

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 6 October 2011 at 4.00 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 Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor George Parish
Councillor D M Pickford
Councillor G A Reynolds
Councillor Trevor Stevens
Councillor Lawrie Stratford
- Substitute Members: Councillor Barry Wood (In place of Councillor Michael Gibbard)
- Apologies for absence: Councillor Michael Gibbard
Councillor James Macnamara
- Officers: Bob Duxbury, Development Control Team Leader
Caroline Ford, Assistant Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Senior Democratic and Scrutiny Officer

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Declarations of Interest

Members declared interests in the following agenda items:

7. Land and Buildings to the rear of 81-85 Sheep Street, Bicester, Oxon OX26 6JS.

Councillor Barry Wood, Prejudicial, as a Member of Executive.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council which had been consulted on the application.

Councillor D M Pickford, Prejudicial, as a Member of Executive.

Councillor G A Reynolds, Personal, as a Member of Executive.

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

Councillor Lawrie Stratford, Personal, as a Member of Bicester Town Council which had been consulted on the application.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council which had been consulted on the application.

8. Land and Buildings to the rear of 81-85 Sheep Street, Bicester, Oxon OX26 6JS.

Councillor Barry Wood, Prejudicial, as a Member of Executive.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council which had been consulted on the application.

Councillor D M Pickford, Prejudicial, as a Member of Executive.

Councillor G A Reynolds, Personal, as a Member of Executive.

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

Councillor Lawrie Stratford, Personal, as a Member of Bicester Town Council which had been consulted on the application.

Councillor Rose Stratford, Personal, as a Member of Bicester Town Council which had been consulted on the application.

9. Thames Valley Police HQ, Oxford Road, Kidlington, Oxfordshire, OX5 2NX.

Councillor Tim Emptage, Personal, as a Member of Kidlington Parish Council which had been consulted on the application.

10. Paragon Fleet Solutions, Heyford Park, Camp Road.

Councillor Mike Kerford-Byrnes, Personal, as Ward Member.

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

There were no petitions or requests to address the Committee.

93 **Urgent Business**

There was no urgent business.

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Minutes

The Minutes of the meeting held on 8 September 2011 were agreed as a correct record and signed by the Chairman, subject to the following amendments:

Minute 72: Declarations of Interest

Delete declarations of interest for Councillor Milne Home for agenda item 7. 35 The Rydes, Bodicote and agenda item 14. 21 and 22 Portland Road, Milcombe, Banbury, Oxfordshire OX15 4RL.

Insert declarations of interest for Councillor Milne Home, personal, as a Member of Banbury Town Council which had been consulted on the application, for agenda item 11. 42 South Bar Street and agenda item 12. 42 South Bar Street.

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Cherwell Valley Service Area, Junction 10 M40, Northampton Road, Ardley

The Committee considered a report which sought approval for the erection of 1 No. 800kw wind turbine and associated works.

The Committee discussed the potential impact of the proposal on the area and the suitability of the proposed location.

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

Resolved

That application 11/00524/F be approved subject to:

- (i) Officers being satisfied, following further discussions, that the condition relating to aviation and radar impact is appropriate.
- (ii) The following conditions:
 - (1) The development hereby permitted shall begin not later than three years from the date of this decision. (RC2)
 - (2) Written confirmation of the date on which the development first provided electricity shall be given to the local planning authority within one month of that event. The development hereby permitted shall be removed on or before the twenty fifth anniversary of the date on which the development first provided electricity, and the land restored to its former condition in accordance with a restoration scheme submitted not later than the twenty fourth such anniversary to and approved in writing by the local planning authority. The restoration scheme shall include, among other things, a timescale for the restoration of the site after the removal of the development, a description of the measures to be taken in the demolition and removal of the development hereby

permitted and of the measures to be taken to ensure that contemporary standards of pollution control and protection of public and neighbouring interests will be met.

- (3) No development shall take place until details of the external colours and finishes of the development hereby approved have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out as approved and the agreed colours and finishes shall not be changed without the prior written consent of the local planning authority. (RC4A)
- (4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (i) Drawing No. CHMSA150311-1 dated 15/03/11
 - (ii) Drawing No. CHMSA150311-2 dated 15/03/11
 - (iii) Drawing No. 60mHM – KW1, 60m HiMast Class 1 Received 7 June 2011
 - (iv) Drawing No. 07/446-E01 dated 09.11.2007 Received 7 June 2011
 - (v) Additional Planning Information document dated March 2011
- (5) No development shall take place until a construction method statement has been submitted to and approved by the local planning authority, including measures to secure: i) The monitoring and control of noise, vibration and dust caused by construction activity on the site; ii) Control of pollution or sedimentation and responding to any spillages or contamination during the construction phase, including among other things oil interceptors to serve vehicle parking and hardstanding areas; iii) Details of wheel washing equipment to ensure that no material is deposited on the nearby roads from vehicles travelling from the site; iv) The use of impervious bases and impervious bund walls to areas used for the storage of oils, fuels or chemicals on the site; v) Removal of the construction compound and all temporary buildings and the reinstatement of the whole site not subject to built development all within 6 months of the date on which the development first provided electricity; vi) The use of only approved routes to and from the site by traffic associated with the construction of the development hereby approved, or its decommissioning, and arrangements for parking and access at the site and for the storage of plant and materials there; vii) That no construction machinery shall be operated on the site, no process carried out on the site other than between 08:00 and 13:00 on Saturdays or between 07:30 and 18:00 on Mondays to Fridays unless previously approved in writing by the local planning authority, with no deliveries on Sundays or on Bank or other public Holidays; viii) Arrangements for outdoor artificial lighting (if necessary) so as to prevent nuisance to surrounding properties. Development shall be carried out in accordance with the approved construction method statement. (RC84)
- (6) No development shall take place until a shadow flicker mitigation scheme has been approved in writing by the local planning authority.

The development shall be operated in accordance with the approved mitigation scheme.

- (7) No development shall take place until a baseline television reception study has been carried out in an area previously approved in writing by the local planning authority, and the results submitted to the local planning authority. Details of works necessary to mitigate any adverse effects to domestic television signals caused in the survey area by the development shall, if approved in writing by the local planning authority, be implemented before the turbine blades are first fitted. A scheme for subsequent reactive mitigation in response to independently validated claims that television reception is impaired by the development, shall be submitted for approval by the local planning authority. The turbine shall not be brought into use until the reactive mitigation scheme has been approved, and the approved scheme shall be implemented for the life of the development.
- (8) Written confirmation of the submission of the following details to the Ministry of Defence and the Civil Aviation Authority shall be provided to the local planning authority within 3 months of the date of this permission and there shall be no development until such confirmation has been given:
- (i) Proposed date of commencement of the development; and,
 - (ii) The maximum extension height of any construction equipment to be on the site.

Written confirmation of the submission of the following details to the Ministry of Defence and the Civil Aviation Authority shall be provided to the local planning authority within 14 days of the completion of construction of the turbine:

- (a) Date of completion of construction;
 - (b) The height above ground level of the highest part of the built development (anemometry mast or turbine rotor tip);
 - (c) The latitude and longitude of the highest part of the built development; and,
 - (d) The lighting details of the site.
- (9) If the wind turbine hereby approved fails to provide electricity for a continuous period of 9 months then a scheme for the decommissioning and removal of the turbine and any other ancillary equipment and structures relating solely to that turbine shall be submitted within 2 months to the local planning authority for their written approval. If the turbine remains failed at the end of a continuous 12 month period (including the initial 9 months previously mentioned) then it shall be removed in accordance with the approved decommissioning scheme. The decommissioning scheme shall set the timescale for removal.
- (10) That prior to the commencement of development pre-works checks must be carried out in relation to badgers and water voles and that in the event of circumstances having changed since the initial Phase 1 Habitat survey was carried out in April 2009 further mitigation and

method statements will be required. The results of the pre-works checks and if necessary the mitigation measures and method statements shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. (RC86A)

- (11) SC 9.4A Carry out mitigation in ecological reports (RC85A)
Recommendations of the Dormouse Report by Baker Shepherd Gillespie dated January 2010 and the recommendation of the Ornithology Report by Baker Shepherd Gillespie dated January 2010 and the recommendations set out in the applicants email dated 21 June 2011 relating to reptiles
- (12) No development shall take place until an ecological method statement has been approved in writing by the local planning authority. The ecological method statement shall include arrangements for the following: i) The provision of an Ecological Clerk of Works; ii) Details of and siting for bat roosts and bird nest boxes, including the timing of their provision; iii) The execution of the works generally relating to those measures set out in the ecological reports provided with the application. The development shall be carried out and operated in accordance with the approved ecological method statement. (RC86A)
- (13) No development shall take place until a scheme to dispose of foul and surface water has been approved in writing by the local planning authority. The surface water drainage scheme shall be based on sustainable drainage principles and shall include an assessment of the hydrological and hydro geological context of the development. The surface water drainage system shall contain the 1 in 100 year storm event with suitable allowance for climate change. The scheme shall also contain details of the changes to the ground levels, surface details of the access road and working platform and SUDS system. The approved scheme shall be implemented before the development is brought into use. (RC88A)
- (14) All cabling on the site to and from the wind turbine shall be underground.
- (15) The turbine shall have an installed generating capacity of at least 0.8 megawatts.
- (16) No wind turbine shall be operated on the site until a scheme has been submitted to and agreed with the Local Planning Authority for monitoring noise levels at up to five selected residential locations (or at representative locations close to those properties, to be agreed with the Local Planning Authority) during six months following connection to the electricity grid and full operation of all the turbines on the site. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels at a representative range of wind speeds and wind directions with all wind turbines operating. Monitoring shall be carried out in accordance with the approved monitoring scheme and the results provided to the local planning authority within four months of completion of the scheme. (RC53AA)

- (17) No development shall take place until there has been approved by the local planning authority details of a nominated representative for the development and their contact arrangements to act as a point of contact for the public available by convenient means on at least six days each week together with the arrangements for notifying and approving any subsequent change in the nominated representative. The approved representative shall work within the approved details and shall have responsibility for liaison with the local planning authority in dealing with any noise complaints arising from the development during the period from start of work to completion of final site restoration. In the event that the local planning authority has given written notice to the wind farm operator three times in any 12-month period that it finds the nominated representative to be not working within the approved details, the wind farm operator shall replace the nominated representative, within two weeks of receipt of the third written notice, with an alternative who has been approved by the local planning authority.
- (18) No development shall take place until written confirmation has been provided to the local planning authority that a Safety Report has been submitted to and approved in writing by the operators of London Oxford Airport in consultation with the Civil Aviation Authority in relation to the safe operation of London Oxford Airport with the proposed wind farm in place. The turbines shall only be operated in accordance with the terms of the Safety Report.
- (19) No development shall take place until written confirmation is received by the local planning authority and approved in consultation with London Oxford Airport and the Civil Aviation Authority that radar mitigation measures in accordance with CAP 764 (Policy and Guidance on Wind Turbines) (and any other relevant CAA guidance in force at the time) can be implemented by London Oxford Airport such that a radar operation at London Oxford Airport will be safe when the turbines become operational.
- (20) The intensity of air navigation warning lights fitted to the turbines and anemometry mast shall not exceed 25 (to be confirmed) candela, except with the written approval of the local planning authority.
- (21) The development hereby approved shall not be brought into use until written notice, signed by a Member of the Institution of Structural Engineers, has been provided to the local planning authority to the following effect:
- (i) That the manufacture of the wind turbine conforms to European Standard IEC61 4001; and
 - (ii) That the design and installation of the installation as a whole has been carried out in compliance with BS EN 614001:2005 Wind turbines Design requirements. The maintenance operation and removal of the installation as a whole shall comply with BS EN 614001:2005.

- (22) All existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works and building operations (see BS 5837: 2005). No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area. (RC72)
- (23) Before any works commence on site, details of the design of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavation on site, insofar as they may affect trees and hedgerows on or adjoining the site, shall be submitted to and approved by the Local Planning Authority. (RC72)
- (24) All existing hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedgerows on or immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with relevant British Standards (BS 5837: 2005).
- (25) That the developer shall inform the Local Planning Authority, in writing, of the date of installation of the meteorological testing mast and that at the expiration of 18 months from the date of installation the mast shall be removed from the site. The land shall be restored to its former condition on or before that date unless the construction of the turbine is to commence within the 6 months following its removal.

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Land and Buildings to the rear of 81-85 Sheep Street, Bicester, Oxon OX26 6JS

The Committee considered a report for the demolition of sheds and outbuildings to the rear of 81-85 Sheep Street, make good the new boundary wall in brickwork and change of use to public car park.

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 11/01132/CDC be approved under Regulation 3 subject to the following conditions:

- (1) SC 1.4 (Time Limit)
- (2) SC 4.14 BC (Plan of car parking provision)
- (3) That full details of the proposed boundary wall to encompass the rear of 81-85 Sheep Street shall be submitted to and approved in writing by

the Local Planning Authority prior to the commencement of development. The development shall then be carried out in accordance with the approved details.

- (4) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with plan no 12.11 Rev 1

(Councillors Atack, Pickford, Reynolds and Wood left the meeting for the duration of this item)

97 **Land and Buildings to the rear of 81-85 Sheep Street, Bicester, Oxon OX26 6JS**

The Committee considered a report for the demolition of sheds and outbuildings to the rear of 81-85 Sheep Street (Conservation Area Consent)

The Development Control Team Leader advised Members that as the applicant for conservation area consent was Cherwell District Council, the Secretary of State would ultimately determine the application. The Planning Committee could indicate if they were minded to approve the application which would be taken into consideration by the Secretary of State.

The Committee was satisfied with the evidence presented.

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

Resolved

That the Planning Committee be minded to approve application 11/01133/CAC subject to the following conditions and to referral of the application to the Secretary of State:

- (1) SC 1.4 (Time Limit)
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with plan no 12.11 Rev 1

(Councillors Atack, Pickford, Reynolds and Wood left the meeting for the duration of this item)

98 **Thames Valley Police HQ, Oxford Road, Kidlington, Oxfordshire, OX5 2NX**

The Committee considered a report which sought permission for the erection of a three storey building to provide additional office space including associated vehicle parking and landscaping works.

The Development Control Leader read a letter from a local resident who had been unable to address the Committee personally.

The Committee discussed the impact on traffic in the vicinity, highway safety and parking provision for the site. Members noted that the application was supported by a travel plan and agreed that it was important for the plan to be implemented before the building was occupied.

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

Resolved

That application 11/01151/F be approved subject to:

- (i) The applicant entering into a planning obligation to the satisfaction of the District Council.
- (ii) The following conditions:
 - (1) 1.4A (RC2) [Full permission: Duration limit (3 years)]
 - (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, design and access statement, statement of community involvement, phase 1 environmental survey, transport assessment and all accompanying documentation, site location plan and drawing numbers 100292/A/PL01 A, 100292/A/PL02 B, 100292/A/PL03 B, 100292/A/PL04 B, 100292/A/PL05 B, 100292/A/PL06 B, 100292/A/PL07 B, 100292/A/PL08 C, 100292/C/002 A, 100292/C/003 B, 100292/C/006 A, 100292/C/900 A and JNY7037-03 B
 - (3) The external walls of the building shall be constructed in accordance with the samples of the bricks to be "Selected Light Facings" manufactured by Freshfield Lane Brick Works Limited, the render – colour RAL 9016 and the Rimex stainless steel cladding – colour green unless otherwise agreed in writing by the Local Planning Authority. (RC4A)
 - (4) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan (100292/A/PL02 B) hereby approved and shall be constructed, laid out, surfaced (bound material), drained (in accordance with SUDs) in accordance with full details which shall be submitted for the prior approval in writing by the Local Planning and shall be completed and retained unobstructed except for the parking and manoeuvring of vehicles at all times. (RC14AA)
 - (5) That prior to occupation of the development, a travel plan to reduce dependency on the private car, which shall include clear and unambiguous objectives and modal split targets, together with a time-

bound programme of implementation, monitoring and regular review and improvement; and be based on the particulars contained within the approved framework produced in support of this application, shall be submitted to and approved in writing by the Local Planning Authority and thereafter operated. (RC66A)

99 **Paragon Fleet Solutions, Heyford Park, Camp Road**

The Chairman advised the Committee that application 11/01247/F had been withdrawn by the applicant.

100 **Silverstone Circuit, Towcester, Northamptonshire**

The Committee considered an outline application for mixed use development comprising offices, workshops and distribution facilities (Use Class B1, B2 & B8), education campus including on site student accommodation (D1 & C2), three hotels (C1), ancillary spectator facilities, including welcome centre and museum of motorsport (D2) and non retail promotional automotive display space (sui generis), leisure and event spaces including outdoor activity areas and permanent outdoor stage (D2), reconfiguration of existing and provision of additional, temporary and permanent grandstands (sui generis), areas of hard surfacing for the temporary siting of hospitality units during scheduled major events, revised parking and access arrangements including a new access off the A43 and/or improvements to the existing A43/Dadford Road junction, supporting infrastructure, demolition of existing structures, associated landscape works in accordance with the approved development brief Silverstone Circuit Master Plan (Feb 2009) (SNC ref. S/2011/1051/MAO).

Members noted that the application was being dealt with by South Northamptonshire Council and Aylesbury Vale District Council. Cherwell District Council was a consultee in the process.

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

Resolved

That South Northamptonshire Council be advised that Cherwell District Council welcomes the proposal, subject to a note being added to the council's letter to the effect that upon determination of the application, Cherwell District Council be advised of the outcome.

101 **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.

102 **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

- (1) That the position statement be accepted.

103 **Exclusion of Public and Press**

Resolved

That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.

104 **Bodicote Post Office - Update on Enforcement Action**

The Committee considered a joint report of the Interim Head of Legal and Democratic Services and the Development Control Team Leader which updated Members on the enforcement action at Bodicote Post Office.

Resolved

- (1) That the current position on the enforcement action be noted.

The meeting ended at 5.40 pm

Chairman:

Date: