

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 31 January 2013 at 4.00 pm

- Present: Councillor Rose Stratford (Chairman)
Councillor Alastair Milne Home (Vice-Chairman)
- Councillor Ken Atack
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 G A Reynolds
Councillor Gordon Ross
Councillor Trevor Stevens
Councillor Lawrie Stratford
- Substitute Members: Councillor Barry Wood (In place of Councillor D M Pickford)
- Apologies for absence: Councillor Fred Blackwell
Councillor D M Pickford
Councillor Leslie F Sibley
- Officers: Bob Duxbury, Development Control Team Leader
Tracey Morrissey, Senior Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Democratic and Elections Officer

145 **Declarations of Interest**

Members declared the following interests:

9. Home Farm, Merton.

Councillor Trevor Stevens, Conflict of Interest, as the applicant was known to him through business interests and he would remain in the meeting but not vote on the application.

10. Former Winners Bargain Centres, Victoria Road, Bicester.

Councillor Rose Stratford, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

12. 1 Bear Garden Road, Banbury.

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

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

Councillor Gordon Ross, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

13. 1 Bear Garden Road, Banbury.

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

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

Councillor Gordon Ross, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

15. Heyford Manor, 18 Church Lane, Lower Heyford.

Councillor James Macnamara, Disclosable Pecuniary Interest, as the applicant.

16. Heyford Manor, 18 Church Lane, Lower Heyford.

Councillor James Macnamara, Disclosable Pecuniary Interest, as the applicant.

17. E P Barrus Ltd, Granville Way, Bicester.

Councillor Rose Stratford, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

18. 32 The Fairway, Banbury.

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

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

Councillor Gordon Ross, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

20. Land at the Garth, Launton Road, Bicester, Oxfordshire, OX26 6PS.

Councillor Barry Wood, Conflict of Interest, as a member of Executive and as Chairman of the Eco Strategy Delivery Board.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive.

Councillor Ken Atack, Conflict of Interest, as a member of Executive.

Councillor Michael Gibbard, Conflict of Interest, as a member of Executive and as a member of the Eco Strategy Delivery Board.

Councillor Rose Stratford, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

146 **Requests to Address the Meeting**

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

147 **Urgent Business**

There was no urgent business.

148 **Minutes**

The Minutes of the meeting held on 3 January 2013 were agreed as a correct record and signed by the Chairman.

149 **Little Stoney & The Cottage, Paradise Lane, Milcombe**

The Committee considered application 12/01580/F for the demolition of 2 no. dwellings and construction of 4 no. dwellings with garages.

Councillor Heath proposed that application 12/01580/F be deferred for a formal site. Councillor Clarke seconded the proposal.

Councillor Lawrie Stratford proposed that a recorded vote be taken. Councillor Rose Stratford seconded the proposal.

Members voted as follows:

Councillor Ken Atack – For
Councillor Colin Clarke – For
Councillor Tim Emptage – For
Councillor Michael Gibbard – For
Councillor Chris Heath – For
Councillor David Hughes – For
Councillor Mike Kerford-Byrnes – For
Councillor James Macnamara - Abstain
Councillor Alastair Milne Home – For
Councillor G A Reynolds – Abstain
Councillor Gordon Ross - Abstain
Councillor Trevor Stevens - Abstain
Councillor Lawrie Stratford - For
Councillor Rose Stratford - For
Councillor Barry Wood – Abstain

Resolved

That consideration of application 12/01580/F be deferred for a formal site visit.

150

Whitelands Farm, Chesterton, Bicester

The Committee considered application 11/01840/F for the conversion of existing barns to form 7 No. dwellings and construction of 4 No. dwellings on the footprint of the 3 existing hay barns to be removed. Associated access, car parking, landscape and boundary treatment works and demolition of minor ancillary structures and extensions.

Members were satisfied with the evidence presented.

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

Resolved

That application 11/01840/F be approved, subject to:

- (i) applicant entering into a Section 106 Agreement with CDC and OCC agreeing to the contributions identified as necessary in respect of the development proposed and the provision of a right of way and access across the access road to the land beyond in perpetuity in conjunction with its use as sports pitches to be provided as part of the Phase 2 development and to be associated with the existing sports village provision.
- (ii) the following conditions:-
 - (1) The development to which this permission relates shall begin not later than the expiration of three years beginning with the date of this permission.
 - (2) Except where otherwise stipulated by conditions the application shall be carried out strictly in accordance with the following plans and documents:

Application Forms
Design and Access Statement
Plans and drawings accompanying the application (plan Nos. to be inserted)
 - (3) Prior to the commencement of the development hereby approved, samples of the clay tiles and natural slates and timber boarding to be used in the construction of the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. Therefore the development shall be carried out in accordance with the samples so approved.

- (4) Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² size) shall be constructed on site in natural limestone to match the stonework on the existing buildings, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
- (5) Prior to the commencement of the development hereby approved, a brick sample panel to demonstrate the brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site, which shall be inspected and approved in writing by the Local Planning Authority. Therefore, the external walls of the development shall be constructed in strict accordance with the approved sample panel.
- (6) That the existing natural stone and bricks on site shall not be disposed of or removed from the site, but shall be conserved and reused in the construction of the new development.
- (7) That any remedial stonework and brickwork necessary for the repair or making good of the existing walls of the barns and outbuildings shall be carried out in natural stone and bricks of the same type, texture, colour and appearance as the stone and bricks on the existing buildings and shall be laid, dressed, coursed and pointed to match that of the existing buildings.
- (8) Prior to the commencement of the development, full details of all doors and windows hereby approved, at a scale of 1:20, including cross sections, cill, lintel and recess detail and colour shall be submitted to and approved in writing by the Local Planning authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
- (9) That prior to the commencement of development colouring of the external lime render shall be in accordance with a colour scheme to be submitted to and approved in writing by the Local Planning Authority, and shall be carried out before the buildings are first occupied and the colouring thereafter maintained in accordance with the approved scheme.
- (10) Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to the existing ground levels on the site for the proposed conversions and new dwellings 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 finished levels plan.
- (11) SC3.0 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.
- (12) SC3.1 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.
- (13) That prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.
- (14) That prior to the commencement of any development on the site, notwithstanding the details submitted, an Arboricultural Method Statement (AMS), undertaken in accordance with BS5837 shall be submitted and approved in writing by the Local Planning Authority. All works shall then be undertaken in accordance with the agreed document.
- (15) That prior to the commencement of any development on the site, notwithstanding the details submitted, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, shall be submitted to and approved in writing by the Local Planning Authority. Details must include specifications for the installation of below ground, load bearing root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees. The development shall be carried out in accordance with the details so approved.
- (16) That prior to the commencement of any development on the site, notwithstanding the details submitted, full details, specifications and

construction methods for all tree pits located within soft landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. Details must also include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching. The development shall be carried out in accordance with the details so approved.

- (17) Prior to commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.
- (a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of the relevant arboricultural issues.
 - (b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters.
 - (c) The timings 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 the agreed tree works and arboricultural incidents.
 - (e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (e.g. reduced dig systems, arboresin, tree grills).
- (18) That prior to the first occupation of the proposed development, the proposed means of access onto the perimeter road shall be informed and laid out to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications, and that all ancillary works specified shall be undertaken.
- (19) Before the development is first occupied the proposed vehicular access driveway turning areas and footway links to serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with the specification details which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- (20) Before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with the plan (180601Y/P002) hereby approved and shall be constructed, laid out, surfaced, drained and completed, and shall be retained unobstructed except for the parking of vehicles at all times.

- (21) That prior to the commencement of any development on the site, a Construction Travel Plan to include wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the plan approved.
- (22) That prior to the commencement of any development on the site, full SUDS drainage details for the development shall be submitted to and approved in writing by the Local Planning authority. The development shall be carried out in accordance with the details agreed.
- (23) Notwithstanding the provisions of Classes A to E (inc) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 1995 and its subsequent amendments, the approved dwellings shall not be extended, nor shall any structures be erected within the cartilage of the said dwellings, without the prior express planning consent of the Local Planning Authority.
- (24) Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 1995 and its subsequent amendments, no new windows, doors or any other openings, other than those shown on the approved plans shall be inserted in the walls or roofs of the dwellings without the prior express consent of the Local Planning Authority.
- (25) The garages and car ports 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.
- (26) No works of site clearance, demolition or development shall take place until a protected species mitigation and enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-
 - (a) The findings of two further bat emergence/dawn surveys carried out between the months of May to August inclusive.
 - (b) A bat mitigation scheme, to be informed by the findings of the surveys and work already done.
 - (c) The number, type and location of replacement (if necessary) and new bat roosting features.
 - (d) The number, type and location of replacement bird nest boxes for little owl, swallows and any other desired species.

All works shall be carried out in accordance with the approved scheme.

- (27) No works of demolition, renovation or construction shall take place within any former agricultural building between the months of March to

August inclusive, unless checked immediately beforehand by a suitably qualified ecologist for the presence of nesting birds. If nesting birds are found to be present, no works are to take place in that area until the birds have fledged.

- (28) Condition L7 Code Level 4
- (29) Prior to the commencement of any development, the existing public right of way (fP161/1) shall be protected and fenced in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and shall be maintained unobstructed and open to the public at all times.

151 **Bridge Lake Farm, Chacombe Road, Wardington**

The Committee considered application 12/01154/F for the erection of a vehicle shelter and log store; garage conversion.

Members were satisfied with the evidence presented.

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

Resolved

That application 12/01154/F be approved subject to:

- (1) The development to which this permission relates shall begin 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 and the materials and finishing details included therein;
 - I. drawing 2265/01 (submitted with the application)
 - II. the details set out in the Application Forms (submitted with the application)
- (3) No garage conversion
- (4) Private/ancillary use

152 **Stable Block Corner, Farnborough Road, Mollington, Banbury**

The Committee considered application 12/01368/F for the change of use of part of land to provide extra space required to accommodate four household caravan pitches, one visitor pitch and retention of existing static caravan (part retrospective).

Parish Councillor Paul Stephenson, Chairman of Mollington Parish Council, addressed the Committee in opposition to the application.

In considering the application, some members commented on the suitability of the site and the reliability of the council's traveller site needs assessment.

Councillor Atack proposed that the application be refused. Councillor Reynolds seconded the proposal.

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

Resolved

That application 12/01368/F be refused for the following reasons:

- (1) Inadequate proof of need for gypsy and traveller pitches;
- (2) Landscape impact, and
- (3) Lack of services serving the site.

153

Home Farm, Merton

The Committee considered application 12/01414/F for the installation of photovoltaic panels (circa 80,262 panels), installation of inverter and converter stations, erection of boundary fencing and CCTV cameras and connection to the existing electricity grid.

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

Resolved

That application 12/01414/F be approved, subject to:

- (a) The expiration of the consultation period and the advertisement period resulting from the amended red line (showing the access) (14 February 2013).
- (b) the following conditions:
 - (1) SC1.4 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:
 - (a) Application forms
 - (b) Flood Risk Assessment by Chris Dartnell dated 26 September 2012
 - (c) Design and Access Statement by Buckle Chamberlain Partnership Ltd dated September 2012

- (d) Landscape Character and Visual Impact Assessment by TDA dated September 2012
 - (e) Extended Phase1 Habitat Survey by Acer Ecology dated October 2012
 - (f) Construction Traffic Management Plan by Traffic and Transport Planning dated September 2012
 - (g) Site Location Plan (Amended)
 - (h) Drawing no. 1057/002 B Site Layout Plan July 2012
 - (i) Drawing no. 1057/003 C Proposed Boundary details July 2012
 - (j) Drawing no. 1057/004 B Ground Installation, Mounting Details Fixed Tilt System July 2012
 - (k) Drawing no. 1057/005 B CCTV Camera Installation July 2012
 - (l) Drawing no. 1057/006 Inverter station July 2012
- (3) When the solar farm ceases its operational use the panels, support structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to solely agricultural use.
- (4) That before the development hereby permitted is brought into first use, the security fencing and the exterior surfaces of the electrical inverter and transformer cabinets and switchgear and meter housing shall be permanently coloured in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. **(RC4A)**
- (5) The existing hedgerow/trees along the boundary of the site shall be retained and properly maintained at a height of not less than 3 metres, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.
- (6) Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
- (7) Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the biodiversity of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
- (8) All site clearance (including vegetation removal) shall be timed so as to avoid the bird nesting/breeding season from 1st March to 31st August inclusive.
- (9) In the case where the development hereby approved has not commenced within 1 year from the date of the approved Phase 1 Habitat Survey, prior to the commencement of the development hereby approved, a revised survey shall be undertaken to establish changes in the presence, abundance and impact on badgers. The survey results,

together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- (10) Prior to the commencement of the development a professional archaeological organisation acceptable to the Local planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.
- (11) Prior to the commencement of development and following the approval of the Written Scheme of Investigation referred to in condition 9, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

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

154

Former Winners Bargain Centres, Victoria Road, Bicester

The Committee considered application 12/01465/F for the demolition of existing structures and construction of 60 bed care home (Class C2) together with ancillary accommodation, car parking facilities and landscaping

In considering the application, some members commented that whilst the proposed location was suitable, the design of the proposed building needed to improve as it would have a negative impact on the character and appearance of the area.

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

Resolved

That application 12/01465/F be refused for the following reasons:

By virtue of the scale and massing of the proposed building and its relationship with surrounding properties, the proposal has an adverse impact on the character and appearance of the area. As a result it fails to preserve or enhance the setting of the Conservation Area and fails to make a positive contribution to local character and distinctiveness. Furthermore it has a negative impact on the residential living amenities of neighbouring properties. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions and is therefore contrary to central Government guidance contained within the National Planning Policy Framework, Policies BE1 and BE6 of the South East Plan, Policies C28 and

C30 of the adopted Cherwell Local Plan and Policies EN39, EN40 and D3 of the Non-Statutory Cherwell Local Plan 2011.

155 **1 Bear Garden Road, Banbury**

The Committee considered application 12/01606/F for the demolition of the existing commercial unit to be replaced with 3 no. 1 bed apartments – resubmission of 12/01031/F.

Members were satisfied with the evidence presented.

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

Resolved

That application 12/01606/F be approved subject to:

- (1) S.C 1.4A (RC2) – [Time]
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: Drawing number 001, drawing number 002A, drawing number 003A, drawing number 004A and drawing number 005A received 12 November 2012.
- (3) Prior to the commencement of the development hereby approved, samples of the brick to be used in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
- (4) Prior to the commencement of the development hereby approved, samples of the Welsh slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

156 **1 Bear Garden Road, Banbury**

The Committee considered application 12/01607/CAC for the demolition of an existing commercial unit.

Members were satisfied with the evidence presented.

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

Resolved

That application 12/01607/CAC be approved, subject to:

- (1) S.C 1.4A (RC2) – [Time]
- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: Drawing number 001, drawing number 002A, drawing number 003A, drawing number 004A and drawing number 005A received 12 November 2012.
- (3) S.C 5.3A (RC25A) – [Demolition and redevelopment of site]
- (4) Prior to any demolition on the site and the commencement of the development, a professional archaeological organisation/building recorder acceptable to the Local Planning Authority shall carry out a full recording of the building concerned and submit the record to the Local Planning Authority.

157

Land adjoining Fenway and West of Shepherd's Hill, Fenway, Steeple Aston

The Committee considered application 12/01611/F for the erection of 12 no. residential units comprising 2, 3 and 4 bed houses and 1 and 2 bed flats including new access road, ancillary drainage and garden shed/cycle storage to each unit.

In considering the application, members commended officers and the Parish Council for their tenacity in progressing the rural housing exception scheme which would help address the need for affordable housing in Steeple Aston.

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

Resolved

That application 12/01611/F be approved, subject to:

- (a) Completion of a Section 106 to ensure the site is used for affordable housing only, an appropriate tenure mix and nomination rights;
- (b) The submission of an acceptable amended layout showing repositioned parking spaces and field gate access;
- (c) The resolution of the provision and maintenance of the play equipment on the communal garden area/open space; and
- (d) The following conditions:
 - (1) Time

- (2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the schedule of documents and drawings attached.
- (3) Prior to the commencement of the development hereby approved, samples of the stone, tile and slate to be used in the construction of the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
- (4) Development shall not commence until a surface water and foul sewage drainage scheme and strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. 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".
- (5) 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.
- (6) A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include a phased travel plan and details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site and shall include details of the consultation and communication to be carried out with local residents. Construction work shall thereafter be carried out in accordance with the approved CEMP.
- (7) Prior to the commencement of development full details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and prior to first occupation of the development, the lighting scheme shall be completed in all respects in accordance with the approved details, inclusive of parking courts, and maintained in a working order thereafter.
- (8) Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's "Conditions and Specifications for the Construction of Roads."

- (9) Prior to the first occupation of the development hereby approved, the existing means of access between the land and the highway shall be improved in accordance with drawing no. 17:07:12 and shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's guidance available at <http://www.oxfordshire.gov.uk/cms/content/dropped-kerbs>.
- (10) Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- (11) That no surface water from the development shall be discharged onto the adjoining highway and a scheme to prevent this occurrence shall be submitted to and approved in writing by the Local Planning Authority and constructed prior to the commencement of building operations.
- (12) The development hereby permitted shall be carried out in accordance with the recommendation set out in the Abricon Extended Phase 1 Habitat Survey dated 3rd December 2012 unless otherwise agreed in writing by the Local Planning Authority or unless otherwise stipulated by conditions attached to this permission.
- (13) That there shall be no removal of trees, scrub or hedgerows between 1 March and 31 August inclusive.
- (14) The carports shown on the approved plans shall not be enclosed and shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.
- (15) 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 dwellings shall not be extended without the prior express planning consent of the Local Planning Authority.
- (16) Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site 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, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- (17) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, 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. Any trees, herbaceous planting 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 current/next planting season with others of similar size and species.
- (18) Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, 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 details.
- (19) Prior to the commencement of the development hereby approved, full details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority, the details shall show the position and construction of a barrier fence preventing inadvertent damage to the rooting areas of the protected trees and those to be retained. The distances from the trees should be taken from recommendations provided in BS5837. Thereafter, the development shall be carried out in accordance with the approved details.
- (20) Prior to the commencement of the development hereby permitted, an intrusive investigation to characterise the risk from elevated vanadium contamination concentrations to human health, 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.
- (21) If an unacceptable risk from contamination is found by undertaking the work carried out under condition 20, 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.

- (22) If remedial works have been identified in condition 21, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 21. 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.
- (23) Prior to the commencement of the development hereby approved full details of the provision, landscaping, treatment and equipment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

158 **Heyford Manor, 18 Church Lane, Lower Heyford**

The Committee considered application 12/01627/F for a two storey extension to the north wing and single storey side extension.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 12/01627/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 consent, the development shall be carried out strictly in accordance with the bat and nesting bird survey report produced by Ridgeway Ecology and dated 7 December 2012 and the following approved plans: 648 01; and 648 02 F.
- (3) That the external walls of the extensions shall be constructed in natural weathered limestone and marlstone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1metre square 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.

- (4) That samples of the Stonefield Slate to be used in the covering of the roof of the two storey extension 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.
- (5) The slate covering on the existing extension which will be raised in height shall be reused on the new roof unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.
- (6) In order to ensure that protected species are not harmed during the construction process, the works shall be carried out in accordance with the following requirements:
 - Immediately prior to work commencing, those areas of the house that will be directly affected by the proposed extension and the installation of new rooflights must be inspected by a suitably qualified ecologist to ensure that bats or nesting birds are not present, or if they are, they will not be disturbed by the proposed work.
 - All destructive work must be carried out carefully with the expectation that bats may be present. All contractors on site should be briefed as to the possibility of bats and nesting birds being on site and their legal protection. Any roof tiles to be removed should be lifted by hand vertically and not slid off to avoid injury to any bats underneath. If bats or evidence of bats are found at any point, Natural England and the ecologist for this project must be contacted for advice and all work must cease immediately.
 - If nesting birds are observed within the areas of the house that will be affected by the development work must immediately cease and the ecologist for the project must be contacted for advice.
 - Any additional external lighting installed should be minimal, directional and responsive such that it is only on when needed.
- (7) The suggested enhancements within Section 5 of the bat and nesting bird survey report produced by Ridgeway Ecology and dated 7 December 2012 (last three bullet points on page 14) shall be carried out as written.
- (8) Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

- (9) Following the approval of the Written Scheme of Investigation referred to in condition 8, no development shall commence on site without the appointed archaeologist being present. 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 Macnamara left the meeting for the duration of this item)

159

Heyford Manor, 18 Church Lane, Lower Heyford

The Committee considered application 12/01628/LB for a two storey extension to the north wing, single storey side extension and increase in the height of an existing single storey extension. Remove existing chimneystack, insert two roof lights, block up two entrances and replace one of them with a window. Insert replacement window in dormer on the eastern elevation. Reposition stud walling and raise section of floor at ground and first floor levels.

Members were satisfied with the evidence presented.

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

Resolved

That application 12/01628/LB be approved subject to:

- (1) That the works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
- (2) Except where otherwise stipulated by conditions attached to this consent, the development shall be carried out strictly in accordance with the bat and nesting bird survey report produced by Ridgeway Ecology and dated 7 December 2012 and the following approved plans: 648 01; and 648 02 F.
- (3) That the external walls of the extensions and the openings to be fronted up shall be constructed in natural weathered limestone and marlstone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1metre square 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.
- (4) That samples of the Stonefield Slate to be used in the covering of the roof of the two storey extension 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.

- (5) The slate covering on the existing extension which will be raised in height shall be reused on the new roof unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.
- (6) All new works and works of making good shall be carried out in materials and detailed to match the adjoining original fabric except where shown otherwise on the approved drawings.
- (7) Design details of all new joinery proposed shall be submitted to and approved by the Local Planning Authority prior to the commencement of works (scale > 1:20). The development shall be carried out in accordance with the approved details.
- (8) All stonework shall be laid using lime mortar (no gauging cement).
- (9) All new and replacement rainwater goods shall be constructed in cast iron or cast aluminium.
- (10) Original floorboards to be retained and repaired.
- (11) New floorboards in the extension hereby approved to match the existing.
- (12) In order to ensure that protected species are not harmed during the construction process, the works shall be carried out in accordance with the following requirements:
 - Immediately prior to work commencing, those areas of the house that will be directly affected by the proposed extension and the installation of new rooflights must be inspected by a suitably qualified ecologist to ensure that bats or nesting birds are not present, or if they are, they will not be disturbed by the proposed work.
 - All destructive work must be carried out carefully with the expectation that bats may be present. All contractors on site should be briefed as to the possibility of bats and nesting birds being on site and their legal protection. Any roof tiles to be removed should be lifted by hand vertically and not slid off to avoid injury to any bats underneath. If bats or evidence of bats are found at any point, Natural England and the ecologist for this project must be contacted for advice and all work must cease immediately.
 - If nesting birds are observed within the areas of the house that will be affected by the development work must immediately cease and the ecologist for the project must be contacted for advice.
 - Any additional external lighting installed should be minimal, directional and responsive such that it is only on when needed.
- (13) The suggested enhancements within Section 5 of the bat and nesting bird survey report produced by Ridgeway Ecology and dated 7 December 2012 (last three bullet points on page 14) shall be carried out as written.

(Councillor Macnamara left the meeting for the duration of this item)

160

E P Barrus Ltd, Granville Way, Bicester

The Committee considered application 12/01650/F for the erection of two industrial Rubb storage buildings, alterations to service yard area and the creation of a new vehicular access off Launton Road.

Members were satisfied with the evidence presented.

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

Resolved

That application 12/01650/F be approved, subject to:

- (a) The satisfactory resolution of the outstanding highway concerns
- (b) The following conditions:
 - (1) 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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, site location plan, block plan and drawings numbered: 20750A/1, 14140-16, 14140-12, 14140-13, Specification for Building 1 and Specification for Building 2 received 20th November 2012.
 - (3) Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 and its subsequent amendments, the approved building shall not be extended or altered without the prior express planning consent of the Local Planning Authority.
 - (4) The premises shall be used only for purposes falling within Class B8 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.
 - (5) The external walls of the development shall be finished in a dark brown colour in accordance with drawing number 5098 VIS1 received on 11th January 2013.

- (6) Prior to the commencement of the development hereby approved, full details of a scheme to prevent any surface water from the development discharging onto the adjoining highway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme shall be implemented and retained in accordance with the approved details.

161

32 The Fairway, Banbury

The Committee considered application 12/01706/F for a rear extension and conversion to form two number 2 bedroom houses.

Mr J Steer, a local resident, spoke in opposition to the application.

In considering the application, some members commented on the design, layout and suitability of the proposal.

Councillor Ross proposed that the application be refused. Councillor Clarke seconded the proposal. The proposal was voted upon and subsequently lost.

Councillor Rose Stratford proposed that the application be approved. Councillor Lawrie Stratford seconded the proposal.

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

Resolved

That application 12/01706/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: Application Forms, site plan and drawing numbers 1, 3 and 5 submitted with the application and the floor plans accompanying the agents email dated 14/01/13.
- (3) That the window proposed in the east elevation at first floor level shall be obscurely glazed with obscured glass that complies with British Standard Category C and fixed closed at all times.
- (4) Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 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.

- (5) That notwithstanding the provisions of Classes A, B and C of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 and its subsequent amendments, no new windows or other openings, other than those shown on the approved plans shall be inserted in the southern, eastern or western elevations of the dwellings without the prior express planning consent of the Local Planning Authority.
- (6) Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

162 **The Hub, Twyford Mill, Oxford Road, Adderbury**

The Committee considered application 12/01744/F for the change of use from office to children's day nursery (D1) - re-submission of 12/00890/F

Councillor Nigel Randall addressed the committee as Ward member

Mr R.A. Sutton, the applicant's agent, spoke in support of the application.

In considering the application, members commented on the need for a day nursery in Adderbury and that the proposal would not bring any harmful impact or design issues to the existing building.

Councillor Heathe proposed that the application be approved. Councillor Hughes seconded the proposal.

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

Resolved

That application 12/01744/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 listed below:

Drawings: Site location plan and block plan, received 24.01.13

- (3) Prior to the commencement of the development hereby approved, a plan showing car parking provision for vehicles to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.
- (4) 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 which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
- (5) Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
- (6) The site shall be used only for the purpose of a day nursery and for no other purpose whatsoever.

163

Land at the Garth, Launton Road, Bicester, Oxfordshire, OX26 6PS

The committee considered application 12/01783/CDC for a variation of condition 1 of 10/01681/F to allow retention of the exhibition house for a further year.

Members were satisfied with the evidence presented.

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

Resolved

That application 12/01783/CDC be approved, subject to:

- (1) That at the expiration of one year from the date of this permission the building shall be removed from the site and the land shall be restored to its former condition on or before that date.

- (2) 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.
- (3) 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.
- (4) That, notwithstanding the provisions of Article 3, Part 1, Class H and/or Part 25 Class A or B of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2005 and/or 2008 and its subsequent amendments, no radio or TV aerials, satellite dishes or other antennae shall be affixed to any dwelling or erected within their curtilages without the prior express consent of the Local Planning Authority.

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

164 **Rosemary Development - Fringford**

The Committee considered a report of the Head of Public Protection and Development Management which brought to the attention of the Committee a planning enforcement case that was currently being investigated and advised Members of the action to be undertaken by officers.

Resolved

- (1) That contents of the report and the Head of Public Protection and Development Management's intention to serve an Enforcement Notice requiring the demolition of the dwellings be noted.

165 **Quarterly Report**

The Committee considered a report which informed and updated Members of the progress of outstanding formal enforcement cases and of the overall level of activity in the Development Management service.

Resolved

- (1) That the position be accepted

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 which had been determined by the Council, where new appeals had been lodged, Public Inquiries/ hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted

The meeting ended at 7.30 pm

Chairman:

Date: