

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 21 June 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 D M Pickford  
Councillor G A Reynolds  
Councillor Leslie F Sibley  
Councillor Trevor Stevens  
Councillor Lawrie Stratford

Substitute Members: Councillor Barry Wood (In place of Councillor James Macnamara)

Apologies for absence: Councillor James Macnamara  
Councillor George Parish

Officers: Bob Duxbury, Development Control Team Leader  
Jenny Barker, Major Developments Team Leader  
Jane Dunkin, Senior Planning Officer  
Simon Dean, Planning Case Officer  
Nigel Bell, Team Leader - Planning and Litigation /Deputy Monitoring Officer  
Natasha Clark, Team Leader, Democratic and Elections

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### Declarations of Interest

Members declared interests in the following agenda items:

#### **7. Land South of Overthorpe Road and Adjacent the M40, Banbury, Oxfordshire.**

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.

**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. 4 The Rookery, Kidlington.**

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

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

There were no petitions or requests to address the Committee. / The Chairman advised that petitions and requests to address the meeting would be dealt with at each item.

19 **Urgent Business**

There was no urgent business.

20 **Minutes**

The Minutes of the meeting held on 24 May 2012 were agreed as a correct record and signed by the Chairman.

21 **Land North of The Bourne and Adjoining Bourne Lane, Hook Norton**

The Committee considered application 11/01755/OUT for outline planning permission with all matters reserved for the erection of up to 70 dwellings (Class C3), public open space including a play area/amenity space and a balancing pond, associated earthworks to facilitate surface water drainage, landscaping, car parking, a pumping station and other ancillary works.

In introducing the report, the Major Developments Team Leader referred Members to the written update and revised officer recommendation for deferral of consideration of the application to allow further consideration of the current position on five year housing land supply and consideration of the implications for development proposals in villages of the Adderbury appeal decision, received this week.

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

**Resolved**

That application 11/01755/OUT be deferred on the following grounds:

- (1) To allow further consideration of the current position on five year housing supply.

- (2) To allow consideration of the implications for development proposals in villages of the Adderbury appeal decision, received this week.

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### **Land South of Overthorpe Road and Adjacent the M40, Banbury, Oxfordshire**

The Committee considered outline application 11/01878/OUT for the erection of up to 115,197sqm of floorspace to be occupied for either B2 or B8 (use classes) or a mixture of both B2 and B8 (use classes). Internal roads, parking and service areas, landscaping and the provision of a sustainable urban drainage system incorporating landscaped area with balancing pond and bund.

The Committee had given consideration to the Members will recall giving consideration to the application at its 22 March 2012 meeting at which time it was resolved to defer the application to allow officers time to provide further information on traffic management issues, the potential for a relief road and archaeological matters.

In introducing the report, the Senior Planning Officer circulated a list of recommended draft conditions and provided a further verbal update advising Members of the heritage asset conclusions of English Heritage. English Heritage has scheduled the east side of the motorway as a scheduled ancient monument. The west side of the motorway has not been scheduled. The Committee was advised that should Members be minded to approve the application, in addition to the conditions set out in the report, approval should be subject to the receipt of the comments of English Heritage. The Senior Planning Officer confirmed that, depending on the comments, the application may be brought back to the Committee.

In considering the application some Members raised concerns about the movement of Heavy Goods Vehicles in the vicinity and stressed the importance of the inclusion of the relief road on the site and noted the obligation within the proposed s106 agreement relating to the safeguarding of a route for the road.

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

### **Resolved**

That application 11/01878/OUT be approved, subject to:

- (i) Receipt of comments from English Heritage.
- (ii) Applicant entering into an Agreement acceptable to Cherwell District Council, and Oxfordshire County Council to secure public art, the safeguarding of a route for a relief road across the site whether or not this is required as a result of the Banbury Master Plan work, the safeguarding of a link from the site to the former railway line and a contribution towards the monitoring of the travel plan.

- (iii) Delegated authority to the Head of Public Protection and Major Developments to finalise the wording of the conditions in liaison with South Northamptonshire Council.
- (iv) Departure procedures;
- (v) The following conditions:
  - (3) Phasing plan: Prior to the commencement of the development, a phasing plan to cover the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.
  - (4) Landscape bund: Prior to the commencement of the construction of the first building on the site, the landscaping bund shall be constructed in its entirety (along with the whole of the western boundary of the site) in accordance with details to be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the bund shall be planted in the first planting season following the completion of the bund in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
  - (5) Drainage Principles: Prior to the commencement of the development, a strategy setting out the drainage principles for the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the specific drainage details as required by condition 3 shall be in accordance with the approved drainage strategy.
  - (6) Protection of Public Footpath: Prior to the commencement of any part of the development within 10m of the existing public footpath(s), the affected footpath(s) shall be protected and fenced to accommodate a width of a minimum of 5m in accordance with details to be firstly submitted to and approved in writing by the Local Planning Authority. The footpath(s) shall remain fenced and available for use until a time that the diverted footpath(s) is/are available for use by the public in accordance with condition 4 unless provision has been made for temporary closure under the Highways Act 1980.
  - (7) Replacement Trees: Prior to the construction of the first building, six semi-mature oak trees to be dispersed across the site, shall be individually planted and protected on the site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, the trees shall be maintained and managed in accordance with the landscape management plan approved under condition 5.
  - (8) Submission of Reserved Matters: No development on any phase, identified on the approved phasing plan, shall be commenced until full details of the layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, each phase of

the development shall be carried out in accordance with the approved reserved application relating to it.

- (9) Tree Protection: Prior to the commencement of any phase of development, identified on the approved phasing plan, the existing trees on the site shall be protected in accordance with the measures set out in the submitted arboricultural statement prepared by Corbin Ltd (Ref.: 11234-AIA). Thereafter, the tree protection measures shall remain in place on the site until the completion of the development hereby approved.
- (10) Land Contamination (investigation): Each reserved matters application submitted shall be accompanied by a land contamination report which appropriately addresses the further characterisation of the risk from land contamination for that phase of the development, unless such a land contamination report, in relation to the entire site, has been previously submitted to and approved in writing by the Local Planning Authority.
- (11) Archaeology (preparation of WSI): Each reserved matters application submitted shall be accompanied by an archaeological Written Scheme of Investigation, relating to that phase of the development, unless an archaeological Written Scheme of Investigation, in relation to the entire site, has previously been submitted to and approved in writing by the Local Planning Authority.
- (12) Landscaping: Each reserved matters application submitted shall be accompanied by a scheme for landscaping for that phase of the development which shall be in general accordance with drawing numbered xxx.
- (13) Landscape Management: Each reserved matters application submitted shall be accompanied by a management plan for the landscaping scheme for that phase of the development including one years maintenance and 15 years management.
- (14) SUDS: Each reserved matters application submitted shall be accompanied by a surface water and foul drainage scheme for that phase of the development, based on the approved drainage strategy for the whole site, sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.
- (15) Further Survey Work: Each reserved matters application submitted shall be accompanied by a full, up to date (no more than one year old), ecology survey relating to that phase. Each survey shall include details of protection, mitigation, translocation and enhancement where required.
- (16) Construction Traffic Management: Each reserved matters application submitted shall be accompanied by a Construction Traffic Management Plan for that phase of the development.

- (17) Provision of Road: Prior to the first occupation of any building or land, the proposed means of access between that building or land and the public highway shall be formed, laid out and constructed to adoptable standards.
- (18) BREEAM: The development hereby approved shall be constructed to at least a BREEAM 'Very Good' standard under the appropriate BREEAM scheme as registered by the developer with the BRE. No building shall be occupied until such a time that a certificate confirming that the construction of that building achieves the appropriate standard has been submitted to and approved in writing by the Local Planning Authority.
- (19) Provision of Permanent Footpaths: Prior to the first use of any new public footpath, details of how it is to be formed, constructed, surfaced, laid and marked out, drained and completed in accordance with specification details shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the new public footpath(s) shall be provided on site in accordance with the approved details.
- (20) Expiry of Submission of Reserved Matters: That in the case of the first reserved matters applications, application for approval shall be made not later than the expiration of three years beginning with the date of this permission. All other reserved matters applications shall be submitted before the expiration of six years beginning with the date of this permission.
- (21) Expiry of Reserved Matters: The development to which this permission relates shall be begun not later than the expiration of the two years from the final approval of the last reserved matters application.
- (22) Plans Condition: Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: application forms, design and access statement and drawings numbered xxx.
- (23) Biodiversity Enhancement: The design of the balancing ponds and surrounding area to the south of the dismantled railway shall include details of biodiversity enhancement which shall be submitted with the reserved matters application relating to this part of the site.
- (24) Lighting: All external lighting shall be designed in such a manner that it achieves all criteria specified for a location defined as being with Environmental Zone E2 as defined by the Institute of Lighting Engineers document Guidance on the prevention of obtrusive light.
- (25) No COU: That the development hereby approved shall be used only for purposes falling within Class B2 and B8 together with ancillary B1 use as specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

- (26) % of B2: That no more than 50% of the floorspace of the buildings hereby approved shall be utilised for purposes falling within use class B2 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.
- (27) COU does not relate to area beyond dismantled railway line: No buildings or hardstanding for storage or car parking shall be constructed on the land to the south of the dismantled railway line indicated on the approved plans for flood plain, floodplain compensation, balancing ponds and bunds and this area shall be used only for the purposes identified and not for any uses associated with B2 and B8 uses, specified in the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, hereby approved.
- (28) Building Height: No building shall exceed a height of 16m measured externally from the existing land levels.

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

The Committee considered application 12/00237/F for Erection of 3 no. stables. Consideration of the application had been deferred from the May meeting of the Committee to allow for a formal site visit.

Councillor Mike Kerford-Byrnes addressed the Committee as Ward Member. Following his address, he left the meeting for the debate and vote on the application.

Alan Martin, Chairman of Souldern Parish Council, addressed the Committee in opposition to the applicant.

Claire Minnett, the applicant, addressed the Committee in support of the application.

Members considered the impact of the proposal on the lane leading to the site and increased need for vehicle movement if the application were not approved.

In reaching their decision the Committee considered the officers' report, presentation and the presentations of the Ward Member and public speakers.

**Resolved**

That application 12/00237/F be approved, subject to the following conditions:

- (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 listed below:

Application Form, Design and Access Statement, block, floor and elevation plans dated 04.03.2012

- (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 the southern and western boundaries of the site, and for the protection of the hedgerow on the eastern boundary of 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) a scheme for the maintenance of the landscaping,
  - (d) details of measures to protect the landscaping from grazing horses.
- (4) That all planting, seeding, turfing and methods of protection comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, and that any trees or shrubs which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent for any variation.
- (5) SC2.8A : Colouring: external walls
- (6) That the stables hereby permitted shall be for private recreational use only and shall not be used for any trade, industry, business or other use whatsoever.
- (7) SC8.7A Stabling/Manure (RC55C)
- (8) SC4.29AA Source Control Measures

#### **4 The Rookery, Kidlington**

The Committee considered outline application 12/00460/OUT for Outline – 14 no. residential dwellings with associated road infrastructure, parking and garaging.

Derek Smith, a local resident, addressed the Committee in opposition to the applicant.

David Coates, on behalf of the applicant, and Graham Ayris, a local resident, addressed the Committee in support of the application.



In considering the application, Members commented that the layout and design of the site represented overdevelopment and would have a detrimental impact on adjacent properties.

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

### **Resolved**

That application 12/00460/OUT be refused for the following reasons:

- (1) The proposal by virtue of the amount of development and its layout represents a crowded, overdevelopment of the site, conflicting with the general character of the surrounding area which would threaten the long term future of the retained trees, which may be lopped or felled by future occupants, because of the level of shading and leaf drop that would affect the dwellings and private gardens. Furthermore, the crowded layout leaves too little space allocated for suitable replacement tree planting and landscaping which would be required in order to a) mitigate the loss of wildlife habitat b) to provide appropriate screening particularly towards the southern boundary and c) to provide a formal open space area within the centre of the site which will provide for a visual feature as well as an allocated area for replanting. The proposal would therefore be contrary to the provisions of the National Planning Policy Framework requiring good design, delivering a wide choice of high quality homes and conserving and enhancing the natural environment and to Policies NRM5, H5, CC6 and C4 of the South East Plan 2009 and Policies C28 and C33 of the adopted Cherwell Local Plan.
- (2) The proposal by virtue of the amount of development and its layout would be likely to have a seriously detrimental effect on the amenities of the occupiers of the adjacent properties as a result of the level of vehicular activity into the site from The Phelps and also the overdomination and likelihood of overlooking to surrounding properties with a consequential loss of privacy. The proposal is therefore contrary the National Planning Policy Framework requiring good design and delivering a wide choice of high quality homes and Policies CC6, H5, BE1 and BE5 of the South East Plan 2009 and Policies C28 and C30 of the adopted Cherwell Local Plan.
- (3) In the absence of a satisfactory legal agreement, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development, including Adult learning facilities, elderly day care resources, community, library and museum facilities, strategic waste, health services and transport measures will be provided. This would be contrary to the National Planning Policy Framework, Policy CC7 of the South East Plan 2009, Policy R12 of the adopted Cherwell Local Plan and Policies OA1, TR4, R8 and R10A of the Non-Statutory Cherwell Local Plan 2011.

25 **Land between Bishops Itchington, Gaydon and Knightcote, South East of the B4451**

The Committee considered application 12/00601/ADJ for the proposed erection of 5 wind turbines, up to a maximum tip height of 125 metres high, and other ancillary development including a new vehicular access off the Gaydon Road (B4451), access tracks, vehicular accesses, crane hard standing areas, a control building, underground cabling, construction compound and meteorological mast (Stratford DC ref. 12/00330/FUL). Cherwell District Council was a consultee on this application. Stratford District Council would be determining the application.

Members commented that it was disappointing that parishes in Cherwell District Council affected by the application had not been consulted and requested that officers ensure affected villages in the north of the district are consulted as appropriate.

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

**Resolved**

- (1) That Stratford District Council be advised the Cherwell District Council has no comments on the proposal and officers be requested to ensure affected villages in the north of the district are consulted as appropriate.

26 **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.

27 **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.

Planning Committee - 21 June 2012  
The meeting ended at 6.25 pm

Chairman:

Date: