Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 5 January 2012 at 4.00 pm

Present: Councillor Alastair Milne Home (Vice-Chairman, in the Chair)

Councillor Ken Atack Councillor Colin Clarke Councillor Tim Emptage

Councillor Mrs Catherine Fulliames

Councillor Michael Gibbard Councillor David Hughes Councillor Russell Hurle

Councillor Mike Kerford-Byrnes

Councillor George Parish Councillor D M Pickford Councillor Trevor Stevens

Substitute

Councillor Barry Wood (In place of Councillor James Macnamara)

Members:

Apologies Councillor Rose Stratford for Councillor Fred Blackwell absence: Councillor Chris Heath

Councillor James Macnamara Councillor G A Reynolds Councillor Lawrie Stratford

Officers: Bob Duxbury, Development Control Team Leader

Ross Chambers, Solicitor

Natasha Clark, Team Leader, Democratic and Elections Aaron Hetherington, Democratic and Elections Officer

135 **Declarations of Interest**

Members declared interests in the following agenda items:

6. Land off School Lane, Cropredy.

Councillor Colin Clarke, Personal, as two of his grandchildren were pupils at the school adjacent to the site.

Councillor Ken Atack, Personal, as the applicants were near neighbours and acquaintances.

7. Land North of Cropredy & South East of Poplars Farm, Claydon Road, Cropredy.

Councillor Ken Atack, Personal, as the applicants were near neighbours and acquaintances.

8. Oxford and Cherwell Valley College (south site), Broughton Road, Banbury.

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

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

Councillor George Parish, Personal, as a member of Banbury Town Council which had been consulted on the application.

9. Phase 3, Oxford Spires Business Park.

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

11. Redlands Farm, Sibford Road, Hook Norton, Banbury.

Councillor Alastair Milne Home, Personal, as the applicant was an acquaintance.

136 Petitions and Requests to Address the Meeting

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

137 Urgent Business

There was no urgent business.

138 Minutes

The Minutes of the meeting held on 1 December 2011 were agreed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 124: Land off School Lane, Cropredy

Change "Councillor Atack proposed that the application be deferred for a site visit" to read "Councillor Reynolds proposed that the application be deferred for a site visit"

139 Land off School Lane, Cropredy

The Committee considered a report for a proposed marina with new access from Oxford Canal complete with associated car parking and facilities

buildings (as amended by plans received 16/09/11). Consideration of the application had been deferred from the Committee's December meeting to allow for a site visit.

Mark Simmons, a local resident, spoke in opposition to the application.

Councillor Paul Morley, member of Cropredy Parish Council, spoke in opposition to the application.

The Committee raised concerns over child safety due to the proximity of the school to the development. The Development Control Team Leader indicated that the proposed condition 12 of the report could be amended to address this matter. Members also considered flooding, drainage and sustainability and noted that the proposal would have a positive effect on the Cropredy economy.

In reaching their decision, the Committee considered the Officers report, written update and presentation and the addresses of the public speakers.

Resolved

That application 11/01069/F be approved subject to the following conditions:

- (1) SC 1.4A Full permission: Duration Limit (3years)(RC2)
- (2) Plan numbers condition
- (3) That samples of the bricks, timber cladding and roof tiles to be used in the construction of the of the walls and the roof of the facilities building 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 samples so approved. (RC4A)
- (4) That prior to the commencement of development a plan of the proposed access to the highway shall be submitted to and approved in writing by the Local Planning Authority and prior to first use of the proposed development the access shall be constructed in accordance with the approved plan. (RC13BB)
- (5) That prior to the commencement of development a construction phase traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Throughout the period of construction the approved plan shall be adhered to. (RC13BB)
- (6) That prior to first use, the parking and associated manoeuvring areas shall be provided and thereafter maintained without obstruction except for the parking of vehicles. (RC13B)
- (7) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessments (FRA) dated 28 June 2011 ref: WB02048/FRA and the addendum

dated 01 September 2011 WB02048/FRA/01 and the following mitigation measures detailed within the FRA:

- 1. The access track, car park and site facilities shall be located in Flood Zone 1, as set out in Section 5.1 of the FRA dated 28 June 2011.
- 2. There will be no raising of ground levels within Flood Zones 2 and 3, as set out in Section 5.2 of the FRA dated 28 June 2011 and section A4.1 of the FRA dated 01 September.
- 3. The wooden walkways shall not be raised above ground level, as set out in Section A3.0 of the FRA dated 01 September.
- 4. The site access track, footpaths and car park will be made of permeable material, in accordance with Section 6.0 of the FRA dated 28 June.
- (8) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of the proposed surface water bund and infiltration tests shall be carried out to inform the design.

- (9) SC 9.4A Carry out mitigation in ecological report (RC85A)
- (10) SC 9.5A Site clearance to avoid bird nesting/breeding season (RC86A)
- (11) That prior to the commencement of development a pre-works check will be carried out by a qualified ecologist to check for the presence of bats and badgers. In the event that these species are found the Local Planning Authority shall be notified and appropriate mitigation measures agreed in writing. The work shall be carried out in accordance with the agreed mitigation measures. (RC85A)
- (12) SC 3.0A Submit Landscaping Scheme (RC10A)
- (13) SC 3.1A Carry out landscaping scheme (RC10A)
- (14) SC 3.2AA Retained trees (RC10A)
- (15) SC 3.3AA Scheme to be submitted to protect retained trees (RC72A)
- (16) SC 3.4BB Retain existing hedgerows/tree boundary (RC11A)
- (17) 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.

- (18) Prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 17, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.
- (19) Prior to the commencement of the development and following the completion of the archaeological evaluation, investigation and recording referred to in condition 18, a report of the archaeological evidence found on the application site and full details of a second stage Written Scheme of Investigation based on the findings, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the Local Planning Authority.
- (20) Prior to the commencement of the development (other than in accordance with the second stage Written Scheme of Investigation), the further programme of archaeological investigation shall be carried out and fully completed in accordance with the second stage Written Scheme of Investigation approved under condition 19.
- (21) Prior to the commencement of the development all post excavation work including all processing, research and analysis necessary to produce an accessible and useable archive and its deposition, and a full report for publication, shall be submitted to the Local Planning Authority in accordance with the revised Written Scheme of Investigation approved under condition 3.
- (22) That prior to the commencement of development full details of the lighting including a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles) and an isolux contour map to show light spill levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
- (23) That the marina hereby approved shall be occupied only for the purposes of recreational moorings and not for any residential or hire fleet purposes.
- (24) That no more than 50 boats shall be moored at any one time in the marina basin and no boats, other than those on the water shall be stored on the site.
- (25) That the facilities building shall be used only for the purposes of offices, toilets, showers and storage associated with the use of the marina and for no other commercial function. (RC40AA)
- (26) Use of Petrol/Oil interceptors on car parking and hard standing
- (27) The development hereby permitted shall be carried out in accordance with the recommendations and the habitat enhancement strategy set

out in the mitigation strategy detailed in the 'Ecological Method Statement for the Protection of Recognised Species' by Reports 4 Planning received in the department on 16 December 2011.

(28) In the event of water voles being found to be present on site prior to commencement or during the development process, work on site shall cease until a method statement detailing how harm to the species and their burrows will be avoided has been submitted to and approved in writing by the Local Planning Authority.

(Councillor Attack requested that his abstention from the vote be recorded.)

Land North of Cropredy & South East of Poplars Farm, Claydon Road, Cropredy

The Committee considered a report for a proposed marina with ancillary office, store, car parking, access and associated landscaping.

Tim Langer, the applicant, spoke in favour of the application.

Councillor Paul Morley, a member of Cropredy Parish Council, spoke in support to the application.

The Committee considered the traffic and highways impact of the proposed development. Members noted that British Waterways had endorsed the site.

In reaching their decision, the Committee considered the Officers report, written update and presentation and the addresses of the public speakers.

Resolved

That application 11/01255/F be approved subject to the following conditions:

- (a) The Environment Agency being satisfied that the FRA is adequate and that the proposal will not result in increased risk of flooding.
- (b) The Council being satisfied that appropriate Method Statement has been produced to ensure that if great crested newts and or reptiles are found on the site they can be appropriately dealt with.
- (c) The following conditions;
- (1) SC 1.4A Full permission: Duration Limit (3years)(RC2)
- (2) Plan numbers condition
- (3) That samples of the timber cladding and roofing material to be used in the construction of the of the walls and the roof of the office and storage buildings 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 samples so approved. (RC4A)

- (4) That prior to the commencement of development a plan of the proposed access to the highway shall be submitted to and approved in writing by the Local Planning Authority and prior to first use of the proposed development the access shall be constructed in accordance with the approved plan. (RC13BB)
- (5) That prior to the commencement of development a construction phase traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Throughout the period of construction the approved plan shall be adhered to. (RC13BB)
- (6) That prior to first use, the parking and associated manoeuvring areas shall be provided and thereafter maintained without obstruction except for the parking of vehicles. (RC13B)
- (7) Appropriate conditions relating to the Flood Risk Assessment (yet to be recommended)
- (8) Appropriate conditions relating to mitigation in ecological reports (yet to be recommended) (RC85A)
- (9) SC 9.5A Site clearance to avoid bird nesting/breeding season (RC86A)
- (10) That prior to the commencement of development a pre-works check will be carried out by a qualified ecologist to check for the presence of water voles, bats and badgers. In the event that these species are found the Local Planning Authority shall be notified and appropriate mitigation measures agreed in writing. The work shall be carried out in accordance with the agreed mitigation measures. (RC85A)
- (11) SC 3.0A Submit Landscaping Scheme (RC10A)
- (12) SC 3.1A Carry out landscaping scheme (RC10A)
- (13) SC 3.2AA Retained trees (RC10A)
- (14) SC 3.3AA Scheme to be submitted to protect retained trees (RC72A)
- (15) SC 3.4BB Retain existing hedgerows/tree boundary (RC11A)
- (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) Prior to the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 16, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

- (18) Prior to the commencement of the development and following the completion of the archaeological evaluation, investigation and recording referred to in condition 17, a report of the archaeological evidence found on the application site and full details of a second stage Written Scheme of Investigation based on the findings, including a programme of methodology, site investigation and recording, shall be submitted to and agreed in writing by the Local Planning Authority.
- (19) Prior to the commencement of the development (other than in accordance with the second stage Written Scheme of Investigation), the further programme of archaeological investigation shall be carried out and fully completed in accordance with the second stage Written Scheme of Investigation approved under condition 18.
- (20) Prior to the commencement of the development all post excavation work including all processing, research and analysis necessary to produce an accessible and useable archive and its deposition, and a full report for publication, shall be submitted to the Local Planning Authority in accordance with the revised Written Scheme of Investigation approved under condition 18.
- (21) That prior to the commencement of development full details of the lighting including a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles) and an isolux contour map to show light spill levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
- (22) That the marina hereby approved shall be occupied only for the purposes of recreational moorings and not for any residential or hire fleet purposes.
- (23) That no more than 249 boats shall be moored at any one time in the marina basin and no boats, other than those on the water shall be stored on the site.
- (24) That the office building and store shall be used solely for the purposes as described in the submitted application, in association with the use of the marina and for no other purposes.
- (25) Use of Oil interceptors on car parking and hard standing

Oxford and Cherwell Valley College (south site), Broughton Road, Banbury

The Committee considered a report for a Construction of a three storey building, single storey building, link to existing building, demolition of existing bungalow and alterations to car park and landscape works.

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 11/01369/F be approved subject to:

- (a) The comments of the Council's Ecologist in relation to the scheme.
- (b) The comments of the Local Drainage Authority.
- (c) A Legal agreement acceptable to the District Council to secure an element of public art and the maintenance of that public art if it is not to be provided as part of the development itself.
- (d) The following conditions:
- (1) 1 4A Full Duration Limit (3 years) (RC2)
- (2) Plans Condition. Application forms, Design and Access Statement and Drawings.
- (3) 3 0A Submit Landscaping Scheme (RC10A)
- (4) 3 1A Impl Landsc Sch and Reps (RC10A)
- (5) That prior to the commencement of the development, a landscape maintenance plan including time-frame shall be submitted to and agreed in writing by the Local Planning Authority. The approved maintenance plan shall be strictly adhered to at all times for the agreed time-frame. (RC10A)
- (6) Scheme Submitted to Pro Rtnd Trees (RC72A)
- (7) That full design details of the colour scheme for the building 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.
- (8) That full design details of all fenestration 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.
- (9) 5_5AB Submit New Design Details (RC4A) insert 'siting and profile of the spoil to be located to the south west of the site'
- (10) That full design details of the external lighting scheme 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.

- (11) That prior to the commencement of the development and notwithstanding the approved plans, full details of the layout and construction method of the new service road to the east of the buildings shall be submitted to and agreed in writing by the Local Planning Authority. The service road shall be laid out and constructed in accordance with the approved details.
- (12) Prior to the commencement of any works of demolition to building D, a bat inspection and emergence survey shall be carried out, submitted to and agreed in writing by the Local Planning Authority. If a bat roost is identified, the report shall include details of an appropriate mitigation strategy. Thereafter the development shall proceed in accordance with the approved report and mitigation.
- (13) Prior to the commencement of the development, a habitat enhancement scheme to include details of the location of bat and swift boxes within the proposed new development, new planting and the management of any open spaces for the benefit of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved report.
- (14) Prior to the commencement of the development, a reptile migration scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved report.

142 Phase 3, Oxford Spires Business Park

The Committee considered an application relating to the final undeveloped area of Oxford Spires Business Park, which sought planning permission for a three storey office building and associated parking.

The Committee was satisfied with the evidence provided.

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

Resolved

That application 11/01484/F be approved subject to the Environment Agency comments, the receipt of the completed unilateral undertaking and the following conditions:

- (1) 1.4A Full Perrmission: 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: 97119 P01; 97119 P02; 97119 P03 A; 97119 P04 A; 97119 P05 A; 97119 P06 A; 97119 P07 A; MCA002/01/B; and MCA002/02B and the following approved documents: Interim Travel Plan produced by Castledine Associates

and dated 26 September 2011; Tree Survey produced by MCA and dated 20 July 2011; Ecological Appraisal produced by Bioscan and dated 11 August 2011.

- (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) That prior to commencement of any development on the site, notwithstanding the details submitted, an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), undertaken in accordance with BS5837:2005 sections (Please specify if relevant) shall be submitted and approved in writing by the Local Planning Authority. All works then to be undertaken in accordance with the agreed document.
- (7) No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and should include details of:
 - a) Induction and personnel awareness of arboricultural matters
 - b) Identification of individual responsibilities and key personnel.
 - c) Timing and methods of scheduled arboricultural site monitoring, record keeping, and the subsequent submission of information to the LPA.
 - d) Procedures for dealing with variations and incidents.

Please note, the Local Planning Authority may require the scheme of supervision to be administered by a qualified arboriculturist approved by the Local Planning Authority but instructed by the applicant.

- (8) Prior to the commencement of any works on site or the carrying out of any operation relating to the provision of services, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- (9) All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees – Volume 4 and all subsequent revisions and amendments of.
- (10) That prior to commencement of any development on the site, notwithstanding the details submitted, full details, specifications and

construction methods for all purpose built tree pits and associated ground level surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority. Details must also include specifications for the installation of associated below ground, load-bearing root trenches and appropriate soils required to accommodate the planting and development of the proposed trees.

- (11) No removal of trees, scrub or hedgerows to take place between the months of March to August inclusive.
- (12) 4.13CD Parking and Manoeuvring Area
- (13) 4.14DD Green Travel Plan
- (14) 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.
- (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. а comprehensive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
- (17) If contamination is found by undertaking the work carried out under condition 16, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning

Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

- (18) If remedial works have been identified in condition 17, the remedial works shall be carried out in accordance with the scheme approved under condition 17. 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.
- (19) Details of any external lighting to be erected around or within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting scheme shall be carried out in accordance with the details so approved.
- (20) 6.4AB Commercial: No Extensions

Seven Springs, South Side, Steeple Aston, Bicester, Oxon, OX25 4RU

The Committee considered a report for the proposed installation of 39 ground mounted photo-voltaic panels.

Ian Smith, a neighboring resident, spoke in opposition to the application.

Charlotte Bartlett, the applicant, spoke in support of the application.

In considering the application, some members of the Committee raised concerns about the proposed location of the panels. The Committee noted the benefits of the proposal in terms of renewable energy.

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

Resolved

That application 11/01497/F be approved subject to the following conditions:

- (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 AL(10)001 A and all documentation associated with the planning application submission

144 Redlands Farm, Sibford Road, Hook Norton, Banbury

The Committee considered a report for new cubicle building and new young stock building.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/01599/F be approved subject to the following conditions:

- (1) S.C. 1.4a [Time Limit]
- (2) Plans Condition: Application forms, Design and Access Statement and drawings numbered 01830-00-A-01, 01830-00-A-02, 01830-01-A-01 and 01830-02-A-01
- (3) S.C. 4.21aa [Surface/Foul Water Drainage]
- (4) S.C. 4.22aa [No Surface Water Drainage to Highway]

145 Quarterly Enforcement Report

The Committee considered a report of Head of Public Protection and Development Management which informed and updated Members of the progress of outstanding formal enforcement cases.

Resolved

(1) That the report be accepted.

146 **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.

147 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.

148 Exclusion of Public and Press

Resolved

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

149 Cotefield Farm, Bodicote

The Committee considered an exempt report of the Head of Public Protection and Development which updated Members on Cotefield Farm, Bodicote.

Resolved

That the recommendations as set out in the exempt report, subject to a minor amendment detailed in the exempt minute, be approved.

The meeting ended at 6.45 pm

Chairman:

Date: