

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 3 November 2011 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)  
Councillor Alastair Milne Home (Vice-Chairman)

Councillor Ken Atack  
Councillor Fred Blackwell  
Councillor Colin Clarke  
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 G A Reynolds  
Councillor Trevor Stevens  
Councillor Lawrie Stratford

Substitute Members: Councillor Mrs Diana Edwards (In place of Councillor D M Pickford)

Apologies for absence: Councillor D M Pickford

Officers: Bob Duxbury, Development Control Team Leader  
Tracey Morrissey, Senior Planning Officer  
Mark Harrison, Arboriculture Officer  
Ross Chambers, Solicitor  
Natasha Clark, Senior Democratic and Scrutiny Officer  
Aaron Hetherington, Assistant Elections Officer

105

### Declarations of Interest

Members declared interests in the following agenda items:

#### **8. Land South West Of The Mead, Woodstock Road, Yarnton.**

Councillor Michael Gibbard, Personal, as a Member of Yarnton Parish Council who had been consulted on the application, but he was not involved with planning matters on the Parish Council.

**9. Shipton on Cherwell Quarry, Shipton on Cherwell, Oxfordshire.**

Councillor G A Reynolds, Personal, as a Member of Oxfordshire County Council which would determine the application.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council which would determine the application.

**10. Shipton on Cherwell Quarry, Shipton on Cherwell, Oxfordshire.**

Councillor G A Reynolds, Personal, as a Member of Oxfordshire County Council which would determine the application.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council which would determine the application.

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

There were no petitions or requests to address the Committee.

107 **Urgent Business**

There was no urgent business.

108 **Minutes**

The Minutes of the meeting held on 6 October 2011 were agreed as a correct record and signed by the Chairman subject to the following amendments:

**Minute 91: Declarations of Interest**

Delete declarations of interest for Councillor Lawrie Stratford for agenda item 7. Land to the rear of 81-85 Sheep Street, Bicester, Oxon OX26 6JS and agenda item 8. Land to the rear of 81-85 Sheep Street, Bicester, Oxon OX26 6JS.

109 **Land South of Bernard Close. Berkeley Homes Site, Cassington Road, Yarnton**

The Committee considered a report which sought the erection of an Extra Care Home. This report was an update to a report which was considered by Members at Planning Committee on 4 November 2010 at which Members were minded to approve the application for a 50 unit extra care proposal subject to (a) The Local Highway Authority agreement that the parking provision is sufficient; (b) The completion of a S106 agreement to secure the delivery of affordable housing with a cascade mechanism to secure up to 30% based on the viability of the scheme and availability of grant funding; (c) The completion of an agreement or receipt of a unilateral undertaking to secure remaining necessary contributions and (d) conditions.

The Committee was advised that the application was before Members for a second time as the applicants were not willing to enter into a section 106 to secure the delivery of affordable housing even with the inclusion of a cascade mechanism to secure up to 30% affordable housing. The Development Control Team Leader confirmed that the applicant had submitted information which had been appraised by the Council's Housing Team and an external consultant and demonstrated that it was not possible for the scheme to secure a level of affordable housing.

The Committee confirmed their support for the scheme and the provision of extra care housing. In terms of affordable housing, Members noted that adjacent to the site was a development with a large provision of affordable housing and that there was also an affordable nursing home in Yarnton.

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

### **Resolved**

That application 10/01302/F be approved subject to:

- (a) The completion of an agreement or receipt of a unilateral undertaking to secure the remaining necessary contributions.
- (b) 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) 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 no. PL10 Rev B - Site Location Plan, Proposed Site/Roof Plan
    - Drawing no. PL11 Rev A - Proposed Floor Plans
    - Drawing no. PL12 - Proposed Elevations (Context)
    - Drawing no. PL13 Rev A - Proposed Elevations sheet 1 of 3
    - Drawing no. PL14 - Proposed Elevations sheet 2 of 3
    - Drawing no. PL15 - Proposed Elevations sheet 3 of 3
  - (3) That samples of the brick, stone and render to be used in the construction of the walls of the extra care building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.
  - (4) That samples of the slate/tiles to be used in the covering of the roof of the extra care building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.

- (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:-
  - (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.
- (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) That full design details of the windows and doors 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.
- (8) No development shall take place on the site until the applicant(s), or their agents or successors in title, has arranged an archaeological watching brief to be maintained during the course of building operations or construction works on the site. The watching brief shall be carried out in accordance with a written specification and by a professional archaeological organisation acceptable to the Local Planning Authority.
- (9) Prior to the first occupation of the extra care building the vision splays for the development shall be provided and shall not be obstructed by any object, structure, planting or other material.
- (10) The development shall be carried out in accordance with the details of the submitted Travel Plan dated August 2010.
- (11) 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.

- (12) Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.
- (13) That the rated level of noise emitted from any externally located plant or equipment shall not exceed the background sound pressure level by more than 5dB when measured in accordance with British Standard BS 4142:1997 nearby dwellings.
- (14) That service vehicles shall not arrive at or depart from site before 08:00 hours or after 18:00 hours on any day. (Emergency services and other related emergency organizations being exempt).
- (15) Any vegetation to be cleared that is likely to support breeding birds shall be undertaken outside of the breeding bird season (March to August inclusive).
- (16) Any trees proposed for felling as part of the scheme hereby approved must be checked for use by bats by a suitably qualified ecologist prior to felling and their advice must be followed.
- (17) The development hereby approved shall be carried out in accordance with the surface water drainage scheme, approved for the purposes of application number 08/02541/F.
- (18) Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the water course on the frontage of the site 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. The scheme shall include: Plans showing the extent and layout of the buffer zone; Details of the planting scheme (for example native species); Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.
- (19) The development hereby approved shall be carried out in accordance with the waste water disposal details approved, for the purposes of application number 08/02541/F.
- (20) That prior the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

- (21) 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 extra care building.
- (22) That the development hereby approved shall be used solely for the purpose of extra care accommodation, defined for the purposes of this application as self-contained homes for older people and/or people with disabilities and which enables independent living by providing a range of 24 hour care/support facilities and for no other purpose whatsoever, including any other purpose in Class C2 and C3 of the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.
- (23) That the extra care units of accommodation hereby approved shall be occupied only by residents of 65 years of age and over.

110 **50 Market Square, Bicester, OX26 6AJ**

The Committee considered a report which sought consent to change the use of 50 Market Square from Class B1 (business) to Class A2 (financial and professional services).

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 11/01304/F be approved, with no conditions.

111 **Land South West Of The Mead, Woodstock Road, Yarnton**

The Committee considered a report which sought approval for a change of use of land for use as a gypsy and traveller site involving the provision of 3 no. household pitches with no more than 6 no. caravans of which no more than 3 no. shall be static caravans or mobile homes and the erection of 2 no. amenity buildings and associated hardstanding and parking areas.

The Senior Planning Officer reported that following an article on Oxfordshire radio that morning, a number of emails had been received by the planning department objecting to the development on green belt land, lack of consultation and the recommendation for approval being against the view of the parish council.

The Committee was advised that the decision of Inspectors appointed by the Secretary of State to allow the appeal against the refusal of application 10/00839/F for the change of use of land for British Romany Gypsy families at

OS Parcel 2678 adjoining A34 by Hampton Gay and Poyle should be taken as a material consideration when considering this application.

The Committee considered the impact of the development on Green Belt and whether there were very special circumstances under which development could be permitted on this occasion. Members acknowledged the objections that had been submitted in relation to the proposal. In considering the application, the Committee noted that the inquiry had criticised the lack of suitable sites in the district which could accommodate gypsy and traveller families. In response to Member's queries about existing consent for gypsy and traveller sites, the Solicitor advised the Committee that all sites in the district were private and the Council could not therefore control who they permit on their land.

Councillor Gibbard proposed that temporary consent for a period of three years be granted, subject to conditions. Councillor Lawrie Stratford seconded the proposal.

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

### **Resolved**

That application 11/01356/F be approved for a temporary period of three years subject to:

- (i) Departure procedure
- (ii) The submission of an amended drawing revising the layout of the site, the removal of the objection from the Environment Agency
- (iii) The imposition of the following conditions:
  - (1) 1.4A - Full Permission: Duration Limit (3 years) (RC2)
  - (2) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.
  - (3) No commercial activities shall take place on the land; including the storage of materials and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
  - (4) No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be static caravans or mobile homes) shall be stationed on the site at any time.
  - (5) 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: **Amended Site layout (to be received)**, site location plan, detail of boundary fencing, proposed amenity building.

- (6) That within 2 months of the date of the permission a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority, the scheme 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.
- (7) 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.
- (8) That within 2 months of the date of the permission, samples of the materials to be used in the construction of the external surfaces of the day rooms 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.
- (9) That within 3 months of the date of this decision, the existing means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with the approved site layout plan and 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 before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the site layout 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.
- (11) Prior to the development a scheme for the provision and management of a buffer zone alongside the Kingsbridge Brook 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. The scheme shall include:

- (i) plans showing the extent and layout of the buffer zone
  - (ii) details of any proposed planting scheme, (for example, native species)
  - (iii) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.
- (12) Upon receipt of the Ecology survey the following condition shall be used:
- The development hereby permitted shall be carried out in accordance with the recommendations set out in Ecology Survey unless otherwise agreed in writing by the Local Planning Authority.
- (13) That at the expiration of 3 years from the date hereof the use specified in your application shall be discontinued and the land shall be restored to its former condition on or before that date.
- (14) That this permission shall enure for the benefit of Lilly Price and her family (as detailed in the application) only, and of no other persons whatsoever, and shall not enure for the benefit of the land. Upon the applicant ceasing to occupy the land, it shall revert to its former use.

112

### **Shipton on Cherwell Quarry, Shipton on Cherwell, Oxfordshire**

The Committee considered a report which sought the comments of Cherwell District Council on a planning application currently being dealt with by Oxfordshire County Council. The application was for a facility for the importation, storage and processing of inert construction and demolition waste, and operation of an aggregate recycling facility on land at Shipton on Cherwell Quarry and retention of the existing weighbridge, site office and wheelwash to facilitate the operation of the proposed recycling facility (OCC ref. MW.0119/11)

Members considered the highways impact of the proposal and agreed that the council's consultation response should request that improvements to highways and traffic arrangements in the vicinity of the site be carried out before the development of the site.

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

### **Resolved**

That Oxfordshire County Council be advised that Cherwell District Council has reservations about the scheme and that despite its apparent temporary nature, this proposal would cause harm by way of inappropriateness and an

effect on the openness of the Green Belt. Clearly there are benefits associated with the ARF and the potential to increase recycling, however the Council is not convinced that these amount to very special circumstances that outweigh the presumption against inappropriate development in the Green Belt, but OCC is best placed to assess whether a very special circumstances case can be made in relation to Green Belt Policy.

The comments made the Cherwell District Council's Anti Social Behaviour Manager and OCC's Ecologist should however be taken into account during the determination of the application.

Given the tremendous change in operation of the site, Cherwell District Council requests that improvements to the highways and traffic arrangements in the vicinity of the site be carried out before the development of the site.

Cherwell District Council request that they be informed of the outcome of the application once a decision has been made.

(Councillor Catherine Fulljames left the meeting for the duration of the item. Councillor Reynolds requested that his abstention from the vote be noted.)

113

### **Shipton on Cherwell Quarry, Shipton on Cherwell, Oxfordshire**

The Committee considered a report which sought the comments of Cherwell District Council on a planning application currently being dealt with by Oxfordshire County Council. The application was for the continuation of development without complying with condition 6 (importation of waste by road) and with the variance of conditions 1 (time limits) and 7 (volume of waste imported) of planning permission 10/00360/CM, dated 17 June 2010 (OCC ref. MW.0120/11).

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

#### **Resolved**

That Oxfordshire County Council be advised that Cherwell District Council has concerns in relation to this proposal as the variation of conditions has the potential to increase traffic movements to the site for a significant period of time to which no end date/restricted time period has been identified. The approval of this may reduce the applicant's urgency to secure a rail linked waste contract leading to the continued use of the road network for accessing the site, for a period of time which although is temporary, is for a significant amount of time.

Cherwell District Council request that they be informed of the outcome of the application once a decision has been made.

(Councillor Catherine Fulljames left the meeting for the duration of the item. Councillor Reynolds requested that his abstention from the vote be noted.)

114 **Variation of s106 agreement Rural Housing Trust Properties, Congyer Close, Bletchington, Sands Close, Islip**

The Committee considered a report of Head of Service 8 which proposed a variation to a s106 agreement made with the Rural Housing Trust which would enable better access to mortgage finance for prospective purchasers of shared ownership units.

**Resolved**

- (1) That the variation of the s106 agreement be approved.

115 **Tree Preservation Order (no. 02/2011) Yew Tree at Holy Trinity Church, Shenington**

The Committee considered a report of Director 3 which sought the confirmation Tree Preservation Order no 02-11 with one objection relating to a Yew tree at Holy Trinity Church, Shenington.

**Resolved**

- (1) That Tree Preservation Order (02/2011) at the site of Holy Trinity Church, Shenington be confirmed without modification in the interest of public amenity.

116 **Tree Preservation Order (no. 10/2011) Apple tree at Plemont, School Lane, North Newington, Banbury**

The Committee considered a report of Director 3 which sought the confirmation Tree Preservation Order no 10-11 with one objection relating to an Apple tree at Plemont, School Lane, North Newington, Banbury, Oxon, OX15 6AQ.

**Resolved**

- (1) That Tree Preservation Order 10-11 at the site of Holy Plemont, School Lane, North Newington be confirmed without modification in the interest of public amenity.

117 **Decisions Subject to Various Requirements**

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

**Resolved**

- (1) That the position statement be accepted.

118

**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**

- (1) That the position statement be accepted.

The meeting ended at 5.30 pm

Chairman:

Date: