

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 24 April 2014 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)
Councillor Alastair Milne Home (Vice-Chairman)

Councillor Ken Atack
Councillor Andrew Beere
Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Gordon Ross
Councillor Lawrie Stratford

Apologies for absence: Councillor Mike Kerford-Byrnes
Councillor Trevor Stevens

Officers: Bob Duxbury, Development Control Team Leader
Rebecca Horley, Principal Planning Officer
Stuart Howden, Assistant Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Team Leader, Democratic and Elections

264

Declarations of Interest

Declarations were made in the following agenda items:

7. Bagnalls Ltd, Station Road, Enslow, Kidlington, OX5 3AX.

Councillor Andrew Beere, Declaration, as an employee of Chiltern Railways and would abstain from voting on the application.

9. Bicester Park Home, Oxford Road, Bicester, OX25 2AY.

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

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

10. OS Parcel 0313 East of M40, March Road, Mollington.

Councillor Fred Blackwell, Declaration, as his son was a pilot and the proposal could have implications for aviation in the vicinity and would leave the meeting for the duration of the item.

11. Land Adjacent Holly Barn Stables and North of The Firs Garage Sibford Gower Road, Hook Norton.

Bob Duxbury, Conflict of Interest, as a previous customer of the applicant and would leave the meeting for the duration of the item.

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

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

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

14. Kannegiesser UK, Beaumont Road, Banbury.

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

Councillor Andrew Beere, 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.

16. Campsfield House Detention Centre, Langford Lane, Kidlington.

Councillor Tim Emptage, Non Statutory Interest, as a member of Kidlington Parosh Council which had been consulted on the application.

17. Decisions Subject to Various Requirements.

Councillor D M Pickford, Conflict of Interest, in relation to the update on applications 13/01372/CDC (Land Rear of Methodist Church, The Fairway, Banbury), 13/01709/CDC (Calthorpe House, Calthorpe Street, Banbury), 13/01879/CDC (Orchard Lodge, Cope Road, Banbury), 13/01880/CDC (Lincoln House, Lincoln Close, Banbury) and 13/01708/CDC (Coach House Mews, London Rd, Bicester) as the Lead Member for Housing and would not vote on this part of the item

Requests to Address the Meeting

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

266 **Urgent Business**

There was no urgent business.

267 **Minutes**

The Minutes of the meetings held on 27 March 2014 and 3 April 2014 were agreed as correct records and signed by the Chairman.

268 **Chairman's Announcements**

The Chairman had no announcements.

269 **Bagnalls Ltd, Station Road, Enslow, Kidlington, OX5 3AX**

The Chairman advised the Committee that the officers' recommendation for application 13/01688/F had changed from refusal to deferral to allow for consideration of comments received by the Council's Anti-Social Behaviour Manager.

Councillor Rose Stratford proposed that consideration of application 13/01688/F be deferred. Councillor Lawrie Stratford seconded the proposal.

Resolved

That consideration of application 13/01688/F be deferred to allow for consideration of comments received by the Council's Anti-Social Behaviour Manger.

270 **Land at Network Railway Embankment between Piddington and Blackthorn, Marsh Gibbon Road, Piddington**

The Committee considered application 13/01805/F for a railway embankment stabilisation scheme, including earthwork, re-grading, construction of access route and ecological mitigation measures.

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

Resolved

That application 13/01805/F be approved subject to:

- a) that it be resolved that in accordance with the provisions of Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, that this report is approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the Environmental Statement

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
3. Prior to the commencement of the development hereby approved, including any works of site clearance or vegetation removal, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - Details of the mitigation measures to be undertaken for Great Crested Newts, reptiles, badgers and nesting birds
 - Schedule of works
 - Details of any ecologically sensitive working practices
 - Protective fencing plan for retained ecological features, compliant with BS5837:2012 'trees relation to construction

Thereafter, all works are to be carried out in accordance with the approved CEMP.

4. Prior to the commencement of the development hereby approved, full details of a habitat restoration and species compensation scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - Compensation measures for the loss of semi-improved grassland, hedgerows, blackthorn scrub, mature trees and Great Crested Newt breeding pond
 - Plans showing locations of all habitats to be created, restored or enhanced
 - The appropriate strategies for creating/restoring these habitats, including method statement for site preparation, planting/sowing and species establishment
 - Species and seed mixes to be used
 - Aftercare and long term management objectives of these features
 - Timing of the works
 - The personnel responsible for the works
 - Monitoring and the remedial/contingency measures triggered by monitoring

Thereafter the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority

5. Prior to the commencement of the development hereby approved, a report on the hydrological impact of the drainage works on Meadow Farm Local Wildlife Site shall be submitted to and approved in writing by the Local Planning Authority, This report shall detail appropriate mitigation measures should they be considered necessary, including any amendments to the approved scheme. Thereafter, the development shall be carried out in accordance with the approved details.

6. That no changes shall be made to the Public Right of Way (FP131/1) direction, width, surface, signing or structures until details of these changes have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
7. That prior to the demolition and 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
8. Following the approval of the Written Scheme of Investigation referred to in condition 6, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Scheme of Written Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the Written Scheme of Investigation. The programme of work shall include 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.
9. Prior to the commencement of the development, full details of the proposed acoustic barriers, including their position and materials of construction, required as part of the noise mitigation identified within the ES shall be submitted to and approved in writing by the Local Planning Authority. The acoustic barriers shall be installed as approved prior to the works commencing and retained in situ until construction works are complete. Upon completion of the works hereby approved the fencing barrier shall be removed.
10. Prior to the commencement of development a construction Management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.
11. That prior to the commencement of the development, notwithstanding the details submitted, full construction details of the proposed permanent maintenance track, including its seeding and future maintenance and management, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme so approved and managed in perpetuity in accordance with the approved management plan unless otherwise agreed in writing by the local Planning Authority.
12. 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:-

- Details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass/turfed areas
 - 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
 - The details of hard surface areas, reduced dig areas, crossing points etc
13. 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 line being first brought back into use, or 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.
14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref 5120216-ENV-REP-003 undertaken by Atkins dated 10/7/2013 and the following mitigation measures detailed within the FRA:
Provision of 2141 m³ compensatory flood storage
1. The access track shall be kept at existing ground level within the 1% plus climate change flood extent
 2. 4no 450mm culvert pipes, 1 north and 3 south of the River Ray to be cleaned out and regularly maintained
 3. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
15. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- (1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and

remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

16. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

271

Bicester Park Home, Oxford Road, Bicester, OX25 2AY

The Committee considered application 13/01906/F which sought permission for to provide 17 mobile homes in the location of existing caravan bases as well as for changing the use of the site to gypsy and non-gypsy

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

Resolved

That application 13/01906/F be approved, subject to 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, Planning, Design And Access Statement and Drawing No's: 13.936/01 and 13.936.02 submitted with the application and E-mail from Agent received on 17 February 2014.

3. Prior to the commencement of the development, precise details of the the accommodation of the Public Right of Way (Public Footpath Chesterton No.8) on the site 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.
4. The existing hedgerow/trees along the North West, South East and South West boundaries of the site shall be retained and properly maintained at a height of not less 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.

272

OS Parcel 0313 East of M40, March Road, Mollington

The Committee considered application 14/00011/F for the erection of a single wind turbine with a maximum blade tip height of 77 metres, formation of new vehicular access track and associated infrastructure

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

Nick Leaney, agent for the applicant, addressed the Committee in support of the application.

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

Resolved

That application 14/00011/F be refused for the following reasons:

1. The proposed turbine would result in considerable harm to the Grade I Registered Parkland at Farnborough Hall and Grade II Listed Obelisk through the introduction of a substantial, prominent object within planned views from the Grade II Listed Obelisk. The proposal is therefore contrary to Policy C10 of the adopted Cherwell Local Plan, Policy ESD 5 of the submission Cherwell Local Plan 2014 and paragraph 134 of the NPPF and the Planning Practice Guidance for Renewable and Low Carbon Energy.
2. The proposed wind turbine would have a detrimental impact upon the safety of horses and their riders using March Road, Mollington Lane and other nearby roads and rights of way and would be located within the separation distance between such developments and areas used by horses recommended by the British Horse Society. The Local Planning Authority consider that the turbine is likely to provoke unpredictable behaviour of horses with the potential to unseat riders and cause wayward

movements of the horses to the potential harm to the riders, other horses and riders and other highway users.

3. The Local Planning Authority consider that the proposed wind turbine will have detrimental effect upon the safety of users of Shotteswell Airfield due to its height and proximity to the airfield, and that the proposal is therefore contrary to Policy ESD 5 of the submission Cherwell Local Plan 2014.
4. The proposal represents sporadic development in open countryside which will be out of character with, and unsympathetic to, the character and amenity of the rural area and harmful to the residential amenities of the residents of Mollington and other nearby villages in the valley which overlook the site, and the proposal is therefore contrary to Policies C8 and C28 of the adopted Cherwell Local Plan and Policy ESD 13 of the submission Cherwell Local Plan 2014.

273

Land Adjacent Holly Barn Stables and North of The Firs Garage Sibford Gower Road, Hook Norton

The Committee considered application 14/00142/OUT, an outline application for a staff cottage on the site of a former manège to serve the Firs Garage, with only access to be considered at this time and all other matters are reserved for future consideration.

Carl Middleditch, agent for the applicant, addressed the Committee in support of the application.

Councillor Hughes proposed that application 14/00142/OUT be approved as it was felt that the application was acceptable, subject to conditions. Councillor Pickford seconded the proposal. The motion was duly voted on and subsequently lost.

Councillor Lawrie Stratford proposed that 14/00142/OUT be refused for the reasons set out in the officers' report. Councillor Colin Clarke seconded the proposal.

Resolved

That application 14/00142/OUT be refused for the following reasons:

1. The applicant has failed to establish that the dwelling is essential for the proper functioning of the garage and that one or more people need to be readily available at most times at the site. Therefore, the proposal fails to meet the requirements of the National Planning Policy Framework and policy H18 of the Adopted Cherwell Local Plan 1996.
2. The proposal represents a sporadic development in the countryside that would be detrimental to the visual amenities and open rural character of the area and the Area of High Landscape Value in which it is set, contrary to the advice within the National Planning Policy Framework, policies C7, C8 and C13 of the adopted Cherwell Local Plan 1996 and policies ESD13 and ESD16 of the Submission Cherwell Local Plan.

Former Winners Bargain Centres, Victoria Road, Bicester

The Committee considered application 14/00154/F for the demolition of existing structures and construction of a 40 assisted living units (Class C2) together with ancillary accommodation.

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

Resolved

That application 14/00154/F be approved subject to

- a) the completion of a Section 106 prior to 1 May 2014, unless otherwise agreed in writing, to the satisfaction of the Head of Development Management.
- b) Any consequential amendments required following comments received on the revised drawings (today)
- c) 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, Planning Statement, Design & Access Statement, drawing nos. M100-004 01 and L01, 1125/F08/001/Rev-C, 1125/F08/S02/Rev-C received with the application and drawing nos. 1125/F08/002/Rev-B and 003/Rev-B received on 10 April 2014.
 3. Prior to the commencement of the development hereby approved, samples of the brick and the render 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 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.
 5. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.

6. Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.
7. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on 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 fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.
8. 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.
9. 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.
10. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
11. Prior to the first use of the accesses hereby approved, the existing access onto Linden Road shall be permanently stopped up in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the means of access shall not be used by any vehicular traffic whatsoever.

12. 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.
13. 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" and its subsequent amendments, 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.
14. Provision shall be made within the layout for pedestrian access to serve the land adjoining to Victoria Road West.
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 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.
16. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.
17. Prior to the commencement of development, a construction traffic management plan must be submitted to, and approved in writing by, the District Planning Authority. The construction works must be carried out in accordance with the details approved in the construction traffic management plan.
18. Prior to the commencement of the development hereby approved, 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. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the approved foul sewage drainage scheme shall be implemented. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

19. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
20. If a potential risk from contamination is identified as a result of the work carried out under condition 19, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
21. If 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. No removal of hedgerows, trees or shrubs nor works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
24. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a plan for

enhancing biodiversity on 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.

25. No external lights shall be erected on the land without the prior express consent of the Local Planning Authority.
26. The building hereby approved shall be constructed to at least a BREEAM 'Very Good' standard, proof of which shall be submitted to and approved in writing by the Local Planning Authority.
27. The premises shall be used only for purposes falling within Class C2 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

275

Land North Of Dutch Barn Clattercote Priory Farm Cropredy Road Claydon

The Committee considered application 14/00249/F for a proposed agricultural grain store building on land adjacent the existing farm complex.

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

Resolved

That application 14/00249/F be approved subject to:

- a) The expiry of the statutory consultation period.
- 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, Design and Access Statement and drawings numbered: 101 and 102
 3. 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
4. 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.
 5. Prior to the commencement of the development hereby approved, a schedule of landscape maintenance for a minimum period of 5 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.
 6. No materials, plant, temporary structures or excavations of any kind shall be deposited/undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.
 7. No construction/demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Oxfordshire County Council (OCC) Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right/make good to a standard required by the OCC Countryside Access Team.

276

Kannegiesser UK, Beaumont Road, Banbury

The Committee considered application 14/00284/F which sought consent for the construction of an open fronted canopy over the existing loading bay.

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

Resolved

That application 14/00284/F be approved subject to 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 and drawings number 1190-KTS-02 rev A received 28 February 2014.

277 **Deerfields Farm, Canal Lane, Bodicote**

The Committee considered application 14/00300/CLUP which sought a Certificate of Lawfulness Proposed for a proposed rear dormer and velux roof windows. The consideration is therefore only whether the proposal constitutes permitted development.

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

Resolved

That it be noted that application 14/00300/CLUP does not require Planning Permission as the proposal constitutes permitted development and agreed that the Certificate of Lawfulness Proposed should therefore be issued subject to:

First Schedule

1. Certificate of Lawful Use Proposed- Rear dormer and velux roof windows in accordance with drawing number 14:3596:2A submitted with the application

Second Schedule

2. Deerfields Farm, Canal Lane, Bodicote, Banbury.OX15 4AD

Third Schedule

3. The proposal is permitted development under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

278 **Campsfield House Detention Centre, Langford Lane, Kidlington**

The Committee considered application 14/00344/F for a proposed first floor extension over an existing single storey flat roof building to provide secure storage for the pumps and water storage tanks for the sprinkler system that is in the process of being installed.

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

Resolved

That application 14/00344/F be approved subject to the following conditions:

1. That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the planning application forms and the following approved plans; S.589/01, S.589-04 and S.589-05.
3. That the materials to be used for the external walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on the existing building.

279

Decisions Subject to Various Requirements

The Committee considered a report which updated Members on decisions which were subject to various requirements.

In introducing the report, the Development Control Team Leader updated Members on the previously approved applications 13/01372/CDC (Land Rear of Methodist Church, The Fairway, Banbury), 13/01709/CDC (Calthorpe House, Calthorpe Street, Banbury), 13/01879/CDC (Orchard Lodge, Cope Road, Banbury), 13/01880/CDC (Lincoln House, Lincoln Close, Banbury) and 13/01708/CDC (Coach House Mews, London Rd, Bicester).

The recommendations to Committee had included specific wording that the applications be approved subject to 'The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure the units as affordable' in perpetuity'. Planning Officers has since been advised that 'in perpetuity' was not an accurate description of what would be secured through the legal agreement and a revision was required.

In relation to the previously approved application 13/01947/F (Land at 4 The Rookery, Kidlington), the Development Control Team Leader advised the Committee that further negotiation had taken place regarding S106 contribution and specifically the offsite financial contribution towards affordable housing along with discussions on the viability of the scheme. This had resulted in a surplus available for the overall contributions amounting to £116,000 from which an amount of £60,816.50 would be used to contribute to future offsite affordable housing.

Councillor Emptage proposed that the off-site financial contribution of £60,816.50 (which can be index linked) towards affordable housing be refused as the contribution was inadequate. Councillor Pickford seconded the proposal. The motion was duly voted on and subsequently lost. It was subsequently proposed and seconded that the contribution be accepted.

Resolved

- (1) That the report be noted.

- (2) That, in relation to the previously approved applications 13/01372/CDC (Land Rear of Methodist Church, The Fairway, Banbury), 13/01709/CDC (Calthorpe House, Calthorpe Street, Banbury), 13/01879/CDC (Orchard Lodge, Cope Road, Banbury), 13/01880/CDC (Lincoln House, Lincoln Close, Banbury) and 13/01708/CDC (Coach House Mews, London Rd, Bicester), the revised position that the Section 106 agreements will not secure the dwellings as affordable in perpetuity be agreed.
- (3) That, in relation to the previously approved application 13/01947/F (Land at 4 The Rookery, Kidlington), subject to satisfactory viability testing, an off-site financial contribution of £60,816.50 (which can be index linked) towards affordable housing be accepted.

280 **Appeals Progress Report**

The Committee considered a report which updated Members on application which had been determined by the Council, where new appeals had been lodged, hearings scheduled or appeal results achieved.

Resolved

- (1) That the report be noted.

The meeting ended at 7.00 pm

Chairman:

Date: