

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 23 February 2012 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 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

Apologies for
absence: Councillor Mrs Catherine Fulljames
Councillor Lawrie Stratford

Officers: Bob Duxbury, Development Control Team Leader
Jenny Barker, Major Developments Team Leader
Paul Ihringer, Planning Officer
Jon Brewin, Arboriculture Officer
Ross Chambers, Solicitor
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Democratic and Elections Officer

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Declarations of Interest

Members declared interests in the following agenda items

8. Land Between 22 and 23A Harts Close, Kidlington.

Councillor Tim Emptage, Prejudicial, as a member of Kidlington Parish Council which had been consulted on the application and had met with residents to discuss in detail..

10. 140 Oxford Road, Kidlington.

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

11. Smiths, Bloxham Road Caravan Site, Bloxham Road, Milton.

Councillor Chris Heath, Prejudicial, as friends with the applicant.

12. 9 Sandell Close Banbury.

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

Councillor Colin Clarke, Personal, as a member of Banbury Town Council which had been consulted on the application..

13. Bicester & Ploughley Sports Centre, Queens Avenue, Bicester.

Councillor D M Pickford, Prejudicial, as a member of Executive.

Councillor G A Reynolds, Prejudicial, as a member of Executive.

Councillor George Parish, Prejudicial, as a member of Executive.

Councillor James Macnamara, Prejudicial, as a member of Banbury Town Council and Upper Heyford Parish Council.

Councillor Ken Atack, Prejudicial, as a member of Executive.

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

22. 16 & 18 Bucknell Road, Bicester.

Councillor D M Pickford, Prejudicial, .

Councillor Rose Stratford, Personal, .

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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.

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Urgent Business

There was no urgent business.

171 **Minutes**

The Minutes of the meeting held on 26 January 2012 were agreed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 150: Declarations of Interest

Delete declaration of interest for Councillor Tim Emptage Personal for agenda item as a member of Kidlington Parish Council which had been consulted the application from 9. White Post Road, Bodicote and insert the declaration to agenda item 11. 157 Oxford Office Village, Langford Lane, Kidlington.

172 **Hornton Grounds Quarry**

The Committee considered a report to vary conditions 1, 2 and 5 of the existing Planning Permission Ref: 06/01117/CM and Condition 80 of existing Planning Permission Ref: 06/01119/CM to allow the following; Replacement of existing substandard portable building with an improved timber panelled building for staff use; Extension of time for the retention of the stone cutting/dressing buildings and conservation yard from 31 December 2013 to 31 December 2023 with subsequent restoration of the site by 31 December 2024; Increase in the amount of stone imported to the site from 4,000 tonnes pa. (OCC ref. MW.0011/12).

The Committee was satisfied with the evidence presented and noted that Cherwell District Council was a consultee on this application. Oxfordshire County Council would be determining the application.

In reaching their decision, the committee considered the officers' report and presentation.

Resolved

That Oxfordshire County Council be advised that Cherwell District Council has no objections to the proposal, subject to the imposition of suitable conditions to control environmental impact relating to traffic, noise and dust associated with the continuing use of the site; and providing the County Council is satisfied with the proposal in highway safety and convenience terms.

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

173 **Former Upton Dairy, Upton Estate, Stratford Road, Shenington**

The Committie considered an application for the erection of one storage unit (B8 use), one business unit (B1, B2 and B8 use), associated car parking and landscaping.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/01641/F be approved subject to 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 following plans and documents and the materials and finishing details included therein;
 - I. drawing 012 Rev P3 (submitted with the application)
 - II. drawing 013 Rev P2 (submitted with the application)
 - III. drawing 014 Rev P2 (submitted with the application)
 - IV. drawing 015 Rev P3 (submitted with the application)
 - V. drawing 116 Rev P2 (submitted with the application)
 - VI. drawing U4.5-002 – External Lighting Plan and the Dextra Avalon Wallpack data-sheet (received on 12 January 2012)
 - VII. the details set out in the Application Forms and Design & Access Statement (submitted with the application)
- (3) That the transport impact of the development hereby approved shall be mitigated against by adherence to the Workplace Travel Plan for the site, dated September 2010, approved under application reference 10/00228/DISC on 21 October 2010.
- (4) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the submitted details and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details therein and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- (5) That 'The Heath' building shall be used only for purposes falling within Class B8; specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.
- (6) 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.
- (7) That no plant, air compressor or air extraction equipment shall be installed on the site or in the buildings without prior written consent of the Local Planning Authority.
- (8) The existing trees along the eastern boundary of the site shall be retained and properly maintained and that any tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

- (9) That, notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, the approved building shall not be extended without the prior express planning consent of the Local Planning Authority.
- (10) Notwithstanding the provisions of section 55 (2) (a) (i) of the Town and Country Planning Act 1990 and Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no internal operations increasing the floor space available within the building hereby permitted shall be carried out without the prior express planning consent of the Local Planning Authority.
- (11) That the development shall be carried out in accordance with the contaminated land phased risk assessment and mitigation strategy approved by this authority on 11 February 2010, under submission reference 09/01861/DISC.

174

Land Between 22 and 23A Harts Close, Kidlington

The Committee considered a report for the proposed erection of 3 no. 3 bed and 2 no. 1 bed properties and associated parking.

Councillor Tim Emptage addressed the Committee as Ward Member. Following his address, he left the meeting for the debate and vote on the application.

Members noted that they did not object to proposals for new houses in Kidlington however they must be appropriate. The Committee noted that the proposal provided no information regarding alternative parking for residents and would result in the loss of a children's play area.

In considering the application, the Committee agreed that officers should be requested to write to the applicant advising that they felt the application was inappropriate as it emanates from a fellow Local Planning Authority, and the failings of the scheme should have been seen as self-evident.

In reaching their decision, the committee considered the officers' report and presentation.

Resolved

That application 11/01785/OUT be refused on the grounds that:

- (1) The applicant has failed to provide information which would justify the change of use of the existing car park for residential purposes. Therefore, it is considered that the parking area is required for use as such and therefore that its loss will result in vehicles parking and manoeuvring on the public highway to the detriment of the safety and

convenience of other road users. The development therefore does not accord with Government guidance contained within PPG13: Transport and Policies TR5 and TR11 of the Non-Statutory Local Cherwell Local Plan 2011.

- (2) The proposed development will result in the loss of a children's play area. Without an acceptable justification, the development therefore runs contrary to Government guidance contained within PPS3: Housing and PPG17: Planning for Open Space, Sport and Recreation and Policy S1 of the South East Plan 2009 and Policy R7 of the Non-Statutory Local Cherwell Local Plan 2011.
- (3) The applicant has failed to demonstrate that it is possible to accommodate the proposed development within the application site without harming the amenities of the neighbouring residents with particular regard to 23A Harts Close. The development therefore does accord with Government guidance contained within PPS3: Housing, Policy BE1 of the South East Plan 2009 and saved Policy C30 of the adopted Cherwell Local Plan.

175

Stable Block Corner, Farnborough Road, Mollington

The Committee considered an application for the erection of day-room – resubmission of 11/00430/F. Consideration of this item had been deferred from the previous meeting to allow for a site visit.

Paul Stephenson, Chairman of Mollington Parish Council, spoke in opposition to the application.

In considering the application, Members questioned the size of the day-room and the materials that would be used to construct it. Members raised concerns over parking.

Members commented that there were outstanding enforcement issues relating to the site. The Solicitor confirmed that these issues were being addressed and reminded the Committee that they were not relevant to this application. The Development Control Team Leader confirmed that the day room would not be permitted to be used as overnight accommodation.

Councillor Reynolds proposed that consideration of the application be deferred to allow for further investigation and information to be provided to the committee. Councillor Blackwell seconded the proposal.

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

Resolved

That consideration of application 11/01808/F application be deferred to allow for further investigation and information to be provided to the Committee.

176 **140 Oxford Road, Kidlington**

The Committee considered a report for a single storey extension with access ramp to adjacent church.

Tim Cooper, neighbouring resident, spoke in opposition to the application

Chris Pack, Chair of the Church group that had been driving the application, spoke in support of the application.

Members raised concerns over the size and proximity of the development to the existing buildings. The Committee noted that the proposed conditions would ensure minimal impact on residents in the vicinity.

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

Resolved

That application 11/01816/F be approved subject to:

(a) The following conditions:

- (1) 1.4A - 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 approved plans: 1123 001; 1123 002; 1123 003 B; and 1123 004 D
 - (3) SC 2.6AA - Materials to Match
 - (4) That no amplified sound equipment shall be operated or used in the building hereby approved.
 - (5) The use of the building hereby approved shall be limited to the activity as set out in the Statement of Justification which formed Appendix 1 of the Applicant's design and Access Statement.
- (b) and other conditions as agreed between the Head of Public Protection and Development management and the Chairman to deal with the concerns expressed in his address to the Committee by Mr Cooper.

177 **Smiths, Bloxham Road Caravan Site, Bloxham Road, Milton**

The Committee considered an application for the use and continued use of the site as a gypsy and traveller site to provide 36 no. household pitches with associated landscaping, landscape bund, amenity/play area, dayrooms, access road, hardstanding and parking areas.

In introducing the report, the Development Control Team Leader advised the committee of the comments received regarding land contamination.

In considering the application, some members of the committee spoke in support of the application and made reference to the fact the proposed development was a good design and enhanced the site both visually and in terms of amenities for the community.

Members commented that the development would help meet future accommodation needs for gypsies and travellers in the district and it was a good site in an appropriate location.

In reaching their decision, the committee considered the officers' report, written update and presentation.

Resolved

That the application 11/01863/F be approved subject to the following conditions:

- (1) SC 1_4A (Time limit for implementation)
- (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 64 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 12 shall be park homes and 16 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 location plan received 30.01.12 and 2228/01, 03A and 04 received with the application.
- (6) That prior to the commencement of the development a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority, the scheme shall include:
 - (a) full details of the landscape bund, which shall include; the dimensions of the landscape bund (height, shape, width at base, length); the depth of top-soils to support any planting; a planting scheme for the bund; and proposals for the long-term landscape maintenance.
 - (b) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas.

- (c) the reinforcement of the existing hedges along the northern and western boundaries by additional planting, which shall include defensive planting and shall also include details of the proposed tree and shrub planting including their species, number, sizes and positions.
 - (d) 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.
 - (e) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- (7) That the bund and 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) No wastes other than inert non recyclable waste arising from the Waste Transfer Station adjacent to the land shall be used in the construction of the landscape bund.
- (9) That prior to the commencement of the development samples of the materials to be used in the construction of the external surfaces of the day rooms, toilet blocks and bin stores hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- (10) The development hereby permitted shall be carried out in accordance with the recommendations set out in Extended Phase 1 Habitat Survey of the Caravan Park, Milton Road, Bloxham by Martin Ecology dated August 2011 unless otherwise agreed in writing by the Local Planning Authority and that there will be no removal of trees, scrub or hedgerows between the months of March to August inclusive.
- (11) That, before the development is first occupied the access drive and parking areas shall be constructed, surfaced, laid and marked out, drained to SuDs compliance 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) A Local Area of Play (LAP) shall be provided in accordance with the Council's adopted policy. Details of the siting and design of the LAP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter it shall be provided in accordance with the approved details prior to the occupation of any dwelling.

178 **9 Sandell Close Banbury**

The Committee considered a report for single storey side and rear extensions.

The Committee was satisfied with the evidence presented.

In reaching their decision, the committee considered the officers' report and presentation.

Resolved

That application 11/01919/F be approved subject to 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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, and drawings numbered 2226/01 and 02.

179 **Bicester & Ploughley Sports Centre, Queens Avenue, Bicester**

The Committee considered an application for the installation of roof mounted solar panels.

The Committee was satisfied with the evidence presented.

In reaching their decision, the committee considered the officers' report, written update and presentation.

Resolved

That application 12/00012/F be approved subject to:

- (a) the expiration of the consultation period (end of today - 23 February)
- (b) the following conditions:
 - (1) SC1.4 (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: dwg nos. 561-31-L301(P3), 34-D301(P2), 34-D303(P2) and site location plan submitted with the application

(Councillor Pickford requested that her abstention from the vote be recorded)

180

OS Parcel 4100 Adjoining and South of Milton Road, Adderbury

The Committee considered an outline application for the erection of 65 dwellings with associated access, open space and landscape works and provision of a sports pitch (football) with changing facilities and car park – Resubmission.

Sue Jelfs, Member of Adderbury Parish Council, spoke in objection to the application.

The Committee was satisfied with the evidence presented.

In reaching their decision, the committee considered the officers' report, public speaker, written update and presentation.

Resolved

That application 12/00026/OUT be refused on the grounds that:

- (1) The proposal represents development beyond the built up limits of Adderbury, a rural settlement where development is less sustainable than the urban areas, and where it will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone as it will result in an unplanned development potentially undermining the Council's emerging Core Strategy. As such the proposed development is contrary to the saved policies H12, H13, H18 and C7 of the adopted Cherwell Local Plan, Policies H15, H19 and EN34 of the Non-Statutory Cherwell Local Plan, Policies H2 and SP3 of the South East Plan, Planning Policy Statement 3 - Housing, Planning Policy Statement 7 – Sustainable Development in Rural Areas.
- (2) In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development will be provided, thus adding to the pressures on local infrastructure and services, contrary to Policy CC7 of the South east Plan, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

181

Paragon Fleet Solutions, Heyford Park, Camp Road

The Committee considered an application for change of use to allow the continued use of land, buildings and other structures and continued retention of security trench, concrete rings and temporary lamp posts until 1 April 2015.

The Team Leader requested that the committee agreed to defer consideration of the application to allow for further negotiations with the applicant.

Resolved

That application 12/00040/F be deferred for further consultation with the applicant.

182 **Ardley Composting Site, Ashgrove Farm, Middleton Stoney Road, Ardley**

The Committee considered an application relating to details pursuant to condition 11 (floodlighting) of planning permission (MW.0073/10) 09/01312/CM (OCC ref: MW.0024/12).

The Committee was satisfied with the evidence presented and noted that Cherwell District Council was a consultee on this application. Oxfordshire County Council would be determining the application.

In reaching their decision, the committee considered the officers' report and presentation.

Resolved

That Oxfordshire County Council be advised that Cherwell District Council raises no objections to the proposal subject to the imposition of conditions concerning hours of operation of the lighting to normal working hours only i.e. proposes 0800-1800 Mon – Fri and 0800-1230 Saturday only as per the current operation.

183 **Various Trees, Hall Close, North Aston**

The Arboricultural Officer - South advised the committee that Tree Preservation Order No. 15/2011 Various Trees, Hall Close, North Aston had been withdrawn.

184 **Open Space Greenwood & Shakespeare Drive, Bicester**

The Committee considered a report which sought the confirmation of an unopposed Tree Preservation Order (No. 16/2011) relating to Open Space at Greenwood & Shakespeare Drive, Bicester.

Resolved

- (1) That Tree Preservation Order no. 16/2011 be confirmed without modification

185 **Rowarth House, Little Lane, Horley**

The Committee considered a report which sought the confirmation of an unopposed Tree Preservation Order (No. 17/2011) relating to Rowarth House, Little Lane, Horley.

Resolved

- (1) That Tree Preservation Order no. 17/2011 be confirmed without modification

186 **Stonebrook House, Williamscott**

The Committee considered a report which sought the confirmation of an unopposed Tree Preservation Order (No. 18/2011) relating to 'Stonebrook House, Williamscott'

Resolved

- (1) That Tree Preservation Order no. 18/2011 be confirmed without modification

187 **Aldous Drive, Bloxham**

The Committee considered a report which sought the confirmation of an unopposed Tree Preservation Order (No. 20/2011) relating to Aldous Drive, Bloxham

Resolved

- (1) That Tree Preservation Order no. 20/2011 be confirmed without modification

188 **16 & 18 Bucknell Road, Bicester**

The Committee considered a report which sought the confirmation of an unopposed Tree Preservation Order (No. 21/2011) relating to 16 & 18 Bucknell Road, Bicester.

Resolved

- (1) That Tree Preservation Order no. 21/2011 be confirmed without modification

189 **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.

190 **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

191 **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.

192 **OS Parcel 4100 Adjoining and South of Milton Road, Adderbury**

The Head of Public Protection and Development submitted a report which updated members on the OS Parcel 4100 Adjoining and South of Milton Road, Adderbury.

Resolved

That the resolution as set out in the exempt minute be agreed.

The meeting ended at 6.35 pm

Chairman:

Date: