

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 July 2012 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)

Councillor Ken Atack
Councillor Fred Blackwell
Councillor Tim Emptage
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Trevor Stevens
Councillor Lawrie Stratford

Substitute Members: Councillor Nigel Randall (In place of Councillor Colin Clarke)

Apologies for absence: Councillor Alastair Milne Home
Councillor Colin Clarke
Councillor Michael Gibbard
Councillor Chris Heath
Councillor George Parish

Officers: Bob Duxbury, Development Control Team Leader
Ross Chambers, Solicitor
Rebekah Morgan, Trainee Planning Officer
Jon Brewin, Arboriculture Officer
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Democratic and Elections Officer

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Declarations of Interest

Members declared the following interests:

8. Calthorpe House, 60 Calthorpe Street, Banbury OX16 5RE.

Councillor G A Reynolds, Disclosable Pecuniary Interest, as a member of Oxfordshire County Council.

Councillor Lawrie Stratford, Disclosable Pecuniary Interest, as a member of Oxfordshire County Council.

Councillor Rose Stratford, Disclosable Pecuniary Interest, as her spouse was a member of Oxfordshire County Council, the applicant.

29 **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.

30 **Urgent Business**

The Chairman reported that she had agreed to one item of exempt urgent business as the matter had arisen after agenda dispatch and a decision was required before the next planning committee meeting. The item would be considered following agenda item 14.

31 **Minutes**

The Minutes of the meeting held on 21 June 2012 were agreed as a correct record and signed by the Chairman.

32 **33 Oxford Road and land to the rear of Nos. 35-59, Oxford Road, Bodicote, Banbury**

The Committee considered application 12/00290/F for the demolition of 33 Oxford Road and erection of 21 dwellings and new access road – amendment to planning permission 09/00939/F.

Doug Glassford, Technical and Construction Director of the company, addressed the committee in support of the application.

Members commented on the need for housing and affordable housing in the area.

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

Resolved

That application 12/00290/F be approved, subject to:

- a) The applicant/s entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions,
- b) the expiry of the re-consultation period
- c) the following conditions:
 - (1) SC1.4A 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 the following plans and documents listed below:

Planning Support Statement by Stansgate Planning dated March 2012 and its Addendum dated June 2012, Design and Access Statement by Malcolm Payne Group dated February 2012, Update Phase 1 and Protected Species Survey Assessment by Worcestershire Wildlife Consultancy dated April 2012, Transport Statement by Banners Gate dated March 2012, Traffic Noise impact report by Hoare Lea and dwg nos. (to be completed) received with the application.

- (3) SC2.0 Details of materials and external finishes (RC4A)
- (4) 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.
 - d. details to also include planting of small trees along the southern edge of the development.
 - e. details also to include planting of an avenue of trees through the entrance road to the site, through to the point of exit of the proposed pathway link to Bankside.

- (5) SC3.1A Carry out Landscaping Scheme and Replacements (RC10A)

- (6) That except to allow for the means of access and vision splays the existing hedgerow/trees along the north east boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition.

- (7) Prior to the commencement of the development hereby permitted details of the provision, landscaping and treatment of open space/play space within the site shall be submitted to and approved in writing by the Local Planning Authority. The open space/play space, once approved shall be landscaped, laid out and completed in accordance

with the details approved and within a time period to be first approved in writing by the Local Planning Authority and thereafter retained as open space/play space.

- (8) The applicant shall give written notice to the Local Planning Authority of 7 working days prior to carrying out the approved tree works and any operations that present a particular risk to trees (e.g. demolition within or close to a Root Protection Area (RPA), excavations within or close to a RPA, piling, etc).
- (9) That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure, in respect of those dwellings which it is intended shall be screened, shall be erected prior to the first occupation of those dwellings.
- (10) That prior to the construction of the dwellings, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.
- (11) That the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding 0.6 metres as measured from the carriageway level.
- (12) 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."
- (13) 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 to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- (14) 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 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 and manoeuvring of vehicles at all times thereafter.
- (15) Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking

facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

- (16) SC 4.14DD Green Travel Plan (RC66A)
- (17) Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority.
- (18) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
- (19) That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the approved dwelling(s) shall not be extended (nor shall any structures be erected within the curtilage of the said dwelling(s) without the prior express planning consent of the Local Planning Authority.
- (20) That, notwithstanding the provisions of Classes A, B and C of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the building without the prior express planning consent of the Local Planning Authority.
- (21) That, notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.
- (22) Prior to the commencement of the development hereby permitted, a 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.

- (23) If contamination is found by undertaking the work carried out under condition 22, 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.
- (24) If remedial works have been identified in condition 22, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 23. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- (25) No development shall commence until a S278 Agreement has been entered with the County Council for the access works necessary within the public highway.
- (26) No development shall be commenced until details and plans of the screening fence/Wall to be provided alongside Nos 31 and 35 Oxford Road have been submitted to and approved in writing by the Local Planning Authority. The approved fencing/walling shall be installed prior to the commencement of the works on site and thereafter be maintained at all times.
- (27) Provision shall be made within the layout to accommodate a footpath/cyclepath link between the site and land to the East and the footpath/cyclepath shall be provided up to the boundary of the site in the position approved to an adoptable standard.
- (28) That no means of access whatsoever shall be formed or used between the land identified in this application and Canal Lane.
- (29) No external lighting whatsoever shall be placed on the rear walls or roof of the buildings or sited in the rear gardens of plots 7-15 inclusive without the prior express planning consent of the Local Planning Authority.
- (30) That the approved Bat mitigation detailed in the Ecological Survey commissioned in June 2009 by Jonathan Flint and the updated Phase 1 and protected Species survey assessment dated April 2012 shall be implemented in full as part of the development and all bat boxes installed as part of the approved mitigation scheme shall not be removed or destroyed and if they become damaged shall be repaired or replaced and thereafter properly maintained.

No removal of trees or hedgerows is to take place between the months of March and August inclusive unless supervised by a suitably qualified ecologist checking for the presence of nesting birds. If active nests are found to be present then clearance works in that area will need to be delayed until the chicks have fledged. (RC86A)

- (31) No works of site clearance, demolition or development are to take place until a biodiversity enhancement strategy has been submitted to CDC for approval. This is to detail the number, type and location of bird nesting and bat roosting boxes/tubes to be provided. Swift and/or sparrow as well as general bird nest boxes would be suitable for this location. All works are to proceed in accordance with the approved document.

33 **Land to the West and South of Numbers 7 to 26 The Green, Chesterton**

The Committee considered application 12/00305/OUT for the erection of 44 dwellings, village hall/sports pavilion and associated car parking, enlarged playing pitches, new children's play area, access and landscaping.

Lorna James, local resident, addressed the Committee in opposition to the application.

Mike Robinson, the applicant's agent spoke in support of the application. Philip Clarke, Chairman of Chesterton Parish Council spoke in support of the application.

In considering the application, some Members commented that it would be a good opportunity for Chesterton and would provide significant enhancements to Chesterton. Some Members made comment that new facilities would bring safer parking solutions

Some Members made comment that it was not clear that the application had full support of the community. Members also commented that Chesterton currently has approximately 25 acres of sports facilities and there was no need for further sports development in the area.

Councillor Hughes proposed that application 12/00305/OUT be approved. Councillor Randall seconded the proposal. The motion was voted on, lost and fell. It was subsequently proposed and seconded that application 12/00305/OUT be refused.

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

Resolved

That application 12/00305/OUT be refused, for the following reasons:

The proposal represents development beyond the built up limits of the settlement and will cause harm to the character and appearance of the surrounding area. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by

Paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone. Notwithstanding the amendments made since the previous application (10/00547/OUT) a development of this scale is remains inappropriate given the size of village and existing level of provision of village facilities. As such the proposed development is contrary to the saved policies H13, H18 and C7 of the adopted Cherwell Local Plan, policies H16, H19 and EN34 of the Non-Statutory Cherwell Local Plan and the core planning principle of delivering sustainable development and Paragraph 17 of the National Planning Policy Framework.

34 **Appointment of Chairman for the next Agenda Item**

Resolved

That Councillor Blackwell be appointed Chairman for the following Agenda Item

35 **Calthorpe House, 60 Calthorpe Street, Banbury OX16 5RE**

The Committee considered application 12/00555/OUT for Redevelopment of site to demolish existing building and provide 13 apartments, two retail units, parking/servicing, hard and soft landscaping, boundary treatment and alterations to existing access.

The committee was satisfied with the evidence presented.

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

Resolved

That application 12/00555/OUT be approved subject to:

- (i) The completion of a legal agreement with Oxfordshire County Council to provide financial contributions to offset the impact of the development on local facilities, infrastructure and amenities.
- (ii) The following conditions:
 - (1) That no development shall be commenced until full details of the scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
 - (2) That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
 - (3) That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the

reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

- (4) That prior to the first occupation of the development the existing means of access onto Calthorpe Street shall be altered and laid out to the approval of the Local Planning Authority 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.
- (5) That the vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding 0.6 meters as measured from the carriageway level.
- (6) That before the development is first occupied the parking and manoeuvring areas shall be constructed in accordance with plan 11.10 Rev A dated 02.09.08 hereby approved and shall be constructed, laid out and surfaced, drained and completed and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times.
- (7) That before the development is first occupied the cycle parking areas shall be provided in accordance with plan 11.10 Rev A dated 02.09.08 hereby approved and shall be permanently retained for the parking of cycles thereafter.
- (8) Prior to the commencement of the development hereby permitted a phased risk assessment shall be carried out by a competent person in accordance with current Government and Environment Agency Guidance and Approved Codes of Practice, such as CLR11, BS10175, BS5930 and CIRIA 665. Each phase shall be submitted to and approved in writing by the Local Planning Authority;
- (9) Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.
- (10) Phase 2 shall include 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. If contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.
- (11) Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use to be submitted to and approved in writing by the Local Planning Authority (LPA). The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.
- (12) The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been

submitted to and approved in writing by the Local Planning Authority. In the event that gas protection is required, all such measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

- (13) The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: Proposed Site Location Plan 10.11 Rev A dated 12.08.08 and Proposed Ground Floor Plan 11.10 A dated 02.09.08
- (14) No development shall take place on the site until the applicant(s), or their agents or successors in title, has arranged an archaeological watching brief to be maintained during the course of building operations or construction works on the site. The watching brief shall be carried out in accordance with a written specification and by a professional archaeological organisation acceptable to the Local Planning Authority.
- (15) A scheme setting out how artistic elements will be incorporated into the fabric of the building shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction.
- (16) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

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

(Councillors Rose Stratford, Lawrie Stratford and Reynolds left the meeting for the duration of this item. At the conclusion of this item, Councillor Rose Stratford re-took the Chair)

Bishops End, Burdrop, Banbury, Oxfordshire, OX15 5RQ

The Committee considered an application 12/00678/F for the change of use of a vacant public house to C3 residential.

In considering the application, Members questioned the site area. Members made comment that Public Houses could be extremely viable and the village would lose a service should the development go ahead. Members noted that the residents of the Sibford are against the application of change of use and closure of the vacant Public House.

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

Resolved

That application 12/00678/F be refused for the following reason:

The proposal would result in the loss of a village service which on the basis of the application and the contributions received is not conclusively demonstrated as being no-longer viable. As such, the loss of the service would lead to an unacceptable impact on the character of the area and the local community and would therefore be contrary to Policy S29 of the adopted Cherwell Local Plan 1996, Policy S26 of the non-statutory Cherwell Local Plan 2004, Policy BE5 of the South East Plan 2009 and government advice on supporting a prosperous rural economy and promoting healthy communities contained within the National Planning Policy Framework.

37 **20 Lapsley Drive, Banbury, Oxfordshire, OX16 1EJ**

The Committee considered application 12/00807/F for a Rear conservatory.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 12/00807/F be approved, subject to the following conditions:

- (1) SC1.4A Full Permission: Duration Limit (2 years) (RC2)
- (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 listed below:
- (3) Site location plan, block plan, drawing number WIN 1094-20LD-CON sheet 1 off 5 Rev. A, drawing number WIN 1094-20LD-CON sheet 2 off 5 Rev. A, drawing number WIN 1094-20LD-CON sheet 3 off 5 Rev. A, drawing number WIN 1094-20LD-CON sheet 4 off 5 Rev. A and drawing number WIN 1094-20LD-CON sheet 5 off 5 Rev. A.
- (4) The bricks to be used for the plinth wall of the conservatory hereby permitted shall match in terms of colour, type and texture those used on the existing building.

38 **Quarterly Enforcement Report**

The Head of Public Protection and Development Management submitted a report that informed and updated Members of the progress of outstanding formal enforcement cases. The report also provided information about the level of activity on planning applications and appeals.

Members commended the work of the team and stressed the need for adequate resources in the enforcement team.

Resolved

- (1) That the report be accepted

39 **Tree Preservation Order (No. 22/2011) 2 No ash trees, Penn House, 9 Walford Road, Sibford Ferris, Banbury**

The Committee considered a report which sought the confirmation of an opposed Tree Preservation Order (No 22/2011) relating to 2 No ash trees) at Penn House, 9 Walford Road, Sibford Ferris, Banbury.

Resolved

- (1) That Tree Preservation Order No. 22/2011 be confirmed without modification

40 **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.

41 **Appeals Progress Report**

The Committee considered a report which updated Members on applications where new appeals had been logged, public inquires hearings scheduled or appealed results received.

Resolved

- (1) That the position statement be accepted.

42 **Exclusion of the 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 it could involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.

43 **The Gate Lodge, Mill Street, Kidlington**

The Committee considered a report to request that Members authorise the serving of a Listed Building Enforcement Notice on The Gate Lodge, Mill Street, Kidlington.

Resolved

- (1) That authorisation be given to serve a Listed Building Enforcement Notice on The Gate Lodge, Mill Street, Kidlington to reinstate the roof truss.

The meeting ended at 6.05 pm

Chairman:

Date: