

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 16 August 2012 at 4.00 pm

Present: Councillor Alastair Milne Home (Vice-Chairman)

Councillor Ken Attack
Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Michael Gibbard
Councillor Chris Heath
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor George Parish
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 Rose Stratford)
Councillor Barry Wood (In place of Councillor David Hughes)

Apologies for absence: Councillor Rose Stratford
Councillor David Hughes

Officers: Bob Duxbury, Development Control Team Leader
Jenny Barker, Major Developments Team Leader
Nigel Bell, Team Leader - Planning and Litigation /Deputy Monitoring Officer
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Democratic and Elections Officer

Declarations of Interest

Whilst they did not have a Disclosable Pecuniary Interest in agenda item 10, the following members wished it to be known that the applicant was known to them:

Councillor Attack
Councillor Kerford-Byrnes
Councillor Macnamara

Councillor Milne Home
Councillor Pickford
Councillor Lawrie Stratford
Councillor Wood

Councillor Atack left the meeting for the duration of the item. Councillors Kerford-Byrnes, Macnamara and Wood requested that their abstention from the vote be recorded.

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

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

46 **Urgent Business**

There was no urgent business.

47 **Minutes**

The Minutes of the meeting held on 19 July 2012 were agreed as a correct record and signed by the Chairman.

48 **Land North of The Bourne and Adjoining Bourne Lane, Hook Norton**

The Committee considered application 11/01755/OUT for outline planning permission with all matters reserved for the erection of up to 70 dwellings (Class C3), public open space including a play area/amenity space and a balancing pond, associated earthworks to facilitate surface water drainage, landscaping, car parking, a pumping station and other ancillary works.

Councillor Victoria Irvine addressed the committee as ward member.

Emma Kane, a member of the Hook Norton Parish Council, spoke in objection to the application.

Kathryn Ventham, agent for the applicant, spoke in support of the application.

In considering the application, members commented on the sustainability of the proposed development, in particular, in relation to the cumulative effect on the sustainability of transport and education. Members also considered the impact on the Council's strategy for accommodating growth in the District.

Councillor Lawrie Stratford proposed that the application be refused.
Councillor Clarke seconded the proposal.

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

Resolved

That application 11/01755/OUT be refused, for the following reasons:

- (1) The proposal represents development beyond the built up limits of the village within open countryside that is not supported by existing or emerging policy or local people. As such the proposal is contrary to the core principles of the NPPF set out at Paragraph 17 and in particular the requirement for a plan led system empowering local people to shape their surroundings, the requirement to take account of different roles and character of different areas recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities, encouraging reuse of brown field land and actively managing patterns of growth to make fullest use of walking, cycling and public transport. Notwithstanding the Council's present inability to demonstrate that it has a 5 year supply of housing land required by Paragraph 47 of the NPPF, the development of this site causes significant adverse effects and is contrary to the Council's spatial strategy that means the development cannot be justified on the basis of a land supply deficiency alone. As such the proposed development is contrary to policies CC6 and SP3 of the South East Plan and the saved policies H13 and H18 of the adopted Cherwell Local Plan, Policy for villages 1 and 2 and policies BSC3, BSC4 and ESD1 of the Proposed Submission Draft Cherwell Local Plan May 2012, paragraph 17 of the National Planning Policy Framework.
- (2) In the absence of a satisfactory unilateral undertaking or any other form of S106 Legal Agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development, including affordable housing in line with local needs, open space, sports and recycling facilities including LAP provision, refuse bins and recycling, community facilities, general transport and access impacts (including rights of way), education, school and library infrastructure, day care and adult learning, museum resourcing, strategic waste management and policing; will be provided, which would be contrary to Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

DJ Stanton (Engineering) Ltd, Station Road, Hook Norton, OX15 5LS

The Committee considered application 12/00472/F for the demolition of existing industrial buildings and erection of 28 houses together with associated access, car-parking, open space and landscaping.

David Green, agent for the application spoke in support of the application.

Emma Kane, a member of the Hook Norton Parish Council, spoke in support of the application.

Members commented that the site was a sustainable site for development and noted the support of Hook Norton Parish Council for the proposal.

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

Resolved

That application 12/00472/F be approved subject to:

- a) The expiry of the consultation period (13 August 2012)
- b) The applicant entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions to infrastructure improvements, including but subject to final agreement 30% affordable housing, indoor and outdoor off site sports provision, community hall improvements, open space provision and maintenance (or management company agreement), highway and transportation contributions, public art, education contributions, library stock, day centres and healthcare contributions;
- c) Conditions (subject to amendment under delegated authority);
 - (1) Full Permission: Duration Limit (2 years) (RC2)
 - (2) Plan numbers
 - (3) Sample materials
 - (4) Details of vehicular access, parking provision and turning areas
 - (5) S278 works – dropped kerb and uncontrolled pedestrian crossing
 - (6) Construction traffic management plan
 - (7) No conversion of garage
 - (8) Surface water drainage details and implementation
 - (9) Submit hard and soft landscaping scheme
 - (10) Carry out Landscaping Scheme and Replacements
 - (11) Tree protection during construction
 - (12) Landscape maintenance scheme
 - (13) Boundary enclosure details
 - (14) No works of demolition or works to trees or vegetation shall take place until protected species survey (reptile, bat, bird and badger) has taken place
 - (15) Investigation for nature and extent of contamination and remediation strategy

- (16) Ground levels, internal floor levels
- (17) Petrol/oil interceptors
- (18) Fire hydrant

50 **Former B-Line Business Centre, Station Road, Enslow**

The Committee considered application 12/00643/OUT for the erection of B1 office development and 10 dwellings and associated access.

Councillor Simon Holland addressed the Committee as Ward Member.

In considering the application, some Members commented that the proposed development could potentially enhance the brown field site, however Members raised concerns about the sustainability of the development.

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

Resolved

That application 12/00643/OUT be refused, for the following reasons:

- (1) Enslow is a Category 3 settlement as defined in the adopted Cherwell Local Plan. Policy H15 of the adopted Cherwell Local Plan states that within such settlements new residential development will be restricted to the conversion of non-residential buildings or where an essential need for agriculture, or other existing undertaking, can be established. It is the opinion of the Local Planning Authority that the proposal does not accord with these provisions and that it would be unsympathetic to its rural context, contrary to Policy H15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
- (2) The proposal will result in the loss of a significant proportion of an employment site which can continue to make an important contribution to the economic development of the area. As a lack of need has not been clearly established or no substantial and demonstrable planning benefit has been established, the proposal is contrary to Policy RE3 of the South East Plan 2009, Policy EMP5 of the Non-Statutory Cherwell Local Plan 2011 and Government guidance contained within the National Planning Policy Framework.

51 **OS Parcel 0039, South West of Heathfield Village, Islip Road, Bletchington, Oxfordshire**

The Committee considered application 12/00696/F for a proposed driving range, pro-shop, refreshment area and ancillary environmental works.

Geoff Robins, the applicant, spoke in support of the application.

The committee was satisfied with the evidence presented.

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

Resolved

In considering application 12/00696/F be approved subject to:

- (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: Design and Access Statement Reference 12013 dated 18.04.2012, drawing 12013:03 A, 12013:04 A, 12013:05 A
- (3) That the external walls and roof(s) of the development shall be constructed in accordance with a schedule of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
- (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.
- (5) 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.

- (6) That a scheme of floodlighting for the driving range, which shall include location of lighting columns, make and type of lighting unit, light source type, hours of operation and iso-lux diagram shall be submitted to and approved by the Local Planning Authority prior to their installation. No lighting other than approved scheme shall be implemented.

52

The Hermitage, High Street, Souldern

The Committee considered application 12/00779/F for a proposed detached dwelling.

Peter Griffiths, the applicant, spoke in support of the application.

In considering the application, some Members commented on the size and height of the proposed dwelling and it was in context with the surrounding buildings.

Members further commented that there was adequate access to the site was fine and that the proposed design of the dwelling was to protect the existing trees.

Councillor Pickford proposed that the application be approved. Councillor Randall seconded the proposal.

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

Resolved

That application 12/00779/F be approved, subject to:

- (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: 1041 PM CD100 Rev. e received 03/08/2012, 1041 PM CD112 Rev. f, 1041 PM CD113 Rev. d, 1041 PM CD114 Rev. d, 1041 PM CD115 Rev. c, 1041 PM CD211 Rev. d, 1041 PM CD212 Rev. d all received 30/07/2012, Email from R.A. Sutton dated 02/08/2012, Sacha Barnes Ltd Tree Report dated July 2011 Ref: SB/JS/210/TS
- (3) That the external walls and roof(s) of the dwelling shall be constructed in accordance with a schedule of materials and finishes, including samples where appropriate, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.

- (4) That the external walls of the dwelling shall be constructed in natural stone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1m² in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.
- (5) That full design details of the windows and doors, including material, colour and finish, 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.
- (6) 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.
- (7) That full design details of the stone wall to separate The Hermitage from the curtilage of the dwelling, including a sample panel (minimum 1m² in size) which shall be constructed on site to be inspected by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- (8) That prior to commencement of any development on the site, notwithstanding the details submitted, an Arboricultural Method Statement (AMS), undertaken in accordance with BS5837 shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in accordance with the agreed document.
- (9) No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and, where relevant, must include details of:
 - (a) the project arboriculturalist employed to undertake supervisory role of relevant arboricultural issues. Applicant / Agent to provide written confirmation and contact details of chosen individual or company.
 - (b) the relevant persons / contractors to be briefed by project arboriculturalist on all on-site tree related matters.
 - (c) the timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.

- (d) the procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to agreed tree works and arboricultural incidents.
 - (e) of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and associated features such as irrigation systems, root barriers and surface requirements (e.g. arboresin, tree grills etc.)
- (10) 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 and steps.
- (11) 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.
- (12) That notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed along or between the northern and eastern boundaries of the curtilage without the prior express planning consent of the Local Planning Authority.
- (13) That notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed along the northern and eastern boundaries of the curtilage, or between the dwelling and the northern and eastern boundaries of the curtilage without the prior express planning consent of the Local Planning Authority.

- (14) The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.
- (15) Following the approval of the Written Scheme of Investigation referred to in Condition 14, no development shall commence on site without the appointed archaeologist being present other than in accordance with the agreed WSI. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

(Councillor Atack left the meeting for the duration of the item. Councillors Kerford-Byrnes, Macnamara and Wood requested that their abstention from the vote be recorded.)

53 **Request for a variation of the S106 Agreement relating to the proposed development at Heyford Park - Application 10/01642/OUT**

The Committee considered a report which requested a variation of the S106 Agreement relating to the proposed development at Heyford Park – Application 10/01642/OUT

Resolved

- (1) That the s106 agreement be varied.

54 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were Decisions Subject to Various Requirements

Resolved

- (1) That the position statement be accepted.

55 **Appeals Progress Report**

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

Resolved

- (1) That the position stated be accepted.

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

57 **OS Parcel 5700 South of Salt Way at Crouch Farm, Bloxham Road, Banbury**

The committee considered an exempt report which advised Members that an appeal had been lodged against the non-determination of a planning application for land at South of Salt Way at Crouch Farm (to the east of Bloxham Road)(application no. 12/00080/OUT).

Resolved

- (1) That officers be authorised to defend the appeal based on the reasons for refusal recommended at Appendix 1 of the report.

The meeting ended at 7.35 pm

Chairman:

Date: