

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 2 October 2014 at 4.00 pm

- Present: Councillor Rose Stratford (Chairman)  
Councillor Colin Clarke (Vice-Chairman)
- Councillor Andrew Beere  
Councillor Fred Blackwell  
Councillor Michael Gibbard  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Mike Kerford-Byrnes  
Councillor Alastair Milne Home  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Trevor Stevens  
Councillor Lawrie Stratford
- Substitute Members: Councillor D M Pickford (In place of Councillor Nigel Randall)  
Councillor Barry Wood (In place of Councillor James Macnamara)
- Apologies for absence: Councillor Matt Johnstone  
Councillor James Macnamara  
Councillor Nigel Randall  
Councillor Douglas Williamson
- Officers: Bob Duxbury, Development Control Team Leader  
Tracey Morrissey, Principal Planning Officer  
Ross Chambers, Solicitor  
Aaron Hetherington, Team Leader Democratic and Elections

### Declarations of Interest

#### **7. Land adjoining Foxhill and West of Southam 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 Barry Richards, 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.

87 **Requests to Address the Meeting**

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

88 **Urgent Business**

There was no urgent business.

89 **Minutes**

The Minutes of the meeting held on 4 September 2014 were agreed as a correct record and signed by the Chairman.

90 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

91 **Land adjoining Foxhill and West of Southam Road, Banbury**

The Committee considered application 14/00825/OUT, an outline application for the development of up to 230 residential units (C3), local retail community facilities (Classes A and D1) with associated access, infrastructure, parking, landscaping/open space and related works.

Robert Clark, agent to the applicant, addressed the committee in support of the application.

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

**Resolved**

That application 14/00825/OUT be refused for the following reasons:

1. The proposal represents an unplanned, urban extension, encroaching into open, high quality countryside recognised as important for the

setting of Banbury as a historic market town. The proposal fails to maintain the area's rural character and appearance and fails to conserve and enhance the environment resulting in unacceptable harm to the landscape and visual amenity of the area, the distinct identity and setting of Banbury and Hanwell and features of landscape & historic value. Notwithstanding the Council's present inability to demonstrate that it has a 5 year supply of housing land, required by Paragraph 47 of the NPPF, the development of this site cannot be justified on the basis the land supply shortfall alone. Furthermore the proposal fails to meet the Council's objectives to meet housing need in a way that is in line with the spatial vision for the area. The application is therefore contrary to Policies H18, C7, C8, C9, C10, C13 and C15 of the adopted Cherwell Local Plan, Policies H19, EN1, EN30, EN31, EN34, EN48 of the Non-Statutory Cherwell Local Plan 2011, Policies BAN2, ESD13, ESD15 and ESD16 of the Submission Local Plan (August 2014) and national policy contained in the National Planning Policy Framework.

2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policies OA1, TR4, R8 and R10A of the Non-Statutory Cherwell Local Plan 2011, Policy INF1 of the Submission Local Plan (August 2014) and national policy contained within the National Planning Policy Framework.

92

### **Railway Farm, Station Road, Hook Norton**

The Committee considered application 14/01087/F for the demolition of existing farm buildings, the erection of a new build industrial building with associated vehicle yard and car parking.

Prior to the addresses of the public speakers Councillor Milne-Home proposed that consideration of application 14/01087/F be deferred to allow for a formal site visit. Councillor Heath seconded the proposal. The motion was duly voted on and lost.

Adam Curtis, local resident, addressed the Committee in objection to the application.

Greg Mitchell, the agent, addressed the Committee in support of the application.

Councillor Milne-Home proposed that application 14/01087/F be approved. Councillor Heath seconded the motion. The motion was duly voted on and lost.

Councillor Rose Stratford proposed that application 14/01087/F be refused for reasons set out in the officers' report. Councillor Clarke seconded the motion.

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

**Resolved**

That application 14/01087/F be refused for the following reason:

1. The proposal is contrary to government guidance contained within the National Planning Policy Framework and Policy EMP4 of the adopted Cherwell Local Plan in that the application site is located within the open countryside and is considered to be inappropriate and unsustainable location for the proposed industrial development.

93

**Banbury Golf Club, Aynho Road, Adderbury**

The Committee considered application 14/01143/F for a replacement storage building and wash down and welfare facility and associated access roads, service yard and remove existing buildings.

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

**Resolved**

That application 14/01143/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 plans and documents:

Drawing no's: 13.225 101 and 13.225 102

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 development hereby approved, full details of the precise location of the proposed access routes into the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.
- 6. 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.
- 7. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions 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.
- 8.
  - a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
  - b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and

paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the completion of the development.

9. No external lighting shall be installed within the site area unless agreed in writing with the Local Planning Authority.
10. The buildings hereby approved shall only be used ancillary to the Banbury Golf Club for the purposes as set out in the Design, Access and Planning Statement by Jigsaw Architectural and for no other purpose whatsoever.

94

**KM22, South West Bicester (Kingsmere), Middleton Stoney Road, Bicester**

The Committee considered application 14/01207/OUT for the an outline application for construction of up to 46 dwellings with associated amenity space, car parking, access roads and public open space.

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

**Resolved**

That application 14/01207/OUT be approved, subject to:

- a) The completion of the section 106 agreement, with delegated authority to the Head of Development Management in consultation with the Chairman of the Planning Committee in respect of any final negotiations
- b) That it is 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 ES
- c) The following conditions, with any necessary amendments delegated to the Head of Development Management in consultation with the Chairman of the Planning Committee
  1. No development shall commence until full details of the layout, scale, appearance , access and landscaping(hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority
  2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission
  3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the

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

4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Transport Assessment dated 15<sup>th</sup> July 2014; Sustainability Statement dated July 2014; flood Risk Statement dated July 2014; Planning design and Access Statement dated July 2014; Woodland Management Plan dated September 2009; site location plan and indicative layout plan 180601X dated October 2010 submitted as part of this application
5. Prior to the commencement of the development, a plan showing the details of the finished floor levels of the proposed dwellings in relation to existing ground levels on the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
6. No more than 46 dwellings shall be accommodated on the site.
7. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which this scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Associations current edition 'sewers for adoption'

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk document dated September 2010 submitted under application number 11/01052/OUT and Reflection on Flood Risk document dated July 2014 accompanying this application, and the following mitigation measures detailed within the documents

- The surface water drainage scheme shall be designed to infiltrate or attenuate (where infiltration is not possible) surface water from storms up to and including the 1 in 10 year storm event, as detailed in sections 1.4.2 of the Reflection on flood Risk Document
- The design of the surface water drainage system shall be designed in accordance with the surface water strategy and catchment layout drawing 19.3/D/006 Rev L as set out in Section 1.6.1 of the Reflection of Flood Risk Document
- The surface water drainage system shall be in accordance with the Design Code dated July 2008 for the wider Kingsmere development, and in particular pages 46-50 of that design code and as detailed in section 1.8 of the Reflection on Flood Risk document

- Permeable paving shall be used on all minor roads within the parcel, as detailed in section 1.4.2 of the Reflection on Flood Risk document.
8. 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, and obtained written approval from the local planning authority for an amendment to the Method Statement detailing how the unsuspected contamination shall be dealt with.
  9. Prior to the commencement of development a Construction Management Travel Plan shall be submitted to and approved in writing by the Local Planning Authority
  10. The internal vehicle access vision splays shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or any other object which exceeds 0.6m in height.
  11. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths and pedestrian/cycle links (except for the final surfacing of) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County councils 'Conditions and Specifications for the construction of Roads' and its subsequent amendments.
  12. Prior to the first occupation of any of the dwellings, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times.
  13. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water drainage, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and foul sewage drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to the commencement of any building works on the site and the approved foul drainage scheme shall be implemented prior to the first occupation of any dwelling. All drainage works shall be laid out and constructed in accordance with the Water Authorities Associations current edition 'sewers for adoption'
  14. Development shall not commence until a drainage 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.



15. A Local Area of Play shall be provided in accordance with the Council's adopted policy. Details of the siting and design of the LAP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be provided in accordance with the approved details prior to the occupation of any dwelling within 30m of the LAP or prior to the occupation of the first 10 dwellings, whichever is the sooner.
16. No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:-
  - A plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan
  - The details of each tree retained as required at paragraph 4.2.6 of BS5837 in a separate schedule
  - A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998 1989, Recommendations for tree work
17. That the development of the reserve school site for residential purposes shall be designed in accordance with the Avenue Character Area as specified on pages 81-93 of the Design Code 2008 and shall also be developed wholly in accordance with all other mandatory requirements of the approved design code accompanying the outline application 06/00967/OUT dated July 2008.
18. That prior to the first occupation of any part of the development hereby permitted, fire hydrants shall be provided on site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.
19. Prior to the occupation of each dwelling, that dwelling shall be provided with the necessary services to enable the provision of high speed broadband (no less than 100mbs)
20. Prior to the commencement of the development, evidence that the development is registered with an accreditation body under the code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 4 (or the equivalent level of the relevant superseding scheme) for all dwellings shall have been submitted to and agreed in writing by the Local Planning Authority.
21. Within 3 months of the first occupation of any dwelling hereby approved, a post construction Final Code Certificate issued by an

accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code Level 4 shall have been submitted to the Local Planning Authority.

95 **17 The Paddocks, Deddington**

The Committee considered application 14/01346/F for the rear extension and minor alterations to attached outbuilding.

Councillor Hughes proposed that application 14/01346/F be deferred for a formal site visit. Councillor Pickford seconded the proposal.

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

**Resolved**

That application 14/01346/F be deferred for a formal site visit.

96 **Decisions Subject to Various Requirements**

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

**Resolved**

(1) That the report be noted

97 **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, hearings scheduled or appeal results achieved.

**Resolved**

(1) That the report be noted

The meeting ended at 5.18 pm

Chairman:

Date: