

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 4 September 2014 at 4.00 pm

- Present: Councillor Rose Stratford (Chairman)  
Councillor Colin Clarke (Vice-Chairman)
- Councillor Andrew Beere  
Councillor Fred Blackwell  
Councillor Michael Gibbard  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Matt Johnstone  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor Alastair Milne Home  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Trevor Stevens  
Councillor Douglas Williamson
- Substitute Members: Councillor Ken Atack (In place of Councillor Lawrie Stratford)  
Councillor Barry Wood (In place of Councillor Chris Heath)
- Apologies for absence: Councillor Chris Heath  
Councillor Nigel Randall  
Councillor Lawrie Stratford
- Officers: Jenny Barker, Major Developments Team Leader  
Laura Bailey, Principal Planning Officer  
Ross Chambers, Solicitor  
Aaron Hetherington, Team Leader Democratic and Elections

67

### Declarations of Interest

#### 11. 3663 Dorcas Road, Banbury.

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

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

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

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

**13. Heyford Manor, 18 Church Lane, Lower Heyford.**

Councillor James Macnamara, Disclosable Pecuniary Interest, as the applicant.

**14. Heyford Manor, 18 Church Lane, Lower Heyford.**

Councillor James Macnamara, Disclosable Pecuniary Interest, as the applicant.

**15. 1 Hemingway Drive, Bicester, OX26 2FY.**

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

68 **Requests to Address the Meeting**

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

69 **Urgent Business**

There was no urgent business.

70 **Minutes**

The Minutes of the meeting held on 7 August 2014 were agreed as a correct record and signed by the Chairman.

71 **Chairman's Announcements**

The Chairman made the following announcements:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
2. The officer recommendation for agenda item 7, application 14/00137/F, Heyford Park, Camp Road, Upper Heyford, had changed from one of approval to deferral at the applicant's request to enable further discussion with regard to the proposed condition.

Councillor Rose Stratford proposed that consideration of application 14/00137/F be deferred. Councillor Clarke seconded the proposal.

3. Agenda item 8, application 14/00801/F at Swalcliffe Park Equestrian, Grange Lane, Swalcliffe had been withdrawn from the planning process by the applicant and would not be considered at the meeting.

**Resolved**

- (1) That consideration of application 14/00137/F be deferred to enable further discussion with the applicant with regard to the proposed condition.

72 **Heyford Park, Camp Road, Upper Heyford**

As per the Chairman's announcement at the start of the meeting, consideration of application 14/00137/F had been deferred to a future meeting of the Committee, to enable further discussion with the applicant with regard to the proposed conditions.

73 **Swalcliffe Park Equestrian, Grange Lane, Swalcliffe**

As per the Chairman's announcement at the start of the meeting, application 14/00801/F had been withdrawn from the planning process by the applicant and therefore would not be considered at the meeting.

74 **OS Parcel 6680 North of Hook Norton Primary School and South of Redland Farm, Sibford Road, Hook Norton**

The Committee considered application 14/00844/OUT, an outline application for the erection of 54 dwellings, landscape, public open space and associated works.

Councillor Ray Jelf, local Ward Member, addressed the Committee.

Emma Kane, Chairman of Hook Norton Parish Council and Rupert Holdsworth address the Committee in objection to the application.

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

**Resolved**

That application 14/00844/OUT be refused on the following grounds:

1. Notwithstanding the Council's present inability to demonstrate that it has a 5 year housing land supply as required by paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the land supply shortfall alone. The applicant has failed to adequately demonstrate that the proposed development would not be adversely affected by the activities associated with the Intensive Dairy Unit at Redlands Farm immediately to the north, resulting in an unacceptable living environment for the occupiers of the new dwellings. As such the development is considered to be

unsustainable and the proposed would be contrary to the thrust of Policy ENV1 of the adopted Cherwell Local Plan and Government advice within the National Planning Policy Framework which seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure and affordable housing directly required as a result of this scheme will be delivered. This would be contrary to Policy H5 of the adopted Cherwell Local Plan, Policy INF1 of the Submission Local Plan and government guidance within the National Planning Policy Framework.

75

### **Land North of OS Parcel 0037, Murcott Road, Upper Arccott**

The Committee considered application 14/00950/F for the construction of an 8 MW solar photovoltaic park complete with all necessary inverters, security fencing, switch gear and landscaping, along with the necessary cables connecting the development to the Arccott Primary Substation and all associated works.

Arthur Bell, the applicant and John Cooper, the Chairman of Arccott 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 address of the public speakers.

### **Resolved**

That application 14/00950/F be approved, subject to:

- a) The applicant successfully addressing the objection raised by the Environment Agency;
- b) The following conditions and any additional conditions required by the Environment Agency:
  - 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 planning application forms and the following plans and documents:

Drawing no's: 11793\_A\_(SE-DSP-SWB-CON)\_A0\_G2, T.201, T.202, GEUKD-1001-1056-0000 Rev A, D.101, D.102, D.105, D.108, D.107, T.200.1, D.103, D.106 and 'Brook Farm Solar Park Planning Application' ref SOL/1056 dated 11 June 2014, Extended Phase 1 Habitat Survey by Abbas Ecology dated November 2013, SUPPLEMENTARY LANDSCAPE AND VISUAL IMPACT ASSESSMENT AND APPENDICES (Tree Survey and Root Protection and Landscape Mitigation) by DAVID HARES LANDSCAPE ARCHITECTURE received 15 August 2014.

- 3 The permission shall expire no later than 25 years from the date when electricity is first exported from any part of the array to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
- 4 Not later than 24 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and approved by the Local Planning Authority, such scheme to include the management and timing of any works and traffic management plan to address likely traffic impact issues during the decommissioning period. The approved scheme shall be fully implemented within 12 months of the expiry of this permission
- 5 Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect biodiversity or adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
- 6 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site 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, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, 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. Any trees, herbaceous planting 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 current/next planting season with others of similar size and species.
- 8 Prior to the commencement of the development hereby approved, a schedule of landscape maintenance for a minimum period of 5 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.
- 9 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
- 10 Except to allow for the means of access and vision splays the existing hedgerow along the north eastern site boundary of the site shall be retained and properly maintained at mature height, not less than 2.4 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.
- 11 The existing hedgerows along the northwest, southwest and southeast boundary of the site other than the south west boundary shall be retained and properly maintained at mature heights, not less than 2.4 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.
- 12
  - a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
  - b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the completion of the development.

- 13 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed in accordance with the approved details.
- 14 The development shall be implemented in accordance with the details set out in the Construction Traffic Management Plan by Sun Edison, received on 6 August 2014.
- 15 Prior to the commencement of the development hereby approved, full details of a scheme to prevent any surface water from the development discharging onto the adjoining highway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme shall be implemented and retained in accordance with the approved details.
- 16 Prior to the commencement of the development, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.
- 17 Following the approval of the Written Scheme of Investigation referred to in condition 16, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), 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.
- 18 No external lighting shall be installed within the site area unless agreed in writing with the Local Planning Authority.
- 19 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Ambiental Technical Solutions Ltd dated 14 August 2014, Reference 2044. The mitigation measures shall be fully implemented in accordance with the timing and phasing arrangements embodied within scheme or within a period as may subsequently be agreed, in writing, by the local planning authority.

76 **3663 Dorcas Road, Banbury**

The Committee considered application 14/00974/F for the erection of plant platform in goods-in yard.

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

**Resolved**

That application 14/00974/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. 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 drawing numbered: 4277-100 Rev B.

77 **Land South Of Milton Road, Bloxham**

The Committee considered application 14/01017/OUT for a residential development comprising up to 85 dwellings with access and associated infrastructure.

Jenny Yates, Chairman of Bloxham Parish Council, addressed the Committee in objection to the application.

Peter Frampton, 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 addresses of the public speakers.

**Resolved**

That application 14/01017/OUT be approved, subject to

- a) Subject to the completion of a s.106 legal agreement to the satisfaction of the District Council.
- b) the following conditions:
  1. Details of the appearance, landscaping (including the protection and enhancing of existing hedgerows around the site), layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2. Application for approval of the reserved matters shall be made to the local planning authority not later than one year from the date of this permission.
3. The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.
4. No development shall take place until details of the finished floor levels of the proposed dwellings in relation to the existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
6. The landscaping scheme as approved under condition 1 shall be carried out in accordance with a landscaping phasing plan to be submitted and approved in writing by the local planning authority and retained thereafter. Any new or existing hedgerows around the perimeter of the site shall be retained and any plant dying or removed within a period of 5 years from the completion of the development shall be replaced with one of a similar size and species during the next planting season.
7. No development shall take place until a scheme for the surface water drainage of the approved development in accordance with RSK's Flood Risk Assessment dated August 2012 (reference 131733 – R1(1) – FRA) has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved works have been carried out.
8. No development shall take place until a drainage strategy detailing on and/or off site drainage works has been submitted to and approved in writing by the local planning authority. 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.
9. No development shall take place until a scheme for additional street lighting along Milton Road between the site access and Barford Road has been submitted to and approved in writing by the local planning authority. The street lighting shall be carried out in accordance with the approved details at a time previously agreed with the local planning authority.
10. When the new access hereby permitted is brought into use, the existing accesses from Milton Road will be permanently closed in a manner to be agreed with the local planning authority.

11. No dwelling shall be occupied until details of a scheme for the provision of a footpath along Milton road, as shown on drawing 14043-06 (submitted to the local planning authority on 20/11/12) including construction and drainage details, has been submitted to and approved in writing by the local planning authority and the scheme completed.
12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking and turning of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) control of noise emanating from the site during the construction, including hours of work
  - iv) the location of the site compound
  - v) means of minimising the deposit of mud and other debris on the highway during construction
  - vi) measures to control the emission of dust and dirt during construction
13. No dwelling shall be occupied until a travel plan has been submitted to and approved in writing by the local planning authority. The provisions of the travel plan shall be implemented thereafter as approved.
14. No dwelling shall be occupied until a Biodiversity Enhancement Scheme (BES) has been submitted to and approved in writing by the local planning authority. The BES shall include the following elements:-
  - i) Details on native landscaping
  - ii) The management regime for public open areas/features
  - iii) The type and location of biodiversity enhancement measures such as bat and bird boxes
  - iv) The timing of the implementation

The BES shall be carried out as approved in a timescale agreed with the local planning authority.
15. No more than 85 dwellings shall be accommodated on the site.
16. Prior to the commencement of the development hereby approved, including any works of site clearance, the findings of a great crested newt survey, which shall include a mitigation strategy for great crested newts (if they are found to be present), shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include the timing of all works, location of exclusion fencing and the location and design of retained ponds or alternative ponds and terrestrial habitats. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

78

**Heyford Manor, 18 Church Lane, Lower Heyford**

The Committee considered application 14/01119/F for a replacement outbuilding.

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

**Resolved**

That application 14/01119/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 consent, the development shall be carried out strictly in accordance with the application forms and approved plan 648 STORE A.
3. Prior to the commencement of the development hereby approved, samples of the timber boarding to be used in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
4. Prior to the commencement of the development hereby approved details of the photo-voltaic panels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
5. The windows shall be constructed from timber and details, at a scale of 1:20 including a cross section and colour/finish, 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.

79

**Heyford Manor, 18 Church Lane, Lower Heyford**

The committee considered application 14/01120/LB, listing building consent for the demolition of an outbuilding.

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

**Resolved**

That application 14/01120/LB be approved, subject to the following conditions:

1. That the works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

2. Except where otherwise stipulated by conditions attached to this consent, the development shall be carried out strictly in accordance with the application forms and approved plan 648 STORE A.

80 **1 Hemingway Drive, Bicester, OX26 2FY**

The Committee considered application 14/01131/F for a single storey rear extension and garage conversion.

Councillor Les Sibley addressed the committee as local Ward Member.

James Ferguson, a neighbour, addressed the committee in objection to the application.

In reaching their decision the Committee considered the officers report, presentation and address of the local Ward Member and public speaker.

**Resolved**

That application 14/01131/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. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application Forms, Site Location Plan and Drawing No's: 1B and 2B submitted with the application.

81 **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 report be noted

82 **Appeals Progress Report**

The Committee considered a report which updated members on applications which had been determined by the Council, where new appeals had been lodged, hearings scheduled or appeal results achieved.

**Resolved**

- (1) That the report be noted

83 **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 items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 5 of Schedule 12A of that Act.

84 **Rosemary Development - Fringford**

The Head of Development Management submitted an exempt report which advised Members of the current enforcement position at the former Rosemary building in Fringford.

**Resolved**

- (1) That the report and further action be noted

85 **Orchard Way, The Paddock, Heyford Road, Somerton**

The Head of Development Management submitted an exempt report relating to Orchard War, The Paddock, Heyford Road, Somerton.

In introducing the report, the Team Leader Development Control & Major Developments explained that it was proposed that consideration of the report be deferred to allow for further discussion and consideration with relevant parties.

**Resolved**

- (1) That consideration of the matter be deferred

The meeting ended at 6.43 pm

Chairman:

Date: