

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 14 July 2011 at 2.00 pm

- Present: Councillor Rose Stratford (Chairman)
Councillor Alastair Milne Home (Vice-Chairman)
- Councillor Ken Atack
Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor D M Pickford
Councillor G A Reynolds
Councillor Lawrie Stratford
- Substitute Members: Councillor Leslie F Sibley (In place of Councillor George Parish)
- Apologies for absence: Councillor James Macnamara
Councillor George Parish
Councillor Trevor Stevens
- Officers: John Hoad, Strategic Director - Planning, Housing and Economy
Bob Duxbury, Development Control Team Leader
Jenny Barker, Major Developments Team Leader
Ross Chambers, Solicitor
Michael Sands, Democratic and Scrutiny Officer

35 Declarations of Interest

Members declared interest in the following agenda items:

6. Bicester Eco Town Exemplar Site Caversfield Oxfordshire.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council.

Councillor G A Reynolds, Personal, as a Member of Oxfordshire County Council and the Executive.

Councillor Lawrie Stratford, Personal, as a Member of Bicester Town Council.

Councillor Michael Gibbard, Prejudicial, as a Member of the Executive and a Member of the Eco-Bicester Strategic Delivery Board.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council.

8. Drayton leisure Golf Centre, Warwick Road, Banbury.

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

Councillor Colin Clarke, Personal, as a Member of Banbury Town Council.

Councillor G A Reynolds, Prejudicial, as the former Portfolio Holder for Recreation and Health.

9. Land at Whitelands Farm, South West of Bicester. Adjoining Oxford Road and Middleton Stoney Road, Bicester.

Councillor D M Pickford, Prejudicial, as a Member of Bicester Town Council and Prejudicial as a Member of the Executive.

Councillor G A Reynolds, Prejudicial, as the former Portfolio Holder for Recreation and Health.

Councillor Ken Atack, Prejudicial, as a Member of the Executive.

Councillor Lawrie Stratford, Personal, as a Member of Bicester Town Council.

Councillor Michael Gibbard, Prejudicial, as a Member of the Executive.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council.

13. Land East of Oxford Spires Business Park, Langford Lane, Kidlington.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Lawrie Stratford, Personal, as a Member of Oxfordshire County Council.

Councillor Michael Gibbard, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Tim Emptage, Personal, as a Member of Kidlington Parish Council.

(Note: Where Members declared a prejudicial interest in an agenda item, the Member left the meeting for the duration of the item.)

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

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

37 **Urgent Business**

There was no urgent business.

38 **Minutes**

The Minutes of the meeting held on 16 June 2011 were agreed as a correct record and signed by the Chairman.

39 **Bicester Eco Town Exemplar Site Caversfield Oxfordshire**

The Committee considered a report for the development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 394 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined.

Councillor Andrew Fulljames spoke in objection to the application as Ward Member.

Mr Ian Inshaw spoke in favour of the application as the applicant.

Councillor Mrs Fulljames proposed that the application be deferred, to enable further information requested by Members to be addressed, and requested a recorded vote. Councillor Lawrie Stratford seconded the proposal.

Councillor Pickford	For
Councillor Emptage	For
Councillor Sibley	For
Councillor Hurle	For
Councillor Hughes	Against
Councillor Kerford-Byrnes	For
Councillor Heath	For
Councillor Clarke	For
Councillor Stratford	For
Councillor Atack	For
Councillor Mrs Fulljames	For

Councillor Blackwell	Against
Councillor Milne-Home	Against
Councillor Mrs Stratford	Abstention

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

Resolved

That application 10/01780/HYBRID be deferred to enable further information requested by Members to be addressed. This was particularly around delivery of infrastructure and clarification of details contained in this complex application around timing of school site, design and the relationship of master planning to the planning policy for the town.

40

Buildings at Heyford Park, Camp Road, Upper Heyford

The Committee considered a report for the change of use of former Military Buildings to Business (Class B1), Industrial (Class B2), Storage and Distribution (Class B8), Retail (Class A1), Nursery/Training Centre (Class D1) (as specified in the submitted Schedule of Potential Planning Uses.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 10/01778/F be approved subject to the applicants first entering into a Section 106 and routeing agreement and the following conditions:

- 1) That at the expiration of 10 years from the date hereof the uses specified in your application shall be discontinued and the land shall be restored to its former condition on or before that date.
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved plans: D.0291_7-9
- 3) No signs or advertisements shall be erected on any buildings unless a signage strategy has previously been submitted to and agreed in writing with the Local Planning Authority. Any proposed signage shall comply with the terms of the signage strategy
- 4) Within three months of the date of this permission, a lighting strategy shall be provided. The strategy as approved shall be implemented within 6 months of the date of this permission and the development shall be undertaken in accordance with the details as approved

- 5) Within three months of the date of this permission, a waste management strategy shall be provided. The strategy as approved shall be implemented within 6 months of the date of this permission and the development shall be undertaken in accordance with the details as approved
- 6) 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.
- 7) All plant, machinery, mechanical ventilation equipment and ducting shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority.
- 8) Save for existing uses on the site, before any other buildings are first occupied parking and manoeuvring areas shall be provided in accordance with plans approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall be constructed, laid out, surfaced in bound material, drained and completed, and shall be retained unobstructed except for the parking of vehicles at all times.
- 9) Save for existing uses, before any other buildings are occupied, details of parking provision for the proposed uses shall be submitted to and approved in writing by the Local Planning. The approved parking shall thereafter be implemented within 3 months and thereafter be retained in accordance with such approved details.

41

Drayton leisure Golf Centre, Warwick Road, Banbury

The Committee considered a report for the change of use from agriculture to camping field (up to 25 touring caravans, including hard road and hard standing) overflow car parking, installation of temporary shower and toilet block adjacent to club house, removal of the existing car park to be re landscaped, levelled and turned into a putting green, re-landscaping and levelling of the old putting green and surround, raising and levelling the outside practice tee area to give better practice facility, extending the golf range 7.5m forward to facilitate wider practice bays and bespoke teaching bay.

The Committee was satisfied with the evidence presented.

In reaching their decision, the Committee considered the Officers report and presentation.

Resolved

That application 11/00489/F be approved subject to the following conditions:

- 1) S.C. 1.4 [Time Limit]

- 2) Development to be carried out strictly in accordance with approved plans
- 3) S.C. 3.0 [Submit Landscaping Scheme]
- 4) S.C. 3.1 [Carry out Landscaping]
- 5) S.C. 2.6 [Materials to match] (golf range building only)
- 6) S.C. 3.7aa [Boundary Enclosures] (remove reference to dwellings)
- 7) S.C. 4.13CD [Parking and Manoeuvring Areas]
- 8) S.C. 8.20a [Location of Refuse Storage Area]
- 9) S.C. 7.4a [Touring Caravans: Period of Stay]
- 10) S.C. 8.18 [Floodlights/Lights]
- 11) S.C. 6.18a [Temporary Building] 'three years' insert 'temporary shower' before 'building' delete 'and the land shall be restored to its former condition on or before that date'.

42 **Land at Whitelands Farm, South West of Bicester. Adjoining Oxford Road and Middleton Stoney Road, Bicester**

The Committee considered a report for construction of winter games pitches, cricket outfield and cycle track at south west Bicester sports village.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/00565/CDC be approved subject to the objections of the Environment Agency being overcome and the following conditions:

- 1) SC1.4 Standard Time Limit
- 2) SC3.1A
That all planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing No. DE 108 24 007 and the supporting information dated May 2011 and submitted by STR1 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.

3) SC3.3AA

No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.

c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.

d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.

e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).

f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).

h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).

i) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

j) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses

and enclosures, with particular regard to ground compaction and phytotoxicity.

- 4) SC8.18
No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.
- 5) SC9.4A
The development hereby permitted shall be carried out in accordance with the recommendations set out in ecological appraisal and bat emergence of the activity survey by STRI dated 10 March 2011 and 13 May 2011 and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.
- 6) That a 3m buffer zone shall be provided and thereafter maintained to the existing and new hedgerows to be planted within the development in accordance with Condition 1 above.
- 7) That prior to the construction of the footpath/cycle way, full details of the proposed fitness trail and equipment shall be submitted to and approved in writing by the Local Planning Authority. The fitness trail shall be constructed and completed and ready for use prior to the first use of the sports pitches hereby approved. The trail shall be thereafter maintained and retained in accordance with this condition.
- 8) That prior to the commencement of any development on the site, full details of the proposed footpath/cycle links from Whitelands open space and the perimeter road shall be submitted to and approved in writing by the Local Planning Authority. The footpath/cycleway and links shall be provided in accordance with the details prior to the first use of the sports pitches. The footpath/cycleway shall thereafter be maintained and retained in accordance with this condition.
- 9) That the sports pitches hereby approved shall not be brought into use until such time as the vehicular access and car parking to serve the pitches (otherwise known as Phase 2) have been constructed and are operational.
- 10) Prior to the commencement of any development on the site, the type and precise location of any protective fencing around existing trees and hedgerows to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected prior to the commencement of the construction works and thereafter maintained during construction in accordance with those details.
- 11) That prior to the commencement of any development on the site full detailed drawings to scale of 1:200 showing the proposed new hedge and tree planting along the southern boundary adjacent to the perimeter road shall be submitted to and approved in writing by the Local Planning Authority. The planting shall be carried out in accordance with those details, within 12 months of the construction of the pitches hereby approved.

43

Land North of Hornton Grounds Quarry, Manor Farm, Hornton

The Committee considered a report for the erection of agricultural buildings comprising of grain store, general purpose building and livestock building with associated hard-standing, landscaping and gravel access track.

The Committee was satisfied with the evidence presented.

In reaching their decision, the Committee considered the Officers report and presentation.

Resolved

That application 11/00571/F be approved subject to the following conditions:

- 1) SC 1_4A (Time for implementation)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application, including the material and finishing details set out therein.
- 3) Prior to the commencement of construction of the grain store on the site full details of the proposed plant and equipment to be used for grain drying (including the sound pressure levels produced by any dryers and/or fans to be used) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. Any variation to an approved specification must in turn receive written approval from the local planning authority prior to it being implemented. RC53AB
- 4) Prior to the construction of the slurry store full details of the store and the method of management and disposal of slurry (including details of the location of the land to be spread) must be submitted to and approved in writing by the local planning authority. The store shall be managed and operated in accordance with the approved specification thereafter. RC55A
- 5) 3_0A (remove (c)) (Submit landscaping scheme)
- 6) 3-1A (Implement landscaping scheme)

44

Site BB, Langford Locks, Kidlington

The Committee considered a report for a two storey building accommodating twelve units for B1 purposes.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/00751/F be approved subject to the following conditions:

- 1) 1.4A - Full Permission: Duration Limit (3 years) (RC2)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with approved plans: 99057 400C; 99057 400C; 99057 401A; 99057 402C; and 99057 403A.
- 3) 2.1A Details of Materials and External Finishes – (RC4A)
- 4) 3.0A - Submit Landscaping Details (RC10A)
- 5) 3.1A - Carry Out Landscaping Scheme and Replacements (RC10A)
- 6) 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.
- 7) If a potential risk from contamination is identified as a result of the work carried out under condition 16, 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.
- 8) If contamination is found by undertaking the work carried out under condition 17, 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.

- 9) If remedial works have been identified in condition 18, the remedial works shall be carried out in accordance with the scheme approved under condition 18. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.
- 10) 4.31AA Soakaways (Contaminated Ground)
- 11) Piling or any other foundation using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
- 12) The construction of the surface drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before works are commenced.
- 13) 4.3AA Access Details for Approval (RC13BB)
- 14) 4.13CD Parking and Manoeuvring Area Retained (RC13BB)

45 **Land East of Oxford Spires Business Park, Langford Lane, Kidlington**

The Committee considered a report for construction of a household waste and commercial waste recycling centre (OCC ref. R3.0167/10).

The Committee considered the volume of people who would use the proposed facility and the suitability of the site.

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

Resolved

That Oxfordshire County Council be advised that Cherwell District Council has concerns about this scheme for the following reason:

- 1) The proposal represents inappropriate development in the Green Belt, and, taking into account the closure of existing household waste sites, it is considered that there are no very special circumstances for the current proposal in this location, which outweighs the harm by reason of its inappropriateness and the harm caused to the openness of the Green Belt, which would set aside the normal presumption against such inappropriate development. The proposal is considered to be contrary to PPG2: Green Belts and Policy GB1 of the adopted Cherwell Local Plan.

If Oxfordshire County Council considers the principle of the scheme to be acceptable, Cherwell District Council have the following comments on the detail of the scheme:

- 1) CDC have some concern over the proposed canopies situated over the visitor parking adjacent to the household waste disposal areas as this results in further built development encroaching into the countryside and Green Belt and these canopies are not considered to be wholly necessary;
- 2) CDC consider that the proposed landscaping could be improved, particularly along the eastern and northern boundaries of the site to provide a better screen to the development;
- 3) CDC would suggest a management scheme is put in place to ensure the good house keeping of the site to stop waste being swept to the surrounding areas;
- 4) CDC consider the amount of tarmac is a significant amount and would request that this be kept to as little as possible;
- 5) CDC Anti Social Behaviour Manager has questioned the way in which the acoustic survey has been carried out due to the comparison exercise carried out. The usual approach and indeed that recommended in PPG 24 Planning and Noise is to compare the activity noise level (measured as an LAeq(t)) with the current background noise level at the development site (measured as an LN90) applying British Standard BS 4142:1997 if appropriate. CDC would therefore ask that the County ensure they are happy with the conclusions set out and the way in which the report has been carried out.
- 6) CDC suggest the recommendations in relation to ecology are carried out and adhered to, to ensure the development complies with protected species legislation prior to the commencement of the development.
- 7) CDC Landscape Officer has raised concerns about the loss of the hedgerow on the site frontage to Langford Lane and would suggest the hedgerow is retained to a minimum height of 3m above ground level. Protective fencing in accordance with BS5837:2005 Trees in relation to construction would be needed. He concurs with the recommendation to plant woodland on the northern boundary. However it appears the planting is outside the site boundary, and owned by an adjacent land owner and so it is important to consider who will maintain this planting and the access needed to achieve this. He suggests that additional information should be required in relation to the works to the west boundary of the development due to the change to land levels and due to there being some trees protected by a TPO along this boundary. He comments that the recommendation for reinforcement woodland planting is justifiable and would suggest that additional screen woodland planting to the area between the hedgerow and the edge of the hard standing is required and that additional tree planting should be required to the frontage in order to screen the vehicle depot areas. The

car park would also benefit from trees planted in appropriate tree pits. The Council's Arboricultural Officer also suggests that a further survey is carried out of any additional trees within influencing distance that are not covered within the submitted survey and that all conclusions set out within the Method Statement should be adhered to by the developer.

Cherwell District Council request that they be advised of the outcome of the application once it has been determined.

46 **Corner Meadow, Farnborough Road, Mollington**

The Committee considered a report which sought to inform Members of the latest situation at Corner Meadow, to report matters of unauthorised development and breaches of condition and to advise Members whether enforcement action against these matters has been taken. At their meeting held on 19 May 2011 Members requested that such a report be presented to Committee in two months time which was followed up by an e-mail from Councillor Atack setting out the specific matters expected to be addressed.

Resolved

- (1) That the content of this report be noted
- (2) That delegated authority be granted to Strategic Director Planning Housing & Economy to take enforcement action and any necessary court proceedings if it is deemed necessary to do so in relation to landscaping, access, development and hardstanding.

47 **Corner Meadow, Farnborough Road, Mollington, Banbury**

The Committee considered a report for vehicular access.

Mr Paul Stephenson spoke in objection to the application as a Member of Mollington Parish Council.

In reaching their decision, the Committee considered the Officers report and presentation.

Resolved

That application 11/00783/F be approved subject to the following conditions:

- 1) S.C. 1.4 [Time Limit]
- 2) S.C. 4.0ab [Access Specification]
- 3) That full design details of the access gates 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 approved details.

48 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were subject to various requirements.

Resolved

That the position statement be accepted.

49 **Appeals Progress Report**

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

Resolved

That the position statement be noted.

The meeting ended at 6:30 pm

Chairman:

Date: