

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 26 January 2012 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 Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
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 Mrs Catherine Fulljames)
- Apologies for absence: Councillor Mrs Catherine Fulljames
- Officers: Bob Duxbury, Development Control Team Leader
Nigel Bell, Team Leader - Planning and Litigation
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Democratic and Elections Officer

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Declarations of Interest

Members declared interests in the following agenda items:

8. Bodicote House, White Post Road, Bodicote.

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

Councillor D M Pickford, Prejudicial, as a member of Executive and a member of the Accommodation Board.

Councillor G A Reynolds, Prejudicial, as a member of Executive.

Councillor James Macnamara, Prejudicial, as a member of Executive and as Lead Member for Environment.

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

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

9. Bodicote House, White Post Road, Bodicote.

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

Councillor D M Pickford, Prejudicial, as a member of Executive and a member of the Accommodation Board.

Councillor G A Reynolds, Prejudicial, as a member of Executive.

Councillor James Macnamara, Prejudicial, as a member of Executive and as Lead Member for Environment.

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

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

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

14. Kidlington and Gosford Sports Centre, Oxford Road, Kidlington, Oxfordshire, OX5 2NU.

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

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

Councillor G A Reynolds, Prejudicial, as a member of Executive.

Councillor James Macnamara, Prejudicial, as a member of Executive and as Lead Member for Environment.

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

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

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

15. Spiceball Leisure Centre, Cherwell Drive, Banbury OX16 2BW.

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

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

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

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

Councillor G A Reynolds, Prejudicial, as a member of Executive.

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

Councillor James Macnamara, Prejudicial, as a member of Executive and as Lead Member for Environment.

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

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

16. Thorpe Lane Depot, Thorpe Lane, Banbury.

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

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

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

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

Councillor G A Reynolds, Prejudicial, as a member of Executive.

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

Councillor James Macnamara, Prejudicial, as a member of Executive and as Lead Member for Environment.

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

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

17. Woodgreen Leisure and Community Centre, Woodgreen Avenue, Banbury.

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

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

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

Councillor G A Reynolds, Prejudicial, as a member of Executive.

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

Councillor James Macnamara, Prejudicial, as a member of Executive and as Lead Member for Environment.

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

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

(Where a prejudicial interest was declared, the Member left the room for the duration of the item.)

151 **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.

152 **Urgent Business**

There was no urgent business.

153 **Minutes**

The Minutes of the meeting held on 5 January 2012 were agreed as a correct record and signed by the Chairman.

154 **Oxhay Farm, Oxhay Hill, Cropredy, Banbury, Oxon, OX17 1DR**

The Chairman advised the Committee that the application had been withdrawn by applicant

155 **OS Parcel 1310 South of Paddington Cottage, Milton Road, Bloxham**

The Committee considered a report for the variation of Condition 2 of planning application 09/01811/F – Amended details for Plot 6.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/00096/F be approved subject to the following conditions:

- (1) Except where otherwise stipulated by conditions attached to this permission and where the listed plans supersede their earlier versions, the development shall be carried out strictly in accordance with the plans and documents as listed in the schedule of plans received in the department on 10 February 2010 in relation to 09/01811/F with the

exception of those areas relating to plot 6 which shall be in accordance with:-

D267/5476/SL/01 Rev. K received by the Council 20 January 2011

D267/5476/2BDB/01 Rev. A received by the Council 20 January 2011

D267/5476/2BDB/02 Rev. B received by the Council 20 January 2011

- (2) That the materials used for the walls and roof of the development hereby approved shall be in accordance with the samples approved on 9 March 2011 in relation to 09/01811/F.
- (3) That the doors and windows used in the construction of the dwellings hereby approved shall be in accordance with the samples and details approved on 9 March 2011 in relation to 09/01811/F.
- (4) That the finished floor levels of the proposed dwellings shall be in accordance with the details approved on 9 March 2011 in relation to 09/01811/F.
- (5) That the landscaping shall be carried out in accordance with the plan nos. 395/2/02 Rev C and 395/2/03 Rev C approved in relation to 09/01811/F.
- (6) That all planting, seeding or turfing comprised in the approved details of landscaping 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.
- (7) That the play area shall be installed in accordance with plan no. 395/2/05 Rev C, within the time period approved by the LPA and thereafter retained as play space.
- (8) That prior to the first occupation of the proposed development, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.

- (9) That Prior to the first occupation of the proposed development vision splays measuring 4.5 metres x 90 metres shall be provided to each side of the access.
- (10) That, before any of the dwellings are first occupied, the whole of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained to the Oxfordshire County Council's "Conditions and Specifications for the Construction of Roads."
- (11) That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with specification details approved 9 March 2011 in relation to 09/01811/F.
- (12) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details approved 9 March 2011 in relation to 09/01811/F, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- (13) The Green Travel plan prepared by Glanville and dated November 2010 received on 18 March 2011 with the applicant's letter dated 14 March 2011 shall be implemented and complied with.
- (14) Prior to the first occupation of the proposed development the required off-site works are to be constructed, laid out and to the approval of the Local Highway Authority and constructed strictly in accordance with the Highway Authority's specifications and that all ancillary works shall be undertaken.
- (15) The development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) approved 9 March 2011 in relation to 09/01811/F. Construction work shall thereafter be carried out in accordance with the approved CEMP.
- (16) The development hereby permitted shall be carried out in accordance with the recommendations set out in Sections 4 and 5 of the Ecological Appraisal by Diversity dated July 2009 unless otherwise agreed in writing by the Local Planning Authority.

- (17) The development shall be carried out in accordance with the archaeological watching brief approved 9 March 2011 in relation to 09/01811/F.
- (18) With the exception of the positioning of the Geocellular storage within the play area the development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2009, carried out by Stuart Michael Associates ref 307.FRA&DS and the following mitigation measures detailed within the FRA:

Limiting the surface water run-off rate generated by the development to 3.4l/s/ha so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Providing sufficient attenuation for a volume of 697m³ so that it will not exceed the run-off volume from the undeveloped site and not increase the risk of flooding off-site.

All adoptable roads and parking areas will be permeable paving and all dwellings will have water butts.

- (19) That the development shall be carried out in accordance with the revised Surface Water Drainage Strategy plan approved 9 March 2011 in relation to 09/01811/F.
- (20) That the public art shall be installed at the same time as the laying out of the play equipment in accordance with the details approved in relation to Condition 26 of 09/01811/F on 13 October 2011.

The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley, Oxon, OX33 1AY

The Committee considered a report for an application which sought the removal of a condition applied to as outline planning permission granted in December 2006 (application 06/01927/OUT).

In introducing the report, the Development Control Team Leader advised the Committee that immediately prior to the meeting he had received an email from Councillor Hallchurch, the local ward member, to which was attached a letter from the applicant. With the agreement of the Committee, the letter was read out.

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

Resolved

That application 11/01664/F be refused on the grounds that:

The removal of the linkage between the construction of the houses and the guarantee of the subsequent construction of the hotel extensions takes away the fundamental reason why the Local Planning Authority had favourably considered this development in the Green Belt contrary to its usual policies, which was based on the concept of these houses being enabling development which would promote the long-term viability of this village facility. The Council does not consider that the now offered arrangements are sufficient to outweigh the presumption against such housing development in the Green Belt and that therefore the houses would be contrary to Policy GB1 of the adopted Cherwell Local Plan and that the previously expressed very special circumstances would be diminished to the extent that they would no longer outweigh the presumption against such inappropriate development.

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Oxford Office Village, Langford Lane, Kidlington

The Committee considered an application for a three storey structure containing a service area, workshop and car parking area. The application related to the final undeveloped area of the Oxford Office Village development.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/01732/F be approved subject to:

- (a) the receipt of the completed unilateral undertaking and no objections being raised by London Oxford Airport.
- (b) 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: 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) Before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with plans (55450-105 Rev A & 55450-107 Rev B) hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking of vehicles at all times.
- (7) Within 4 months of the development's first occupation a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.
- (8) Prior to commencement of development a construction travel plan is to be submitted to and approved in writing by the Local Planning Authority.
- (9) The external lighting scheme shall be in accordance with the approved plan produced by Holophane and dated 10 November 2011 and the further detail contained within an email from the applicant's agent dated 9 January 2012 unless otherwise approved in writing by the Local Planning Authority.
- (10) 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.
- (11) No removal of trees or scrub to take place between the months of March to July inclusive.
- (12) A potential risk from contamination has been identified in Ground Investigation Specialist Desk Study Investigation (Report no. 1089, dated October 2011). 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.
- (13) If contamination is found by undertaking the work carried out under condition 12, 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.

- (14) If remedial works have been identified in condition 13, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition y. A verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- (15) 6.4AB Commercial: No Extensions

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Grange Farm, Godington

The committee considered a report for the proposed erection of a tennis court.

In introducing the report, the Development Control Team Leader read an email from the applicant that had been sent to all Committee members prior to the meeting as not all members had seen the email.

In considering the application, some members of the committee spoke in support of the application and made reference to the fact the proposed development would not be out of keeping with the existing development and there would be no adverse environmental impact. Members suggested that the proposal could contribute to a rise in tourism in the area. Members also noted that there was a shortage of tennis courts in the area.

Councillor Wood proposed that the application be approved. Councillor Hughes seconded the recommendation.

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

Resolved

That the application 11/01765/F be approved subject to the following conditions:

- (1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Plan no. DAJ/2809 B (i)gn, DAJ/2809 A(i)gn and fencing plan.

- (3) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which 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, pavements, pedestrian areas, crossing points and steps.
- (4) That all planting, seeding or turfing comprised in the approved details of landscaping 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.
- (5) No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

159

Stable Block Corner, Farnborough Road, Mollington

The Committee considered an application which sought permission for the erection of day-room. The application was a re-submission of application 11/00430/F.

Councillor Atack proposed that consideration of the application be deferred for a site visit. Councillor Blackwell seconded the proposal.

Resolved

That consideration of application 11/01808/F be deferred for a site visit.

160

Bodicote House, White Post Road, Bodicote

The Committee considered a report for the installation of three arrays of solar panels to different sections of the roof of the main building (those which are the most Southerly facing). The application was before the Committee as the Council had an interest in the land and buildings.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/01623/F be approved subject to the following conditions:

- (1) SC 1_4A (Time for implementation)
- (2) That the development shall be carried out strictly in accordance with the plans and documents submitted with the application and the materials and finishing details included therein.
- (3) Submission and approval of a method statement for the protection of the trees during the installation works

161 **Bodicote House, White Post Road, Bodicote**

The Committee considered a report for the installation of three arrays of solar panels to different sections of the roof of the main building (those which are the most Southerly facing). The application was before the Committee as the Council had an interest in the land and buildings.

The Committee was satisfied with the evidence presented and considered that that the devolvement would not cause undue harm to the listed building and therefore the proposal should be passed to the Secretary of State for his consideration.

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

Resolved

That the Planning Committee consider that the development would not cause undue harm to the listed building and that application 11/01624/LB should be referred to the Secretary of State for consideration with the following conditions:

- (1) SC 1_5A (Time for implementation)
- (2) That the development shall be carried out strictly in accordance with the plans and documents submitted with the application and the materials and finishing details included therein.

162 **Kidlington and Gosford Sports Centre, Oxford Road, Kidlington, Oxfordshire, OX5 2NU**

The Committee considered a report which sought planning permission to install 415 PV panels (240w each) onto the roof of the Kidlington and Gosford

Sports Centre, which would be positioned on the west elevation of the sports centre.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/01809/CDC be approved subject to 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 and planning statement for the installation of roof mounted PV system, solar panel technical information, site location plan and drawing number NA/101 Rev R01

163 **Spiceball Leisure Centre, Cherwell Drive, Banbury OX16 2BW**

The Committee considered an application which sought permission for the installation of 240 solar panels on the flat roof slope on the southern wing of the Spiceball Leisure Centre, Banbury.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/01810/CDC be approved subject to the following conditions:

- (1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing NA/101 Rev RO1

164 **Thorpe Lane Depot, Thorpe Lane, Banbury**

The Committee considered an application which sought permission for the additional installation of solar panels on the roof of Thorpe Lane Depot, Banbury.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/01856/F be approved subject to the following conditions:

- (1) SC1_4A (Time for implementation)
- (2) That the development shall be carried out strictly in accordance with the plans and documents submitted with the application and the materials and finishing details included therein.

165

Woodgreen Leisure and Community Centre, Woodgreen Avenue, Banbury

The Committee considered an application which sought permission for the installation of solar panels on the roof slope facing the pool (the Southern elevation) of Woodgreen Leisure and Community Centre, Banbury. The application was before the Committee as the Council had an interest in the land and buildings.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/01869/F be approved subject to the following conditions:

- (a) the satisfactory expiry of the consultation period.
- (b) the following conditions;
 - (1) SC 1_4A (Time for implementation)
 - (2) That the development shall be carried out strictly in accordance with the plans and documents submitted with the application and the materials and finishing details included therein.

166

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.

167 **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.

The meeting ended at 5.00 pm

Chairman:

Date: