

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 24 May 2012 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)

Councillor Ken Atack  
Councillor Fred Blackwell  
Councillor Colin Clarke  
Councillor Tim Emptage  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor George Parish  
Councillor G A Reynolds  
Councillor Trevor Stevens  
Councillor Lawrie Stratford  
Councillor Leslie F Sibley

Substitute Members: Councillor Barry Wood (In place of Councillor Michael Gibbard)  
Councillor Nigel Randall (In place of Councillor D M Pickford)

Apologies for absence: Councillor Alastair Milne Home  
Councillor Michael Gibbard  
Councillor Russell Hurle  
Councillor D M Pickford

Officers: Jenny Barker, Major Developments Team Leader  
Rebecca Horley, Senior Planning Officer  
Ross Chambers, Solicitor  
Natasha Clark, Team Leader, Democratic and Elections  
Aaron Hetherington, Democratic and Elections Officer

### 3 **Declarations of Interest**

Members declared the following interests:

#### **6. Land North east of Oxford Road West of oxford canal and East of Bankside, Banbury.**

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

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

**8. OS Parcel 0092 South of Gibbs Field House, Foxhill Lane, Souldern.**

Councillor Mike Kerford-Byrnes, Prejudicial, as Ward Member who had expressed a view on the application.

**9. OS Parcel 3431 Adjoining and North East of Blackthorn Road, Launton.**

Councillor Mike Kerford-Byrnes, Prejudicial, as the applicant was known to him.

**11. Land adjacent the M40 and Oxford Canal, North of Wildmere Industrial Estate, Banbury, Oxfordshire.**

Councillor Barry Wood, Prejudicial, as a member of Executive and as Cherwell District Council was the applicant.

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

Councillor G A Reynolds, Prejudicial, as a member of Executive and as Cherwell District Council was the applicant.

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

Councillor Ken Atack, Prejudicial, as a member of Executive and as Cherwell District Council was the applicant.

**14. Update on Decisions subject to various requirements in the light of National Planning Policy Framework.**

Councillor Barry Wood, Prejudicial, with regard to application 11/01870/F as a member of the Executive and application 10/01780/Hybrid as a member of Executive, a member of the Eco Bicester Strategic Delivery Board and as persons known to him have an interest in land in the area of but outside the Eco Zone.

Councillor G A Reynolds, Personal, with regard to applications 10/01780/Hybrid and 11/01870/F only, as a member of the Executive.

Councillor Ken Atack, Prejudicial, with regard to applications 10/01780/Hybrid and 11/01870/F only, as a member of the Executive.

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

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

5 **Urgent Business**

There was no urgent business.

6 **Minutes**

The Minutes of the meetings held on 19 April 2012 and 16 May 2012 were agreed as a correct record and signed by the Chairman.

7 **Land North east of Oxford Road West of oxford canal and East of Bankside, Banbury**

The Committee considered an application to seek discharge of conditions No. 11, No. 12, No. 13, No.14 and No. 15 of 05/01337/OUT – Provision of Master Plan and Design Code.

In introducing the report, the Major Developments Team Leader advised the Committee that 1 further representation had been received since publication of the written update. That was from British Waterways in relation to drainage who advised that further detail would be needed in due course if the application were approved.

In considering the application, the committee commented on parking and density and the lessons that could be learnt from existing developments.

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

**Resolved**

- (1) That, subject to the expiry of the consultation period, the masterplan and design code be approved and authority delegated to officers the final of conditions following the submission of a satisfactory document addressing the remaining concerns of the officers

8 **Godswell Park, Church Street, Bloxham, Banbury, OX15 4ES**

The Committee considered an application for a two storey building containing ten close care apartments.

Members commended the application and commented that it would be an asset to Bloxham.

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

**Resolved**

That application 12/00214/F be approved subject to:

- (a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph 5.13,
- (b) the following conditions:
  - (1) SC1.4A Full Permission: Duration Limit (2 years) (RC2)
  - (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents listed below:
  - (3) Design and Access Statement dated February 2012 and approved plans: 10\_079-040 01; 10\_079-040 06; and 15663-GCE-100 C4 and approved revised plans received on the 4 May 2012: 10\_079-040 02E; 10\_079-040 03H; 10\_079-040 04G; and 10\_079-040 05G.
  - (4) SC 2.0A - Schedule of Materials- 'close care apartment building'
  - (5) SC 2.3CC Sample Panel - 'close care apartment building'
  - (6) SC 4.13CD Parking and Manoeuvring
  - (7) Within 3 months of the development's first occupation a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented and maintained.
  - (8) Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
  - (9) Prior to any demolition on the site and the commencement of the development and following the approval of the Written Scheme of Investigation referred to in condition 1, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
  - (10) SC 3.0A - Landscaping Scheme
  - (11) SC 3.1A Carry out Landscaping Scheme
  - (12) The construction of the surface drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before works are commenced.
  - (13) Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried

out by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

- (14) If a potential risk from contamination is identified as a result of the work carried out under condition 12, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
- (15) If contamination is found by undertaking the work carried out under condition 13, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
- (16) If remedial works have been identified in condition 14, the remedial works shall be carried out in accordance with the scheme approved under condition 14. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.
- (17) The development hereby approved shall be occupied and operated with the provision of residential care, as set out in Appendix C of the Design and Access Statement, so as to ensure the units of accommodation fall within Class C2 of the Town and Country Planning (use Classes) Order 1987 or any provision equivalent to that Class in any statutory Instrument revoking and re-enacting that order with or without modification.

Councillor Macnamara proposed that consideration of the application be deferred to allow a formal site visit. Councillor Clarke seconded the proposal.

**Resolved**

That consideration of application 12/00237/F be deferred to allow a formal site visit.

10 **OS Parcel 3431 Adjoining and North East of Blackthorn Road, Launton**

The Committee considered an application to change of use of land to a private gypsy and traveller caravan site comprising 2 No. residential pitches, each pitch accommodating 1 No. mobile home, 1 No. touring caravan, 1 No. dayroom and associated hardstanding, retention of existing stable and septic tank.

The Committee raised concerns about the highway risks involved and the potential loss of natural habitat.

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

**Resolved**

- (1) That application 12/00287/F be refused on the grounds that the site is at risk of flooding, potentially in Zone 3, representing the greatest risk. Insufficient information has been provided within the Flood Risk Assessment to give confidence that the proposed use, which is highly vulnerable, would be safe and not be at risk of flooding, even in the short term. The application is, therefore, contrary to Government guidance contained within the National Planning Policy Framework Section 10: Meeting the challenge of climate change, flooding and coastal change (paragraphs 99-104) and Policy NRM4 of the South East Plan 2009.

11 **Land Off Pingle Drive, Bicester**

The Committee considered an application to Change of use Application – Alterations to the internal road layout, use of land for coach and car-parking, and extension of single storey storage/staff building to be used for coach drivers.

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 12/00292/F be approved, subject to:

- (1) SC1.4A 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 plans and documents: Planning application form; Lyons Sleeman & Hoare Planning, Design & Access Statement dated February 2012 and drawing nos. 08047/P-201, P203, P-204, P-205 and P-206; Transport Statement by Royal Haskoning dated 29 February 2012; Flood Management Plan dated 22 February 2012 and Flood Risk Assessment dated February 2012.
- (3) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Clarkebond ref: WB01189/BCP/FRA dated February 2012, drawings WB01189 C 305 to 311, and the following mitigation measures detailed within the FRA:
  1. Finished topographic levels shall be no higher than those shown in drawings WB01189 C 309 to 311.
  2. The proposed fence will be constructed such that a 500mm clear opening is provided between ground level and the lowest rail, and the only element of the fence within the flood flow path is the fence posts, as detailed in Section 4.3.1 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- (4) The parking and manoeuvring areas shall be provided in accordance with the plan (08047/P-203) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking of vehicles at all times.
- (5) The proposed parking area is to be in accordance with SUDS. A SUDS scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved.
- (6) Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
- (7) Prior to any demolition on the site and the commencement of the development and following the approval of the Written Scheme of Investigation referred to in condition 5, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work

shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

- (8) Prior to the commencement of the development hereby approved and notwithstanding the lighting details shown in the submission, revised details of the lighting installation/s (including height or lamps, position of posts, angle of lamps, levels of luminance) shall be submitted to and approved in writing by the Local Planning Authority. The lighting installation/s shall thereafter be implemented in accordance with the approved details.
- (9) That the area shown as coach parking on dwg number P-206 received on 25.04.12 shall be used only for the purpose of coach parking and for no other purpose whatsoever.

12 **Land adjacent the M40 and Oxford Canal, North of Wildmere Industrial Estate, Banbury, Oxfordshire**

The Committee considered an application for the change of use from agricultural land to Country Park and creation of car park.

Mike Pollard, a representative of the Banbury Ornithological Society addressed the Committee in support of the application.

The committee commented on the opportunity that the application would bring for Banbury and noted that there was further potential for the site, including tourism.

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

**Resolved**

That application 12/00302/CDC be approved subject to:

- (i) Receipt of comments from The Thames Valley Police Architectural Liaison Officer and no objection being received from British Waterways and the inclusion of any required conditions as necessary delegated to the Head of Public Protection and Development Management.
- (ii) 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: application forms, design and access statement, flood risk assessment, Banbury Flood Alleviation Scheme File Note: Phase 1 Habitat Survey carried out by Black and

Veatch dated 25/10/2011, Landscape specification for implementation and maintenance document, drawing number 11-091 CP-Masterplan 1 Rev C with red line amended to reflect the County boundary, Phase 1 Habitat Survey plan for Proposed Country Park, Habitat Creation Zones – proposed flood storage reservoir maintenance and management plan – rev A dated May 2011, 07012-FSR-SK001 Rev A, 07012-FSR-SK002 Rev C, 07012-FSR-SK005 Rev A, 07\_012\_507 Rev P00, 07012-CS-530 Rev B

- (3) Notwithstanding the approved plans, any changes to any of the physical development or engineering operations, 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.
- (4) 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.
- (5) 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.
- (6) That the existing hedgerow to the east of the proposed car park shall be reinforced by additional planting in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority and carried out within the first available planting season following the occupation of the building or on the completion of the development whichever is the sooner. Any plant/tree within the hedgerow which may die within five years from completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition.

- (7) That full design details of any signage that will be installed to guide individuals to the Country Park 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) That full design details of any lighting that may be required on the site including for bridges and underpasses for example 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.
- (9) That prior to the opening of the visitor car park the existing means of access between the land and the highway (A361) 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 the proposed vision splays shall be formed, laid out and constructed in accordance with drawing 07012-FSR-Sk002-C prior to the opening of the visitor car park and shall not be obstructed by any object, structure, planting or other material.
- (11) That prior to the opening of the visitor car park the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved (07012-FSR-SK005-A) 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) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
  1. There shall be no raising of ground levels in Flood Zones 2 or 3, as set out in Sections 1b and 7a of the FRA.
  2. Rates and volumes of surface water discharge shall not be increased during storm events up to and including the 1 in 100 year storm event with an allowance for climate change (the design storm event), as set out in Section 3d of the FRA.
  3. The drainage system shall be designed to not flood during storm events including the design storm event or any surface water flooding beyond the 1 in 30 year storm event, up to and including the design storm event shall be safely contained on site, as set out in Section 3d of the FRA.
- (13) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an

assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 years plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- (14) No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
- detail extent and type of new planting (NB planting to be of native species) (List of species required)
  - details of maintenance regimes
  - details of any new habitat created on site
  - details of treatment of site boundaries and/or buffers around water bodies

13 **The Mount, Green Lane, Swalcliffe**

The Committee considered an application for the removal of condition 10 of permission 09/00341/F.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 12/00345/F be approved subject to:

- (1) Three year time limit for implementation.
- (2) SC 4\_0BC "geometry as existing plus gates set back as shown on plan... prior to removal of condition"
- (3) SC 4\_13AB
- (4) Use as specified; personal and private

14 **Land and Building at Glebe Court, Stoke Lyne Road, Fringford**

The Committee considered an application to Change of use of land from agricultural to the parking of commercial and agricultural vehicles, change of

use of an agricultural building to mixed commercial and agricultural use, installation of a temporary storage and dewatering facility for wet street sweepings and a commercial vehicle washing facility.

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 12/00382/F be refused, for the following reasons:

- (1) The proposed use would have a detrimental impact on the amenities of adjoining residential occupiers through unacceptable levels of noise and disturbance contrary to the advice within the National Planning Policy Framework March 2012, policy ENV1, TR10 and EMP4 of the Adopted Cherwell Local Plan 1996 and policy NRM10 of the South East Plan 2009.
- (2) The proposal will result in a substantial change in the character and appearance of the open countryside which contributes to the rural setting of Fringford and will lead to an unacceptable erosion of the rural character of this part of the countryside contrary to the advice within the National Planning Policy Framework March 2012, saved policy C7, C8, C13 and EMP4 of the adopted Cherwell Local Plan and policy CC6 of the South East Plan 2009.
- (3) The proposed commercial use is in an isolated countryside location, divorced from established centres of population and reliant on the private vehicle for access. Focussing commercial development in this location would not contribute towards sustainable objectives and is, therefore, contrary to core planning principles and Sections 3 & 4 of Government guidance contained in the National Planning Policy Framework.

15

### **Update on Decisions subject to various requirements in the light of National Planning Policy Framework**

The Committee considered a report which enabled Members to re-consider past resolutions to approve planning applications, subject to various requirements, following the introduction of the National Planning Policy Framework (NPPF) and the cancellation of most of the PPSs and PPGs which previously were considered in the application's determination.

The Major Developments Team Leader gave an overview on the NPPF and a summary of the previous consideration given to each application and the PPGs/PPs considered and then a brief review of the new NPPF considerations where these were different.

In reaching their decisions, the Committee considered the officers' report, presentation and written update.

**Resolved**

- (1) That the previous decision of the Committee to approve application 01/00662/OUT be re-affirmed as previously and to delegate authority to the Head of Development Management and Public Protection the final approval of conditions and reasons which need to be amended to address the withdrawal of PPS's.
- (2) That the previous decision of the Committee to approve application 10/00640/F be re-affirmed as previously and to delegate authority to the Head of Development Management and Public Protection the final approval of conditions and reasons which need to be amended to address the withdrawal of PPS's.
- (3) That the previous decision of the Committee to approve application 10/01021/F be re-affirmed as previously and to delegate authority to the Head of Development Management and Public Protection the final approval of conditions and reasons which need to be amended to address the withdrawal of PPS's.
- (4) That the previous decision of the Committee to approve application 10/01780/HYBRID be re-affirmed as previously and to delegate authority to the Head of Development Management and Public Protection the final approval of conditions and reasons which need to be amended to address the withdrawal of PPS's.
- (5) That the previous decision of the Committee to approve application 11/00524/F be re-affirmed as previously and to delegate authority to the Head of Development Management and Public Protection the final approval of conditions and reasons which need to be amended to address the withdrawal of PPS's.
- (6) That the previous decision of the Committee to approve application 11/01369/F be re-affirmed as previously and to delegate authority to the Head of Development Management and Public Protection the final approval of conditions and reasons which need to be amended to address the withdrawal of PPS's.
- (7) That the previous decision of the Committee to approve application 11/01484/F be re-affirmed as previously and to delegate authority to the Head of Development Management and Public Protection the final approval of conditions and reasons which need to be amended to address the withdrawal of PPS's.
- (8) That the previous decision of the Committee to approve application 11/01732/F be re-affirmed as previously and to delegate authority to the Head of Development Management and Public Protection the final approval of conditions and reasons which need to be amended to address the withdrawal of PPS's.
- (9) That the previous decision of the Committee to approve application 11/01870/F be re-affirmed as previously and to delegate authority to

the Head of Development Management and Public Protection the final approval of conditions and reasons which need to be amended to address the withdrawal of PPS's.

- (10) That the previous decision of the Committee to approve application 11/01907/F be re-affirmed as previously and to delegate authority to the Head of Development Management and Public Protection the final approval of conditions and reasons which need to be amended to address the withdrawal of PPS's.

Councillor Reynolds requested that his abstention on resolution 4 be recorded and his vote against resolution 5 be recorded.

Councillor Hughes requested that his vote against resolution 10 be recorded.

16

### **Appeals Progress Report**

The Committee considered a report which updated Members on applications where new appeals had been logged, public inquires hearings scheduled or appealed results received.

### **Resolved**

- (1) That the position statement be accepted

The meeting ended at 5.30 pm

Chairman:

Date: