential units in the new block or in the converted Penrose.

- (13) Prior to the construction of the new building vision splays measuring 2.4 metres x 33 metres shall be provided to each side of the access and retained unobstructed thereafter.
- (14) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water and foul sewage drainage schemes shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
- (15) The development shall not begin until a scheme for protecting the habitable rooms in the new building from noise from Oxford Road to achieve an internal sound level of 35 dB (A) with windows closed at night has been submitted to and approved in writing by the Local Planning Authority and all works which form part of the approved scheme shall be completed before any of the flats in the new building are occupied and thereafter the scheme shall be permanently retained in accordance with the approved details.
- (16) All construction traffic for the development shall enter and leave the site in accordance with a detailed scheme and method statement to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The method statement shall include temporary access arrangements, the construction operating hours on site, arrangements for deliveries to the site, the location of any temporary compounds and site offices, the design/location of any hoardings, the storage of building materials, the arrangement for the parking of contractors' vehicles and details of wheel-washing or road sweeping arrangements. The construction of the development shall be carried out in accordance with the approved details and all temporary buildings or structures shall be removed on completion of the development and the land restored to its former condition or in accordance with the approved plans, as appropriate.
- (17) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application and the materials and finishing details included therein.

79 **The Bell Inn, High Street, Hook Norton**

The Chairman advised the Committee that application 11/00894/F had been withdrawn by the applicant.

80 **Former J A Pye Oxford Ltd site, Langford Locks, Kidlington, OX5 1HZ**

The Committee considered a report for the erection of 4 no. two storey buildings for B1, B2 or B8 use with associated vehicle access and parking

Members of the Committee raised concerns about traffic movements. Members welcomed the proposal for B1 and B2 use which provided for a range of businesses and employment.

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

Resolved

That application 11/00906/F be approved subject to:

- (i) The applicant entering into a planning obligation satisfactory to the District Council to secure financial contributions towards;
 - transport infrastructure in Kidlington
 - improvement of the Oxford Canal towpath to be paid to British Waterways.
- (ii) The imposition of the following conditions;
 - (1) SC 1_4A (Time limit for implementation)
 - (2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter unless agreed in writing with the local planning authority.
 - (3) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping and landscape management of the site which shall include:
 - Tree and hedgerow protection measures
 - details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - 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,
 - details of the hard surface areas, walls, trellis screens, 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) The protection of any existing tree to be retained in accordance with the approved plans and particulars shall be achieved as follows:
 - no equipment, machinery or material shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars which shall have been previously approved under condition no. 3 by the Local Planning Authority in writing;
 - if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced in accordance with the approved plans and particulars;
 - the fencing shall be maintained in position during the course of construction and until all equipment, machinery and surplus material has been moved from the site;
 - within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavation shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority; and
 - no tree to be retained in accordance with the approved plans and particulars shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut down or grubbed out without the prior approval in writing by the Local Planning Authority.
- (6) Prior to the commencement of any works on the site, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- (7) Before the development is first occupied the access road, parking and manoeuvring areas shall be provided in accordance with the plan (D001-P4) hereby approved and shall be constructed, laid out, surfaced (bound material), drained (in accordance with SUDS) in accordance with full details which shall be submitted for the prior approval in writing of the Local Planning Authority and shall be completed and retained unobstructed except for the access, parking and manoeuvring of vehicles at all times.
- (8) That prior to the first occupation of the development hereby approved full details shall be submitted for the prior approval in writing of the Local Planning Authority of the cycle parking facilities and refuse facilities and thereafter these facilities shall be fully implemented as approved. These facilities shall be constructed and made available for use prior to the occupation of the development and retained unobstructed thereafter.
- (9) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the

development shall be submitted to, and approved in writing by, the Local Planning Authority, the drainage scheme shall incorporate oil interceptors in conjunction with permeable paving in the car parking areas. The approved surface water and foul sewage drainage schemes shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

- (10) Prior to the commencement of the development and notwithstanding condition no. a further survey shall be carried out to investigate the presence or otherwise of water voles, the survey and results shall then be submitted to the Local Planning Authority and if water voles are found to be present alongside the site, appropriate mitigation measures shall be agreed and implemented prior to the commencement of development to ensure they are not disturbed during the course of the development works.
- (11) That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the development.
- (12) That prior to the commencement of the development, full design details of the proposed lighting to fixed to the buildings or within the site shall be submitted to and approved in writing by the Local Planning Authority.
- (13) Prior to the commencement of development, a working method statement covering the diversion of the Thrupp Ditch culvert in accordance with Option 1 of the Drainage Strategy Report, Project No:170.0001/A (Nola Design, May 2011) and in particular Annex 6.14 (overlay on Drawing SK10 Rev P0), shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.
- (14) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
- (15) That prior to the occupation of the units hereby permitted full design details of any method of mechanical ventilation to be installed within the premises shall be submitted to and approved in writing by the Local Planning Authority. The ventilation system shall be installed and operated in accordance with the approved details thereafter.

- (16) That notwithstanding the approved plans and documents, units 24 – 30 (inclusive) shall not be used for the purposes of Class B8 of the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.
- (17) That no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.
- (18) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Phase 1 Habitat Scoping Survey and Protected Species Assessment by CP Ecology dated June 2011 and Reptile Survey Report by CP Ecology dated July 2011 unless otherwise agreed in writing by the Local Planning Authority.
- (19) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the documents submitted with the application and the following drawings: M900P0, D002P2, D003P2, D004P2, D005P2, D006P2, D007P2, D009P2, D010P2 and amended drawing no. D001P4 received 26/08/11.
- (20) That the rated level of noise emitted from the site shall not background when measured in accordance with British Standard BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas at the nearest noise sensitive level.

81

42 South Bar Street, Banbury

The Committee considered a report for the conversion of existing offices to 13 no. apartments to include rear service area and bicycle store.

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 11/00974/F be approved subject to

- (i) the applicant entering into a planning obligation satisfactory to the District Council to secure financial contributions towards;
 - ii) the provision and maintenance of outdoor sports facilities in the locality/town
 - iii) the improvement of education, library, community and waste facilities in the locality/town
- (ii) the imposition of the following conditions:
 - (1) SC 1_4A (Time limit for implementation)

- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application.

82 **42 South Bar Street, Banbury**

The Committee considered a report for the conversion of existing offices to 13 no. apartments to include rear service area and bicycle store. The application was the tandem application to a major planning application (reference 11/00974/F).

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/00975/LB be approved subject to the following conditions:

- (1) SC 1_5A (Time for implementation specific to Listed Buildings)
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application.
- (3) SC 5_7B (Making good in materials to match)
- (4) SC 5_5AA (Design details) "internal staircase"

83 **Land at Station Road, Enslow**

The Committee considered a report for the demolition of the existing buildings to be replaced with an office building near the entrance to the site, and 7 new residential dwellings.

Kevin Minns, the applicant, addressed the Committee in support of the application. Tony Saunders, Chairman of Bletchingdon Parish Council, addressed the Committee on behalf of The Bletchingdon Community Project in support of the application.

In considering the application, the Committee discussed whether it is complied with existing planning policies. Members noted that there were a series of proposals for reform of the planning system which would be introduced by the Localism Bill. The National Planning Policy Framework (NPPF), part of the governments programme for streamlining the planning system, favoured sustainable development, however as the Localism Bill had not yet been enacted it could not be given much weight and the application had to be considered in line with current planning policies.

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

Resolved

That application 11/01071/OUT be refused for the following reason:

- (1) Enslow is a Category 3 settlement as defined in the adopted Cherwell Local Plan. Policy H15 of the adopted Cherwell Local Plan states that within such settlements new residential development will be restricted to the conversion of non-residential buildings or where an essential need for agriculture, or other existing undertaking, can be established. It is the opinion of the Local Planning Authority that the proposal does not accord with these provisions and that it would be unsympathetic to its rural context, contrary to Government guidance contained within PPS3: Housing and Policies H15 and C28 of the adopted Cherwell Local Plan.
- (2) The proposal will result in the loss of a significant proportion of an employment site which can continue to make an important contribution to the economic development of the area. As a lack of need has not been established or no substantial and demonstrable planning benefit has been demonstrated, the proposal is contrary to Government advice contained within Policy EC12 of PPS4: Planning for Sustainable Economic Growth, Policy RE3 of the South East Plan 2009 and Policy EMP5 of the Non-Statutory Cherwell Local Plan 2011.
- (3) In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, other than the proposed contribution to Bletchington Parish Council, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches, off-site indoor sports facilities, education facilities, library facilities and transport measures will be provided. This would be contrary to Policy CC7 of the South East Plan 2009, Policies H5 and R12 of the adopted Cherwell Local Plan and Policies OA1, H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

(Councillor Gibbard did not vote on this application as he had declared a personal interest)

84 21 and 22 Portland Road, Milcombe, Banbury, Oxfordshire, OX15 4RL

The Committee considered a report for the demolition of 2 No. buildings and to then erect five new dwellings on the site, along with an associated access drive and parking areas.

Jonathon Wright, agent for the applicant, spoke in support of the application.

The Committee considered if all of the reasons for the original refusal of the application had been adequately addressed and noted that the application before the Committee was different from the original application.

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

Resolved

That application 11/01081/F be approved subject to:

- (i) The comments of the Council's Ecologist.
- (ii) 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: application forms, design and access statement, information received with agent's email of the 17 August 2011 and drawing numbers 1167CCCD100 rev A, 1167CCCD102 rev A, 1167CCCD103, 1167CCCD201, 1167CCCD211 rev B, 1167CCCD212 rev A, 1167CCAB113 rev A (proposed first floor plans), 1167CCCD112 rev C.
 - (3) 2.0A (RC4A) [Details of materials and external finishes] insert 'dwellings' after 'finishes' insert 'including samples' at end add 'The development shall be carried out in accordance with the schedule and samples so approved.'
 - (4) 4.0AB (RC13BB) [Access, specification, proposed (as plan)] insert 'construction' 'dwellings'
 - (5) 4.12AA (RC14AA) [...Surface, laid out etc] insert 'access road'
 - (6) 4.13CD (RC13BB) [Parking and manoeuvring area retained]
 - (7) That a plan demonstrating the shared pedestrian access to be extended to join to the access road to the site 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. (RC13BB)
 - (8) 2.10A (RC7A) [Floor levels] insert 'dwellings'
 - (9) 2.13AA (RC8A) [Demolition of buildings – before commencement of the development]
 - (10) 3.7AA (RC12AA) [Submit boundary enclosure details (more than one dwelling)]
 - (11) 3.0A (RC10A) [Submit landscaping scheme]

- (12) 3.1A (RC10A) [Carry out landscaping scheme and replacements]
- (13) 3.3AA (RC72A) [Scheme to be submitted to protect retained trees]
- (14) That the full details of the treatment of the gable of the retained dwelling at 20 Portland Road shall be submitted to and approved in writing prior to the commencement of the development. The development shall be carried out in accordance with the approved details. (RC4A)
- (15) Ecology condition as required by the Council's Ecologist
- (16) 6.2AA (RC32A) [Residential – No extensions]
- (17) 6.3A (RC33) [Residential – No new windows]

85 **237 Balmoral Avenue, Banbury**

The Committee considered a report for a single storey front extension. The application was presented to Committee as the applicant was related to a member of staff.

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 11/01127/F be approved subject to the following conditions:

- (1) SC 1_4A (Time for implementation).
- (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;
 - drawing 108/11/01 (submitted with the application)
 - drawing 108/11/02/A (submitted with the application)
 - the details set out in the application forms

86 **Tree Preservation Order (No.8/2011) Wellingtonia Tree at the Vicarage, Cropredy**

The Committee considered a report which sought the confirmation of an unopposed Tree Preservation Order (no.08/2011) relating to a Wellingtonia tree at The Vicarage, Cropredy.

Resolved

That Tree Preservation Order no. 08/2011 be confirmed without modification.

87 **Tree Preservation Order (No.09/2011) Norway Maple Tree at 17 Old School Close, Caversfield**

The Committee considered a report which sought the confirmation of an unopposed Tree Preservation Order (no.09/2011) relating to a Norway Maple tree at 17 Old School Close, Caversfield.

Resolved

That Tree Preservation Order no. 09/2011 be confirmed without modification.

88 **Quarterly Enforcement Report**

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

The Committee expressed their thanks to the Enforcement Team for their hard work and noted that a number of cases would not be appearing on the next update as they had been complied with.

In response to Member questions about the travellers site at Mollington, the Development Control Team Leader confirmed that officers had held meetings with the occupiers of the site and matters were progressing.

Resolved

That the report be accepted.

89 **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.

90 **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.

The Committee expressed their disappointment at the Inspectors decision to allow the appeals by Leda Properties Ltd against the refusal of application 09/01592/OUT and considered the Inspector's conclusion.

Resolved

That the position statement be accepted.

Planning Committee - 8 September 2011

The meeting ended at 6.30 pm

Chairman:

Date: