

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 13 September 2012 at 4.00 pm

Present: Councillor Alastair Milne Home (Vice-Chairman, in the Chair)

Councillor Ken Attack
Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor James Macnamara
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Trevor Stevens

Substitute Members: Councillor Lynn Pratt (In place of Councillor D M Pickford)
Councillor Nigel Randall (In place of Councillor Rose Stratford)
Councillor Barry Wood (In place of Councillor Mike Kerford-Byrnes)

Apologies for absence: Councillor Rose Stratford
Councillor Mike Kerford-Byrnes
Councillor George Parish
Councillor D M Pickford
Councillor Lawrie Stratford

Officers: Bob Duxbury, Development Control Team Leader
Nigel Bell, Team Leader - Planning and Litigation /Deputy Monitoring Officer
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Democratic and Elections Officer

58 **Declarations of Interest**

Whilst the following Members did not have a Disclosable Pecuniary Interest in agenda item 10, they wished the following conflict of interest to be known.

9. Bicester Community Hospital, Kings End, Bicester.

Councillor David Hughes, as a member of the Bicester Community Hospital Project Group.

Councillor Leslie F Sibley, as he had strongly objected to the scheme during the consultation process.

Councillors Hughes and Sibley left the meeting for the duration of the item.

59 **Requests to Address the Meeting**

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

60 **Urgent Business**

There was no urgent business.

61 **Minutes**

The Minutes of the meeting held on 16 August 2012 were agreed as a correct record and signed by the Chairman.

62 **Banbury School, Ruskin Road Banbury**

The Chairman advised Members that the application had been withdrawn by the applicant.

63 **Mallards, New Street, Deddington, Banbury, Oxfordshire, OX15 0SR**

The Committee considered application 12/00711/LB for the demolition of rear porch and derelict garden outbuildings; construction of two storey rear extension; improved access to existing parking area including covered area; fitting of satellite dish; internal alterations; replacement windows to dwelling and new roof light.

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

Resolved

That consideration of application 12/00711/LB be deferred to allow for a formal site visit.

64 **Mallards, New Street, Deddington, Banbury, Oxfordshire, OX15 0SR**

The Committee considered application 12/00732/F for the demolition of rear porch and derelict garden outbuildings; construction of two storey rear extension; improved access to existing parking area including covered area; fitting of satellite dish and new shed.

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

Resolved

That consideration of application 12/00732/F be deferred to allow for a formal site visit.

65

Land adjacent Langford Locks, Kidlington

The Committee considered application 12/00780/F for the erection of a warehouse and associated site works.

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 12/00780/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(s) 5.34 and 5.35
- b) the following conditions:
 - (1) Time
 - (2) 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: M901P1 and amended drawing nos. D001P5, D002P4, D202P6, D201P7, D203P1 received 17/08/12.
 - (3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter unless agreed in writing with the local planning authority.
 - (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 and landscape management of the site which shall include:-
 - tree and hedgerow protection measures

- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - details of the hard surface areas, walls, trellis screens, pavements, pedestrian areas, crossing points and steps.
- (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) The protection of any existing tree to be retained in accordance with the approved plans and particulars shall be achieved as follows:
- no equipment, machinery or material shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with plans and particulars which shall have been previously approved under condition no. 3 by the Local Planning Authority in writing;
 - if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced in accordance with the approved plans and particulars;
 - the fencing shall be maintained in position during the course of construction and until all equipment, machinery and surplus material has been moved from the site;
 - within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavation shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority; and
 - no tree to be retained in accordance with the approved plans and particulars shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut down or grubbed out without the prior approval in writing by the Local Planning Authority.
- (7) Prior to the commencement of any works on the site, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- (8) Before the development is first occupied the access road, parking and manoeuvring areas shall be provided in accordance with the plan

(D001-P5) hereby approved and shall be constructed, laid out, surfaced (bound material), drained (in accordance with SUDS) in accordance with full details which shall be submitted for approval in writing by the Local Planning Authority and shall be completed and retained unobstructed except for the access, parking and manoeuvring of vehicles at all times.

- (9) That prior to the first occupation of the development hereby approved full details shall be submitted for the prior approval in writing of the Local Planning Authority of the cycle parking facilities and refuse facilities and thereafter these facilities shall be fully implemented as approved. These facilities shall be constructed and made available for use prior to the occupation of the development and retained unobstructed thereafter.
- (10) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority, the drainage scheme shall incorporate oil interceptors in conjunction with permeable paving in the car parking areas. The approved surface water and foul sewage drainage schemes shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
- (11) Prior to the commencement of the development and notwithstanding condition no. 17, a further survey shall be carried out to investigate the presence or otherwise of water voles, the survey and results shall then be submitted to the Local Planning Authority and if water voles are found to be present alongside the site, appropriate mitigation measures shall be agreed and implemented prior to the commencement of development to ensure they are not disturbed during the course of the development works.
- (12) Prior to the commencement of the development and notwithstanding condition no. 17, no works of site clearance or development are to commence until a precautionary bat method statement has been submitted to the Local Planning Authority for approval. This is to detail how the three oak trees will be checked for bats prior to removal and provisions for them should they be found to be present. All works are to proceed in accordance with the approved document.
- (13) No removal or trees or hedgerows to take place between the months of March and August inclusive, unless checked for the presence of nesting birds immediately beforehand by a suitably qualified ecologist. Should nesting birds be present, they are to be left undisturbed until the chicks have left the nest.
- (14) That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such

means of enclosure shall be erected prior to the first occupation of the development.

- (15) That prior to the commencement of the development, full design details of the proposed lighting to fixed to the buildings or within the site shall be submitted to and approved in writing by the Local Planning Authority.
- (16) 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.
- (17) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Phase 1 Habitat Scoping Survey and Protected Species Assessment by CP Ecology dated June 2011 and Reptile Survey Report by CP Ecology dated July 2011 unless otherwise agreed in writing by the Local Planning Authority.
- (18) That all the means of access between the land and the highway shall be formed, laid out, constructed and drained in such position(s) and with such vision splays as shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- (19) That the existing dropped kerbs along the boundary of the site onto Langford Locks (3 in total) must be reinstated to full-standing kerbs, details of which shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of the development.
- (20) That a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Travel Plan Statement shall thereafter be implemented and operated in accordance with the approved details.
- (21) A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include details of the measures to be taken to ensure construction works do not adversely affect the local road network around the site. Construction work shall thereafter be carried out in accordance with the approved CEMP.
- (22) That prior to the commencement of the above ground works, full details of the eastern boundary gates (public art scheme) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- (23) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local

planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

- (24) Prior to the commencement of the development, further details and or investigations shall be carried out to establish the potential source of ground gas risk from the underlying alluvium, which shall be submitted to and approved in writing by the Local Planning Authority. Where unacceptable levels of gaseous contamination are identified, a proposal for remediation/mitigation shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details.
- (25) Prior to the commencement of development, a working method statement covering the diversion of the Thrupp Ditch culvert, in accordance with drawing no. D001 Revision P5, 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.
- (26) That the premises 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, and shall not be subdivided into separate units to be sold, leased or used by individual businesses.

66

Bicester Community Hospital, Kings End, Bicester

The Committee considered application 12/00809/F for the demolition of an existing community hospital and redevelopment of the site to provide a new community hospital and 14 residential units.

Richard Coe, the applicant, spoke in support of the application.

Councillor Hughes addressed the Committee having declared a conflict of interest in the application. Following his address, he left the meeting for the debate and vote on the application.

In considering the application, Members commented that the proposal was fit for purpose and represented the best opportunity for Bicester to replace the existing building. Members further commented that the proposal fitted in with the Masterplan for Bicester and also provided the opportunity for future expansion.

Councillor Pratt proposed that the application be approved. Councillor Randall seconded the proposal.

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

Resolved

That application 12/00809/F be approved, subject to:

- (1) SC1.0
- (2) That except where stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and document AR-XX-WS-PL-100-001; AR-WS-XX-PL-100-002 Ref B; AR-WS-XX-PL-100-006; AR-WSXX-PL-100-007; AR-XX-WS-PL-100-023 Ref B; AR-XX-WS-PL-100-025 Rev C; AR-XXWS-PL-100-024 Ref B; AR-XX-WS-PL-100-026 Ref C; AR-XX-WS-PL-100-027; AR-WSXX-PL-100-028; AR-WS-XX-SE-100-001 Rev B; AR-WS-XX-SE-100-002; AR-XX-00-PL-200-001; AR-XX-00-PL-200-005; AR-XX-01-PL-200-001; AR-XX-01-PL-200-005 Ref A; AR-XX-RF-PL-240-001; AR-XX-XX-EL-251-001 Rev 003; AR-XX-RF-PL-240-001 Ref A; AR-XX-XX-EL-251-002; AR-XX-XX-EL-251-003 Rev A; AR-XX-XX-EL-251-004; AR-XXXX-EL-251-005; AR-XX-XX-EL-251-009; AR-XX-XX-EL-251-017; AR-XX-XX-SE-251-001; AR-XX-XX-SE-251-002; 0409-D-101 Rev B; 409-ATR-05 Rev D; 409-ATR-07 Rev C; 409-ATR-16 Rev B; 409-ATR-04 Rev F; AL-WS-XX-PL-701 Rev C; AL-WS-XX-PL-700 Rev N; AL-WS-XX-DT-711-18 Rev A; Hard-landscape Materials Rev D; AL-WS-XX-PL-100 Rev B; AL-WS-XX-DT-711-04 Ref C; AL-WS-XX-DT-711-17 Rev B; AL-WS-XX-SK-739 shade costing appraisal; AL-WS-XX-PL-739 Rev C; (Tree Protection Plan) AL-WS-XX-PL-739; (Landscape Maintenance Plan) 2518 200 Rev K; 2518 206 Rev F; 2518 207 Rev F; 2518209 Rev E; 2518 210 Rev A; 2518 211 Rev C; 2518 224; 2518 225; 409-ATR 03G, 06C, 08C, 09C, 10C, and 11C, Lighting Report, Transport Assessment, Design and Access, Statements and Tree Survey.
- (3) The applicants, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any ground works taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.
- (4) Following the approval of the Written Scheme of Investigation referred to in Condition 3 above, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed, its findings shall be reported to the Local Planning Authority, as agreed in the written scheme of investigation, including all processing, research and analysis necessary to produce an accessible and usable archive and a full report for publication.
- (5) That prior to the first occupation of the residential development, the existing means of access onto Kings End shall be improved, and land out to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken.

- (6) That prior to the first occupation of the residential development, the existing 'keep clear' marking at the existing entrance onto Kings End shall be repainted to the satisfaction of the Local Planning Authority and thereafter retained and maintained in perpetuity.
- (7) That, before any of the dwellings are first occupied, the proposed private access road, vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained (SUDS) in accordance with the specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- (8) Prior to the first occupation of the new hospital building, the new footway from Kings End serving the new hospital (except for the final surfacing of) shall be laid out, constructed, lit and drained (SUDS) to Oxfordshire County Council's specification.
- (9) That prior to the first occupation of the residential development, the parking facilities shall be laid out, surfaced, drained (SUDS) and completed in accordance with the plans hereby approved. The parking spaces shall be retained for the parking of vehicles at all times.
- (10) That prior to the first occupation of the proposed new hospital, the proposed means of access onto Piggy Lane is to be formed, and laid out to the approval of the Local Planning Authority and that all ancillary works specified shall be undertaken.
- (11) That before the new hospital is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan (ref: 2518 200) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall remain unobstructed except for the parking of vehicles at all times.
- (12) Prior to the first occupation of the development, covered cycle parking facilities shall be provided on 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) No development shall commence on site until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction and delivery traffic during construction and a route to the development site. The approved plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
- (14) Prior to commencement of any development or work on the site, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

- (15) No building demolition shall commence until a check for the presence of bats has been carried out by a suitably qualified consultant. Should bats be found to be present, no works shall commence until a mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with this strategy.
- (16) No demolition works to the main hospital building shall take place between the months of March to August inclusive, unless checked beforehand for the presence of nesting birds by a suitably qualified ecologist. If nesting birds are found to be present, no works are to take place until the chicks have fledged and left the nest.
- (17) That prior to the commencement of any development on the site, notwithstanding the details submitted, an Arboricultural Method Statement (AMS), undertaken in accordance with BS5837, shall be submitted to and approved in writing by the Local Planning Authority. All works shall then be undertaken in accordance with the agreed document.
- (18) SC3.14 – Arboricultural Site Supervision
- (19) SC3.5A – Notice of Tree Works and Major Operation
- (20) SC3.0 – Submit Landscaping Scheme
- (21) SC3.1 – Carry out Landscaping Scheme
- (22) That the existing hospital building and its associated structures shall not be demolished until a contract has been secured and a timetable for the redevelopment of the site as approved for residential purposes has been agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the timetable agreed.
- (23) That prior to the commencement of any development on the site, sample panels of natural stone (minimum 1m² in size) shall be constructed on site to be inspected and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the sample hereby approved. (RC5B)
- (24) SC2.8A – ‘render to the hospital buildings’
- (25) That prior to the commencement of any development on the site, samples of the zinc roof materials for the hospital building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the material hereby approved. (RC5B)
- (26) That prior to the commencement of the residential development, samples of the bricks to be used in the construction of the wall of the dwellings and any boundary or screen walls, shall be submitted to and

approved in writing by the Local Planning authority. The development shall be carried out in accordance with the samples approved. (RC5B)

- (27) That the roofs of the dwellings shall be covered in natural slate, samples of which 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 agreed. (RC5B)
- (28) SC9.6A – Fire Hydrants
- (29) SC6.1AA – Residential Open Fronts
- (30) SC5.5AB – ‘windows and doors in respect of the residential development to a scale of 1:20’
- (31) That no works of demolition in respect of the locally listed hospital building until the applicants, or their agents, or successors in title have arranged a recording brief in respect of the historic fabric and importance of this building to Bicester. The Recording Brief shall include photographs and detailed documentation in respect of the building, both internally and externally. This brief shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development in respect of the residential scheme or the provision of the new footpath link to Kings End.
- (32) SC5.5AB – ‘lighting’ scale 1:20
- (33) That prior to the commencement of any development in respect of the footpath to Kings End, full construction details in respect of the new footpath, including its gradient, method of construction and details of the retaining walls shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- (34) That the MRI Scanner shall only be delivered and collected from the hospital site in accordance with the method statement submitted as part of the application.
- (35) That prior to the first occupation of the hospital hereby approved, a Waste Management Agreement in respect of the collection of waste and refuse shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreement in perpetuity.
- (36) That notwithstanding the details submitted, prior to the commencement of development in respect of the hospital proposal, full details of all means of enclosures and boundary enclosure details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

- (37) That a Public Path Order under Section 257 of the Town and Country Planning Act 1990 be made to divert Bicester Footpath No.11 as shown in the applicants proposal.
- (38) That Public Path Order be confirmed as an unopposed Order, subject to their being no objections received or received and subsequently withdrawn.
- (39) That authority be delegated to the Head of Public Protection and Development Management to amend/add to the conditions to take into account the late representations and detailed comments received from the applicants agent.

(Councillors Hughes and Sibley left the meeting for the duration of the item.)

67 **Land to the rear of 68 - 76 East Street and to the side of 167 Middleton Road, Banbury**

The Committee considered application 12/00865/F for a Variation of condition 2 of 11/01032/F.

Councillor Andrew Beere, addressed the committee as Ward Member.

In considering the application, Members questioned the ownership of the footpath and sought confirmation of alternative pathways that could be used. The Committee was advised that the path was currently closed off and that the status of the path had been an issue since the first application on the site in 2012. Members noted that whilst use of the path had been on an informal basis, it had been used for so long it had become a public facility and loss of the path would represent a loss of amenity for local residents.

Councillor Clarke proposed that the application be refused. Councillor Blackwell seconded the proposal.

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

Resolved

That application 12/00865/F be refused, for the following reasons:

The proposed development, by virtue of the loss of the former publically accessible route through the site from East Street and East Close to Middleton Road, would cause a loss of permeability and convenience for residents of the local area, the presence of which has been a key characteristic of the area. The amended proposal is therefore contrary to the requirements of saved adopted Policies C28 and C30 of the Cherwell Local Plan 1996 and government guidance in the National Planning Policy Framework.

68

52 Grange Road, Banbury

The Committee considered application 12/01029/F for the demolition of an existing single storey garage and erection of two storey extension.

The committee was satisfied with the evidence presented.

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

Resolved

That application 12/01029/F be approved, subject to the following conditions:

- (1) S.C 1.4A (RC2) – [Time]
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: Drawing number 001, drawing number 002A, drawing number 003A, drawing number 004A and drawing number 005A received 20 July 2012.
- (3) That prior to the first use of the extension, the means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.
- (4) 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.

69

Dominos, 132 Buckingham Crescent, Bicester

The Committee considered application 12/01059/F for a variation of Condition 4 of 02/00154/F – extension of trading hours.

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 12/01059/F be refused, for the following reasons:

- (1) The proposal is considered to be harmful to the residential amenity of the area and would therefore be contrary to the original intention of the condition. The proposal is demonstrably not compatible with the residential character of the area and would cause an unacceptable level of nuisance. It is therefore contrary to the provisions of Policy C31 of the adopted Cherwell Local Plan 1996, as amplified by Policy D7 of the non-statutory Cherwell Local Plan 2011, and government advice in the National Planning Policy Framework.

70 **Request for a variation of the S106 Agreement relating to the proposed development at Bankside, Banbury - Application 05/01337/OUT**

The Committee considered a report of the Head of Public Protection and Development Management which sought consideration of a request for a variation of the S106 Agreement relating to the proposed development at Bankside, Banbury – application 05/01337/OUT.

In considering the report, Members queried how the proposed variation related to the Council's Housing Strategy and the housing requirements identified in the draft Allocations Policy. The Development Control Team Leader assured the Committee that the Strategic Housing Team was confident that the proposal met the housing need in Banbury.

Councillor Randall proposed that consideration of the report be deferred to allow for further information on the proposed housing mix to be submitted to the Committee for consideration. Councillor Emptage seconded the proposal.

Resolved

That consideration of the request for the variation of the S106 agreement relating to the proposed development at Bankside, Banbury – application 05/01337/OUT be deferred to allow for further information on the proposed housing mix to be submitted to the Committee for consideration.

71 **The Granary, Manor Farm, Upper Heyford**

The Committee considered a report of the Head of Public Protection and Development Management which updated on the urgent works carried out at the Granary.

Resolved

- (1) That the report be noted.
- (2) That the Secretary of State's decision on the costs of the urgent works be accepted.
- (3) That officers be requested to write to the Secretary of State for Culture, Media and Sport expressing the Council's displeasure at the outcome of the decision and the length of time taken to receive the decision from the Department for Culture, Media and Sport.

72 **Tree Preservation Order (No. 09/2012) - One tree located between numbers 29 and 31 Morris**

The Committee considered a report which sought confirmation of Tree Preservation Order no 09/2012 relating to one tree located between numbers 29 and 31 Morris Drive. No objections to the Tree Preservation Order had been received.

Resolved

- (1) That Tree Preservation Order 09/2012 at the site of Morris Drive, Banbury be confirmed without modification in the interest of public amenity.

73 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were Decisions Subject to Various Requirements

Resolved

- (1) That the position statement be accepted.
- (2) That it be agreed that the report for application 12/00080/OUT be made public so that those involved in the appeal are aware of the Council's consideration of the proposal in preparation of the evidence.

74 **Appeals Progress Report**

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

Resolved

- (1) That the position statement be accepted.

75 **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 it could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.

76 **Little Bourton Service Station, Southam Road, Little Bourton, OX17 1RH**

The Committee considered an exempt report of the Head of Public Protection and Development Management as set out in the exempt minute.

Resolved

- (1) As set out in the exempt minute.
- (2) As set out in the exempt minute.

The meeting ended at 6.00 pm

Chairman:

Date: