

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 April 2013 at 4.00 pm

Present: Councillor Rose Stratford (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 D M Pickford  
Councillor G A Reynolds  
Councillor Gordon Ross  
Councillor Trevor Stevens  
Councillor Lawrie Stratford

Apologies for absence: Councillor Alastair Milne Home  
Councillor Leslie F Sibley

Officers: Bob Duxbury, Development Control Team Leader  
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:

#### **8. 20 Horton View, Banbury.**

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

Councillor Gordon Ross, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

#### **10. Bicester Town Centre Development, Manorsfield Road, Bicester.**

Councillor D M Pickford, Conflict of Interest, as a member of Executive and left the room for the duration of the item

Councillor G A Reynolds, Conflict of Interest, as a member of Executive and left the room for the duration of the item

Councillor Ken Atack, Conflict of Interest, as a member of Executive and left the room for the duration of the item

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and left the room for the duration of the item

Councillor Rose Stratford, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

**11. First & Second Floors, 10 - 11 Horse Fair, Banbury.**

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

Councillor Gordon Ross, Conflict of Interest, as a member of Banbury Town Council which had been consulted on the application.

**12. Banbury AAT Academy (formerly Banbury School), Ruskin Rd, Banbury.**

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

Councillor Gordon Ross, Conflict of Interest, as a member of Banbury Town Council which had been consulted on the application.

215 **Requests to Address the Meeting**

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

216 **Urgent Business**

There was no urgent business.

217 **Minutes**

The Minutes of the meeting held on 28 March 2013 were agreed as a correct record and signed by the Chairman.

218 **Banbury AAT Academy (formerly Banbury School) , Ruskin Rd, Banbury**

The Committee considered application 13/00265/OUT for a residential development with access and associated infrastructure; the provision of a new all-weather astro turf pitch (ATP) with lighting; and the extension and alteration of the sports hall and changing facilities including the provision of an external climbing wall.

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

**Resolved**

That consideration of the application 13/00265/OUT be deferred to allow for a formal site visit.

219 **The Mount, Green Lane, Swalcliffe**

The Committee considered application 12/01772/F for the construction of a tennis court.

David Hodges, a neighbour spoke in objection to the application.

Councillor Reynolds proposed that application 12/01772/F be refused. Councillor Clarke seconded the proposal.

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

**Resolved**

That application 12/01772/F be refused for the following reason:

The proposed tennis court, with associated earth works and fencing, will be detrimental to the character and appearance of the countryside and of Swalcliffe Conservation Area (of which the site forms a part), and would therefore be contrary to the National Planning Policy Framework and Policy C7 of the adopted Cherwell Local Plan

220 **Land North of Station Road, Bletchingdon**

The Committee considered application 13/00004/OUT for a primary school with playing field, village hall, village shop, 18 affordable house and 40 open market houses.

Councillor Simon Holland, local ward Member, addressed the Committee in support of the application.

Parish Councillor Tony Saunders, Chairman of Bletchingdon Parish Council, addressed the Committee in support of the application.

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

**Resolved**

That application 13/00004/OUT 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 5.36 of the report.
- b) the following conditions:
  - (1) That no development shall be commenced until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
  - (2) That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
  - (3) That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
  - (4) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the site location plan.
  - (5) Condition regarding the phasing of the school, village hall and housing to be agreed with the applicant.
  - (6) Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".
  - (7) Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
  - (8) Demolition of the Southernmost barn must be carried out strictly in accordance with paragraphs 5.4 and 5.5 (page 13) within the report by BSG Ecology titled Bletchington, Ecological Assessment, dated December 2012. Should bats or evidence of bats be found at any point all work will cease until advice has been sought from Natural England.

- (9) No removal of hedgerows, trees or shrubs or demolition of buildings shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
- (10) Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required, proposed mitigation for short and long-term disturbance or loss of foraging grounds/commuting routes and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (11) Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.
- (12) Prior to the commencement of the development, including any demolition and any works of site clearance, full details of the role, responsibilities and operations to be overseen by a qualified supervising ecologist/licensed bat worker including demolition of buildings on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be overseen by the qualified ecologist in accordance with the approved details.
- (13) Prior to the commencement of the development, including any demolition and any works of site clearance full details of a working methodology for avoidance of harm to any reptiles on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be overseen by the qualified ecologist in accordance with the approved details.
- (14) All species used in the planting proposals associated with the development shall be native species of UK provenance.
- (15) Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement and plans for enhancing biodiversity on site both within the landscaped and the built environment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

- (16) A potential risk from contamination has been identified by information submitted with this application. 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.
- (17) If contamination is found by undertaking the work carried out under condition 16, 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.
- (18) If remedial works have been identified in condition 17, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 17. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- (19) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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## **20 Horton View, Banbury**

The Committee considered application 13/00024/F to change the use of the property to a retail use and to erect a car port to the side elevation. Consideration of the application had been deferred from the previous meeting to allow for a formal site visit.

Edd Frost, the applicant, addressed the Committee in support of the application.

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

**Resolved**

That application 13/00024/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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Forms, location plans 01 and 02, plan nos. 01 and 02 and block plan 03.
- (3) That any corteges to and from the premises shall be restricted to two vehicles in addition to the hearse.

222 **Former Rosemary, Main Street, Fringford**

The Committee considered application 13/00097/F for a retrospective variation of condition 2 of the approved development under application 11/01160/F. Consideration of the application had been deferred from the previous meeting at the applicant's request.

In introducing the report, the Development Control Team Leader advised Members that the applicant had requested a deferral of the application to allow further time for the applicant to gain the necessary information required to establish the exact position of the dwellings in relation to the alleged breach.

Councillor Pickford proposed that consideration of application 13/00097/F be deferred in accordance with the revised recommendation for a maximum of one meeting cycle. Councillor Rose Stratford seconded the proposal.

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

**Resolved**

That consideration of application 13/00097/F be deferred for a maximum of one cycle to enable the applicant to further time for the applicant to gain the necessary information required to establish the exact position of the dwellings in relation to the alleged breach.

223 **Bicester Town Centre Development, Manorsfield Road, Bicester**

The Committee considered application 13/00138/F for the variation of Condition 36 of the previously approved application 11/01178/F – To extend the use of Units A1 and A2 from A1 Retail to include all A1-A5 Retail Uses.

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

**Resolved**

That application 13/00138/F be approved subject to,

- (a) The following conditions:
  - (1) 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) Notwithstanding the provisions of the Town and Country Planning (use classes) (Amendment) (England) Order 1987 (2005) Units GT1, A7 and CW7 shall be used for purposes falling within Classes A1 or A3, and Units A1 and A2 shall be used for purposes falling within Classes A1-A5 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 1987 (2005) only and for no other purpose.
  - (3) Those conditions placed upon 11/01178/F that are still required and relevant given this current stage of development and authority delegated to the Head of Public Protection and Major Developments, in consultation with the Chairman, to resolve these.

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**First & Second Floors, 10 - 11 Horse Fair, Banbury**

The Committee considered application 13/00211/F for the conversion of existing offices into a house of multiple occupation.

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

**Resolved**

That application 13/00211/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 paragraphs 5.12 – 5.17 above.
- (b) The following conditions:
  - (1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
  - (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, site plan and drawing nos. 07-07-685/PL-100, 101A, 102, 103A, 104B and 105C.



- (3) Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details and management of the collection of the refuse from the individual internal stores on each floor shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the units, all the refuse bin storage areas shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.
- (4) Prior to the installation of the soil vent pipe on the southern elevation of the building full design details of the soil vent pipe shall be submitted to and approved in writing by the Local Planning Authority. The soil vent pipe shall be coloured white to match the adjacent rainwater goods. Thereafter, the development shall be carried out in accordance with the approved details.

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

The Committee considered application 13/00279/F for the change of use of land to a private gypsy and traveller caravan site comprising 2 No. pitches, 1 No. dayroom and associated hardstanding, retention of existing stable and septic tank.

Angus Murdoch, the applicant's agent, addressed the Committee in support of the application.

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

#### **Resolved**

That application 13/00279/F be approved subject to the following conditions:

- (1) 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) The site shall not be not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of '*Planning policy for traveller sites*'.
- (3) 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, and drawing nos. 1129/02 and 03 and the red line site location plan received with the application.
- (4) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Bureau Veritas ref 5118028 issue 2, dated 01 February 2012, and the following mitigation measures detailed within the FRA:  
1. Finished floor levels of the static mobile homes are set no lower than

700mm above existing ground level. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme (referred to in condition 5), or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- (5) Notwithstanding the layout of the site shown in drawing no. 1129/02, prior to the commencement of the development a scheme for the provision and management of a buffer zone from the Launton Brook, shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:
  1. plans showing the extent and layout of the buffer zone and the layout of the site;
  2. details of the planting scheme (for example, native species);
  3. details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term;
  4. details of any footpaths, fencing and lighting.
- (6) No commercial activities shall take place on the land; including the storage of materials and no vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.
- (7) No more than 2 pitches (1 No. caravan, 1 No. mobile home and 1 No. day room per pitch) shall be accommodated at the site.
- (8) Prior to the development of the day rooms, samples of the materials to be used on the external surfaces of the day rooms hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- (9) That the proposed vision splays shall be formed, laid out and constructed in accordance with submitted plan, Visibility Diagram Drawing Number: Figure 1 Drawn by: JPH prior to the first occupation of the site and that the land and vegetation within the splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.
- (10) That full details of the septic tank including its siting and size shall be submitted to and approved in writing by the Local Planning Authority prior to it being installed. Thereafter the septic tank shall be installed in accordance with the details so approved.
- (11) That full details of the mobile homes shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the site. Thereafter the development shall be carried out in accordance with the approved details.

- (12) That except to allow for the means of access and vision splays required by condition 9, the existing hedgerow/trees on the west and south boundaries shall be retained and maintained at a height of not less than 3 metres.
- (13) That the timber gate at the access shall be retained and no other gate or structure shall be put in its place at the site entrance without first agreeing details with the Local Planning Authority.
- (14) That prior to the first use of the site appropriate highway signage indicating a concealed entrance shall, if approved by the local highway authority, be installed.

226 **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

227 **Appeals Progress Report**

The Committee considered a report which updated Members on application which had been determined by the Council, where new appeals had been lodged. Public Included/ hearings scheduled or appeal results achieved.

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 6.45 pm

Chairman:

Date: