

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 17 January 2019 at 4.00 pm

- Present: Councillor David Hughes (Chairman)  
Councillor James Macnamara (Vice-Chairman)
- Councillor Andrew Beere  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Surinder Dhesi  
Councillor Chris Heath  
Councillor Simon Holland  
Councillor Mike Kerford-Byrnes  
Councillor Alan MacKenzie-Wintle  
Councillor Richard Mould  
Councillor Cassi Perry  
Councillor D M Pickford  
Councillor Lynn Pratt  
Councillor G A Reynolds
- Substitute Members: Councillor John Broad (In place of Councillor Les Sibley)  
Councillor Douglas Webb (In place of Councillor Phil Chapman)
- Apologies for absence: Councillor Maurice Billington  
Councillor Phil Chapman  
Councillor Les Sibley
- Officers: Bob Duxbury, Joint Majors Manager  
Robert Jolley, Assistant Director: Planning & Economy  
Aaron Hetherington, Democratic and Elections Officer

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### Declarations of Interest

#### **9. 8 Cranesbill Drive, Bicester, OX26 3WG.**

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

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

#### **10. Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury.**

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

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would therefore leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would therefore leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would therefore leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would therefore leave the chamber for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would therefore leave the chamber for the duration of the item.

Councillor Richard Mould, Declaration, as a member of the Executive and would therefore leave the chamber for the duration of the item.

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

135 **Requests to Address the Meeting**

There were no requests to address the Committee.

136 **Urgent Business**

There were no items of urgent business.

137 **Minutes**

The Minutes of the meeting held on 13 December 2018 were agreed as a correct record and signed by the Chairman.

138 **Chairman's Announcements**

The Chairman made the following announcement:

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.

## **Land East Of Jersey Cottages, Station Road, Ardley**

The Committee considered application 18/01881/F for the erection of 13 new affordable dwellings together with associated external works, car parking and landscaping at Land East of Jersey Cottages, Station Road, Ardley for Waterloo Housing Group Ltd.

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

### **Resolved**

That application 18/01881/F be approved and that authority be delegated to the Assistant Director for Planning and Economy to grant permission subject to:

1. The conditions set out below (and any amendments to those conditions as deemed necessary) and
2. The completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the planning and compensation Act 1991, to secure the following (and any amendments as deemed necessary):
  - a) Provision of 100% affordable housing on site (7 units for affordable rent and 6 units in shared ownership);
  - b) Provision of highway works to mitigate the impact of the development;
  - c) Payment of a financial contribution towards play areas in the locality of £29,989.18;
  - d) Payment of a financial contribution towards the enhancement of Ardley with Fewcott Village Hall of £13,854.36;
  - e) Payment of a financial contribution towards off-site outdoor sports and recreation provision in the locality of £5,302.15;
  - f) Payment of a financial contribution towards off-site indoor sports and recreation provision of £10,854.31.

### **CONDITIONS**

#### **Time Limit**

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.

#### **Approved Plans**

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, including the supplementary information template submitted with the application;

- Design and Access Statement by Oakley Architects dated October 2018 submitted with the application;
- Drawing Numbers: 03; 12A; 13 submitted with the application;
- Drawing Numbers 04C; 06A; 10B; 11A; 14B; 15B; 16B; 17B; 18B; and 19B received from the applicant's agent by e-mail on 27th November 2018.

#### Noise Mitigation

3. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 10 (Mitigation) of Noise Risk Assessment & Acoustic Design Statement carried out by Noise.co.uk Ltd and prepared on 24th August 2018.

#### Written Scheme of Investigation (Archaeology)

4. Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

#### Stage Programme of Archaeological Evaluation and Mitigation

5. Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 5, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

#### Landscaping Plan

6. Notwithstanding the landscaping details within Drawing Number ADL246 Revision A received from the applicant's agent by e-mail on 28th November 2018, no development shall take place until a landscaping scheme has been 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.
  - d) full design details of the sheds including elevations

Thereafter, the development shall be carried out in strict accordance with the approved soft landscaping scheme.

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.

#### Highway Works

7. No development shall take place until full details of the works to the highway associated with this development has been submitted to and approved in writing by the local planning authority. This shall include details of the crossing and footway. Prior to the first occupation of the dwellings hereby approved, the highways works shall be completed in accordance with the approved details.

#### Access Details

8. Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, full details of the means of access between the land and the highway and the parking and manoeuvring areas (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 and retained in accordance with the approved details.

#### Material Samples

9. Prior to the commencement of the development hereby approved above slab level, samples of the materials to be used in the construction of the external walls and roofs of the dwellings (including a stone sample panel), shall be submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details and shall be retained as such thereafter.

#### Window Details

10. Prior to the commencement of the development hereby approved above slab level, full details of the doors, windows and rooflights hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors, windows and rooflights shall be installed within the building in accordance with the approved details and shall be retained as such thereafter.

## Construction Traffic Management Plan

11. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

## Bat, Bird and Hedgehogs Boxes

12. Prior to the commencement of the development hereby approved above slab level, full details of a scheme for the location and design of hedgehog, bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building, the hedgehog, bat and bird boxes shall be installed on the site in accordance with the approved details and shall be retained as such thereafter.

## Trees

13. Prior to the commencement of the development hereby approved, an Arboricultural Impact Assessment (AIA), 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.
14. 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.

## Contaminated Land Conditions

15. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
16. If a potential risk from contamination is identified as a result of the work carried out under condition 15, 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.
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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### **The Pheasant Pluckers Inn, Burdrop, Banbury, OX15 5RQ**

The Committee considered application 18/01501/F for the change of use from Class A4 (ACV Listed) to Class C3 dwellinghouse at The Pheasant Pluckers Inn, Burdrop, Banbury, OX15 5RQ for Mr Geoffrey Richard Noquet.

In introducing the report, the Senior Planning Officer explained that the applicant had appealed on the grounds of non-determination of the application and therefore the application is only before planning committee to seek confirmation as to what their resolution would have been, had the Council been in a position to determine the application and issue a decision.

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

### **Resolved**

That application 18/01501/F would have been refused, for the following reasons:

1. The proposal would result in the loss of a valued village service and Asset of Community Value which, on the basis of the application and

the submissions received, it has not been demonstrated to be unviable in the long-term. As such, the loss of the public house would lead to an unacceptable impact on the local community and also on the character and appearance of the conservation area and would therefore be contrary to saved Policy S29 of the Cherwell Local Plan 1996, Policies ESD 15 and BSC 12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance and advice on supporting and building a strong, competitive economy and promoting healthy and safe communities contained within the National Planning Policy Framework.

141 **8 Cranesbill Drive, Bicester, OX26 3WG**

The Committee considered application 18/02013/F for Convert existing garage to a study and utility room at 8 Cranesbill Drive, Bicester, OX26 3WG for Mr Nicholas Mawer.

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

**Resolved**

That application 18/02013/F be approved and that authority be delegated to the Assistant Director for Planning and Economy to grant permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary).

Time Limit

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.

Compliance with Plans

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: the application form, S.835/01a, S.835/03 and the existing and proposed ground floor plans.

142 **Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 18/00156/NMA for the amendment to application 16/02366/OUT and 17/00284/REM - Block C changes to finished floor levels and overall height Land Adjacent to The Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

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

**Resolved**



That application Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendment described in application ref.no.18/00156/NMA in accordance with the application form and drawing numbers set out in the agents letter dated 13 December 2018. The non-material amendment application, hereby approved, does not nullify the conditions imposed in respect of planning permission 17/00284/REM. These conditions must be adhered to so as to ensure that the development is lawful.

143 **Appeals Progress Report**

The Assistant Director for Planning Policy and Development submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 4.52 pm

Chairman:

Date: