

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 13 August 2009 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Ken Atack  
Councillor Michael Gibbard  
Councillor Eric Heath  
Councillor Alastair Milne Home  
Councillor James Macnamara  
Councillor G A Reynolds  
Councillor Leslie F Sibley  
Councillor Chris Smithson  
Councillor Trevor Stevens  
Councillor John Wyse

Substitute Members: Councillor Russell Hurle (In place of Councillor Lawrie Stratford)  
Councillor Barry Wood (In place of Councillor Rose Stratford)

Apologies for absence were received from Councillors Maurice Billington, Colin Clarke, Catherine Fulljames, David Hughes, D M Pickford, Lawrie Stratford and Rose Stratford

Officers: Jameson Bridgwater, Head of Development Control & Major Developments  
Bob Duxbury, Development Control Team Leader  
Pam Wilkinson, Principal Solicitor  
Simon Dean, Trainee Planning Officer  
Gemma Dixon, Assistant Planning Officer  
Natasha Clark, Trainee Democratic and Scrutiny Officer  
Michael Sands, Trainee Democratic and Scrutiny Officer

#### 55 **Declarations of Interest**

Councillors declared interest with regard to the following agenda items:

##### **6. Old Barton, High Street, Shutford, Oxfordshire, OX15 6PQ.**

Councillor G A Reynolds, Personal, as some of the objectors were known to the Councillor and as the husband of the Clerk to Shutford Parish Council.

##### **8. Cattle Market, Victoria Road, Bicester.**

Councillor Ken Atack, Prejudicial, as a Member of the Executive, which as the Council body responsible for finance may obtain increased income from the improvements proposed in the application.

Councillor Michael Gibbard, Prejudicial, as a Member of the Executive, which as the Council body responsible for finance may obtain increased income from the improvements proposed in the application.

Councillor James Macnamara, Prejudicial, as a Member of the Executive, which as the Council body responsible for finance may obtain increased income from the improvements proposed in the application.

Councillor G A Reynolds, Personal, as a Member of the Executive, which as the Council body responsible for finance may obtain increased income from the improvements proposed in the application.

Councillor Barry Wood, Prejudicial, as a Member of the Executive, which as the Council body responsible for finance may obtain increased income from the improvements proposed in the application.

Councillor Leslie F Sibley, Personal, as a Member of Bicester Town Council who may previously considered the application.

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

The Chairman advised the Committee that requests to speak would be dealt with at each item.

57 **Urgent Business**

There was no urgent business.

58 **Minutes**

The minutes of the meeting held on 23 July 2009 were agreed as a correct record and signed by the Chairman.

59 **Old Barton, High Street, Shutford, Oxfordshire, OX15 6PQ**

The Committee considered a report of the Head of Development Control and Major Developments seeking the construction of a 3 car garage with office in roof space (as amended by plans and forms received 12/05/09 and plans received 16/06/09).

Mrs Margaret Holloway spoke in objection to the application.

Mrs Gillian Holliday spoke in objection to the application.

Mr Guy Heathcote had applied to speak in objection to the application. He was unable to attend the meeting and had requested that Mrs Holloway and Mrs Holliday speak on his behalf.

Mr Les Greenwood spoke in favour of the application, as the applicant's agent.

The Committee discussed the impact on neighbouring properties due to the shared driveway and positioning of the office windows. The Committee also expressed concern with regard to the proposed usage and size of the development.

In reaching their decision the Committee considered the Officers' report, written update and presentation and the presentations of the supporters and opponents.

Councillor Reynolds proposed that application 09/00371/F be refused. Councillor Milne Home seconded the proposal.

### **Resolved**

That application 09/00371/F be refused for the following reasons:

The proposed office/garage building, by reason of its siting and size, will cause harm to the residential amenities of adjacent residential property by:

- 1) causing an unacceptable level of nuisance from vehicles accessing the site passing in close proximity to the property alongside the access and;
- 2) will over dominate and potentially overlook surrounding properties;

and consequently will be contrary to saved Policy C31 of the adopted Cherwell Local Plan.

(Councillor Heath requested that it be noted that he did not participate in the vote on this application as he had not attended the site visit. Councillor Wood requested that it be noted that he did not participate in the vote on this application as he had not been present for the Officers' presentation and the debate)

60

### **B Line Business Centre, Station Road, Enslow, Kidlington OX5 3AX**

The Committee considered a report of the Head of Development Control and Major Developments seeking to demolish the existing buildings within the site and erect two replacement office/industrial buildings. The application was in outline form with only layout and access for consideration. All other matters had been reserved for future consideration.

The Committee were satisfied with the evidence presented by Officers.

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

**Resolved**

That application 09/00647/OUT be approved, subject to the following conditions:

- 1) That no development shall be commenced until full details of the scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
- 2) That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
- 3) That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
- 4) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme 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:
  - a) A site investigation scheme, based on the phase 1 study incorporated in the 2009 terramech investigation (PHASE 1 & 2 ENVIRONMENTAL & GEOTECHNICAL INVESTIGATION NO 2554/07) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - b) A method statement based on the results of the site investigation and risk assessment giving full details of the remediation measures required and how they are to be undertaken.
  - c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the method statement 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 consent of the local planning authority. The scheme shall be implemented as approved.

- 5) Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the 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, and for the reporting of this to the local planning authority.

- 6) The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 7) That prior to the first occupation of the buildings, the proposed means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.
- 8) That all the means of access between the land and the highway shall be formed, laid out, constructed and drained in such position(s) and with such vision splays as shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- 9) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan 0901/006 and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 10) That no surface water from the development shall be discharged onto the adjoining highway and a scheme incorporating sustainable urban drainage systems (SUDS) to prevent this occurrence shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and retained thereafter.
- 11) Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.
- 12) A Green 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 prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

- 13) That before the development is first occupied a pedestrian footway from the site access to the Rock of Gibraltar Public House shall be laid out to the approval of the Local Planning Authority. The footpath shall be constructed strictly in accordance with the Highway Authority's specification and that all ancillary works specified shall be undertaken.
- 14) That before the development is first occupied, improved signage of the site from the A4095 shall be submitted to and approved by the Local Planning Authority. The approved signage shall be erected in strict accordance with the approved details before the first occupation of the development and retained thereafter.

61 **Cattle Market, Victoria Road, Bicester**

The Committee considered a report of the Head of Development Control and Major Developments seeking approval for the change of use of waste land to a car park with six lighting columns.

The Committee discussed the location of the car park and the potential mis-use of the site. It was suggested that a gate be installed to ensure proper usage. The Committee also discussed the need to assist in the re-development of Bicester Town Centre.

Officers assured the Committee that there was adequate means to address issues of mis-use including CCTV cameras on the site.

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

**Resolved**

That application 09/00828/CDC be approved and that a further temporary 5 year consent is granted with the following conditions:

- 1) That at the expiration of 5 years from the date hereof the use specified in your application shall be discontinued.
- 2) That the site shall be used only for the purpose of a public car park and for no other purpose whatsoever.
- 3) Prior to the rear of the site being first brought into use as a car park that the area be surfaced, drained and laid out in accordance with the plans submitted with the application.

(Councillor Reynolds left the meeting room for the duration of this item)

62 **Development & Major Developments - Parish Council Training and Presentation Events**

The Committee considered a report of the Head of Development Control and Major Developments which informed Members of the programme of training and presentations to Parish Councils that had been undertaken since April 2009. These had covered changes to planning legislation, the latest position on planning policy used in Development Control decisions and Organisational changes at Cherwell in relation to planning.

The Committee expressed their gratitude to the Development Control Team Leader and the Planning Department for the training and presentations given to Parish Councils, which had been very well received and attended.

**Resolved**

That the report and the intention to provide similar presentations to Banbury Town Council and Bicester Town Council be noted.

63 **Decisions subject to various requirements - Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on decisions which were subject to various requirements.

**Resolved**

That the position statement be noted.

64 **Appeals - Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on applications where new appeals had been lodged, public inquiries/hearings scheduled or appeal results received.

**Resolved**

That the position statement be noted.

The meeting ended at 5.45 pm