

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 10 December 2009 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Ken Atack
Councillor Colin Clarke
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor James Macnamara
Councillor G A Reynolds
Councillor Trevor Stevens
Councillor John Wyse

Substitute Members: Councillor Andrew Fulljames (In place of Councillor Maurice Billington)
Councillor Russell Hurle (In place of Councillor Rose Stratford)

Apologies for absence: Councillor Rose Stratford
Councillor Maurice Billington
Councillor David Hughes
Councillor D M Pickford
Councillor Leslie F Sibley
Councillor Lawrie Stratford

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Jenny Barker, Major Developments Team Leader
Tracey Morrissey, Senior Planning Officer
Sue Christie, Legal Officer
Natasha Clark, Trainee Democratic and Scrutiny Officer

Members declared interest with regard to the following agenda items:

4. Land Adjoining and to the North of M40 Motorway.

Councillor Colin Clarke, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor Ken Atack, Personal, as a resident of Wardington Parish Council which would be affected by the scheme and as he had written to Planning Officers commenting on the proposed temporary A361closure.

Councillor G A Reynolds, Personal, as comments he had made regarding the scheme had been reported in the local press.

Councillor James Macnamara, Prejudicial, as the Member who raised the issue of funding the scheme in the 2008/2009 budget.

10. Willy Freund Centre, Dover Avenue, Banbury, OX16 0JE.

Councillor Colin Clarke, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor G A Reynolds, Prejudicial, as a member of Executive and Portfolio Holder for Environment, Recreation and Health.

Councillor James Macnamara, Prejudicial, as a member of Executive.

Councillor Ken Atack, Prejudicial, as a member of Executive.

Councillor Michael Gibbard, Prejudicial, as a member of Executive.

127 Petitions and Requests to Address the Meeting

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

128 Urgent Business

The Chairman stated that he had agreed to admit one item of urgent business to the agenda on the Land Adjoining and the North of M40 Motorway, on the grounds that a decision was required on the application before the next meeting of the Planning Committee.

129 Minutes

The Minutes of the meeting held on 19 November 2009 were agreed as a correct record and signed by the Chairman.

130 Communications

Councillor Reynolds made a statement regarding comments he had made at the Planning Committee of 19 November 2009, apologising for any offence he may have caused and providing assurance that his comments had not been intended to cause offence.

Land Adjoining and to the North of M40 Motorway

The Committee considered a report of the Head of Development Control and Major Developments on an application for the construction of engineering works to form the Banbury flood alleviation scheme. The works would comprise the construction of an earth embankment adjacent to the Oxford Canal, the local excavation of earth and clay material to construct the embankment, realignment of two sections of the River Cherwell, the raising of an 850m long section of the A361. The whole works to the north of the M40 would increase the floodwater storage capacity of the existing natural floodplain. There would also be the construction of a secondary embankment and floodwalls at Wildmere Industrial Estate to lesson the risk of flooding to industrial premises on that estate (as amended by drawing Nos 07012501 P04 and 07012502 P05 received 03/08/09 and Addendum to Environmental Statement considering CPO No. 4 and Cropredy Bridge Registered Historic Battlefield received 5 November 2009).

Mr Geoff Bell of the Environment Agency spoke in favour of the Application as a representative of the Applicant.

The Committee noted that the application was of strategic importance for the Banbury area. Members expressed concerns about the impact of traffic in the area while the A361 was closed for the engineering works and commented on the importance of consultation with the parish councils in the area throughout the process.

The Committee requested that Officers write to Oxfordshire County Council and South Northamptonshire County Council advising them of the Planning Committee's concerns about the traffic diversions and the need for weight limits on rural roads during the temporary closure of the A361 and seeking assurance that it would be properly monitored.

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

Resolved

That application 09/00570/F be approved subject to the following:

- 1) That authority be delegated to the Head of Development Control and Major Developments to grant Full Planning Permission subject to no new objections (issues not addresses within the Officers' report) in relation to the addendum to the Environmental Statement having been received from consulted parish councils by Thursday 17 December 2009

And the following conditions:

- 1) 1.4A – 3 years time limit (RC2)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the approved schedule of plans and documents attached

- 3) No development shall commence on site until the applicant has secured a staged programme of archaeological investigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. (RC61AA)
- 4) No development shall commence on the temporary crossing of the Oxford Canal until detailed plans of the proposed works and restoration measures have been submitted to and approved in writing by British Waterways and the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details of the protective fencing and other root protection measures to be erected/implemented in order to protect existing trees and hedges to be retained as shown on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected before development affecting those trees/hedges commences and the fencing shall thereafter be retained in situ at all times until such development is complete. The land so enclosed shall be kept clear of all materials, machinery and temporary materials at all times nor shall any fires be lit within the fencing. (RC72A)
- 6) 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 (including all boundaries to the route of the A361) which shall include details of all proposed tree, hedgerow and shrub planting including their species, number, sizes and positions, together with grass/wildflower seeded/turfed areas. (RC10A)
- 7) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a landscape implementation phasing plan which has been submitted to and approved in writing by the Local Planning Authority before any development commences. (RC10A)
- 8) No development shall take place until a maintenance schedule for the landscape planting for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be maintained in accordance with the maintenance schedule at all times thereafter. (RC10A)
- 9) Monitoring equipment such as Inclinometers, shall be installed on the M40 embankment adjacent to borrow area RA6 and shall be retained in situ in good working order at all times thereafter until the completion of the embankment works in the vicinity.
- 10) All temporary storage and working areas and temporary accesses shall be removed on completion of the development hereby approved and the ground restored and landscaped in accordance with the approved landscaping scheme within the first available planting season following

completion of the development unless otherwise agreed in writing by the Local Planning Authority. (RC10A)

- 11) The development hereby permitted shall not encroach within 3m of the M40 highway boundary.
- 12) No development shall commence until details of the proposed surfacing materials to be used in the construction of the proposed permissive footpath have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 13) No development shall take place until a Working Method Statement and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority which specifies the following;
 - The methodology and timings of any vegetation and habitat removal (including the felling of any trees identified as potentially supporting bat roosts) and engineering works to minimise the impacts on any potential protected species which may have colonised the site since the Environmental Statement was produced
 - Information on the dates, timings and methodology for the construction of any habitat mitigation and compensation proposals, including the mitigation measures provided in the Environmental Statement, and the long term management and maintenance of any habitats created, retained or enhanced.

All development shall thereafter take place in accordance with the approved Method Statement and Management Plan. (RC85A)

- 14) The development shall be carried out in accordance with the Flood Risk Assessment (FRA) (Black and Veatch, July 2004 & Banbury FAS PPS25 Practice Guide – Appendix C FRA Pro-forma) and the mitigation measures therein unless otherwise previously approved in writing by the Local Planning Authority. (RC88A)
- 15) If, during development, contamination not previously identified is found to be present on the site then no further development (unless otherwise previously agreed in writing by 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 remediation strategy detailing how this unsuspected contamination shall be dealt with (RC81)
- 16) Operations that involve the destruction and removal of vegetation or buildings (or parts of buildings) shall not be undertaken during the months of March to July inclusive, unless otherwise previously approved in writing by the Local Planning Authority.
- 17) No development shall take place that affects any public right of way until full details of any enhancement, improvement, diversion or closure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

And the following Informatives

- 1) Any raised, new, diverted route of footpaths should be of the same width as the existing footpath. A planning permission does not authorise the diversion of a public footpath and there is a separate statutory procedure for such diversions.
- 2) Temporary closures of the footpath will be needed and warning signs will be required at new junctions.
- 3) With respect to construction works to be carried out in close proximity to Public Rights of Way, please note the following standard requirements:-
 - The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times.
 - There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by this authority.
- 4) All works will be carried out via an Agreement with Northamptonshire County Council and Oxfordshire County Council under Section 278 of the Highways Act 1980. No works should be carried out until the applicant has submitted a detailed design of the scheme and the scheme approved in writing by the Highway Authorities. All diversion routes will need to be included in the Agreement.
- 5) Measures will need to be in place to prevent rat running during the construction phase to protect the highway network and local villages. These measures need to be agreed in writing by the Highway Authority and will be carried out by way of a Section 278 Agreement and should involve consultation with local parishes.
- 6) The applicant will be required to enter into a Section 59 and/or 60 Agreement under the Highways Act 1980 to address any damage to local roads.
- 7) The landscaping required to form the highway boundary after any land dedication associated with the CPO will be subject to written agreement with the Highway Authority.
- 8) Natural England can provide advice on the scope and suitability of any Working Method Statement and Ecological Management Plan.
- 9) The applicant is advised to contact Paul Maison at British Waterways on 01908 302506 in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways Code of Practice for works affecting British Waterways and also further consultation should take place in respect of drawing no. 07 012 501 P04 regarding Area A proposed wet woodland and Ox-Bow lake and Area RA6 (South) raised area-source of earth for main

embankment. The area's after use plan for restoration could include potential facilities linked to the canal.

10) X1

132 Land At Tusmore Park, West Of Manor Farm, Hardwick Road, Hethe

The Head of Development Control and Major Developments advised the Committee that this application had been withdrawn at the request of the applicant.

133 Annexe Adjacent Applegate, East End, Hook Norton, Oxfordshire, OX15 5LH

The Committee considered a report of the Head of Development Control and Major Developments which recommended approval of an application to demolish a single storey bungalow and build a 1 ½ storey outbuilding and detached timber garage. The application was a resubmission of 09/00642/F with a changed design and access statement.

The application had been adjourned from the previous meeting to allow for a site visit.

The Committee considered the impact of the development on the conservation area. Members of the Committee remarked that there was currently a variety of building styles in the area. The Committee considered whether the development constituted infilling. Members of the Committee also raised concerns about the visual impact and the effects of the development on neighbouring properties.

In reaching their decision, the Committee considered the Officers' report, presentation and written update and the presentations of the objectors and supporters at the Planning Committee meeting of 19 November 2009.

Councillor Clarke proposed that application 09/01302/F be refused. Councillor Milne Home seconded the proposal. The vote to refuse the application was lost and the motion fell.

Councillor Gibbard proposed that application 09/01302/F be approved. Councillor Wyse seconded the proposal.

Resolved

That application 09/01302/F be approved subject to the following conditions:

- 1) SC 1.4A Duration limit – 3 years (RC2)
- 2) SC 2.2BB Samples of the Roofing Materials (RC4A) 'tiles/slates' 'new dwelling and garage/store building'
- 3) SC 2.3CC Natural Stone Sample Panel (RC5B) 'new dwelling'

- 4) SC 2.2AA Timber Walling Sample ((RC4A) 'garage/store building'
- 5) SC 2.9AA Obscure Glass Windows (RC6A) 'first floor bathroom window' 'south'
- 6) SC 5.14AA Joinery Details (RC5AA) 'windows and doors'
- 7) SC 4.13CD Parking and Manoeuvring Area Retained (RC13BB)
- 8) That the means of vehicular access to and from the site shall be taken only from Austin's Way. (RC13BB)
- 9) SC 6.6AB No Conversion of Garage (RC35AA)
- 10) SC 6.2AA Residential - No Extensions (RC32A)
- 11) SC 6.3A Residential – No New Windows (RC33)
- 12) SC 3.2AA Retained tree (RC10A)
- 13) SC 3.3AA Scheme to be submitted to protect retained trees (RC72A)
- 14) SC 3.5AA Notice of Tree Works and Major Operations (RC73A)
- 15) SC 3.11AA Prohibited Activities (RC73A)
- 16) SC 3.14A Site supervision (RC73A)
- 17) That full details of the enclosures to be provided along the boundaries of the site, including a boundary (with the exception of a pedestrian access) along the southern boundary of the site to prevent vehicular access, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and such means of enclosure, shall be erected prior to the first occupation of the dwelling. (RC12AA)
- 18) That the roof lights shown on the approved plans shall have a cill height of no less than 1.8m above internal floor height. (RC6A)
- 19) That the overall height of the garage be reduced by a minimum of 1m

The Committee considered a report of the Head of Development Control and Major Developments on an application which sought the erection of 9 dwellings to the West and South of Ambrosden Court with associated garaging to the rear of the site and alterations to the existing access to Merton Road.

The Committee considered the impact of the development on the area. The Committee also expressed concern that part of the site was in a flood zone.

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

Resolved

That application 09/01346/OUT be refused for the following reasons:

- 1) The proposed development of this site for residential purposes, due to its siting outside the built up limits of a Category 1 settlement fails to comply with the adopted Policy H13 of the Cherwell Local Plan, Policy H15 of the Non-statutory Cherwell Local Plan 2011 and CC1 of the South East Plan 2009.
- 2) The layout of the site and number of units proposed fails to respect the established settlement pattern resulting in an incongruous, prominent, urbanising and discordant built form in a backland position to the serious detriment of the established character and layout of the village and detracting from its rural setting and open countryside adversely affecting the visual amenities of the area contrary to central government guidance contained in PPS3, Policies C7, C27 and C30 of the adopted Cherwell Local Plan and Policies D1, D3 and EN34 of the Non-statutory Cherwell Local Plan 2011.
- 3) The application site partially lies within Flood Zones 2 and 3 and in the absence of an acceptable Flood Risk Assessment it fails to comply with the requirements set out in central Government Guidance as contained in Planning Policy Statement 25: Development and Flood Risk and is contrary to Policy NRM4 of the South East Plan 2009.
- 4) The application fails to secure the provision of affordable housing in accordance with Non Statutory Cherwell Local Plan Policy H7 and Planning Policy Statement 3.

135

Ivy Cottage, Main Street, North Newington, OX15 6AJ

The Committee considered a report of the Head of Development Control and Major Developments which recommended refusal of an application for the restoration of and alterations to an existing cottage including a new thatched roof, demolition of the existing single story extension and, and vehicular access with turning facility.

This item had been deferred from the previous meeting to allow for a site visit.

Mr Robert Sutton spoke in favour of the application as the applicant's agent.

The Committee considered the impact of the development on the street scene and the impact of the development on the rural character of the building and the materials used. The Committee also discussed the need for a bat survey to be carried out at the site before building commenced.

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

Resolved

That application 09/01410/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 following plans and documents; plan numbers - 24007-10A, 11B, 12A, 13A, 14, 15.
- 3) That the external walls and roofs and garden wall shall be constructed of local vernacular materials in accordance with a revised schedule of materials and finishes that shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- 4) That full design details of all masonry and joinery details; shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
- 5) No works shall take place to the existing cottage until such time as a protected species survey has been carried out by a suitably qualified Ecologist in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Should any protected species be present a mitigation strategy shall be prepared and submitted to and approved in writing the Local Planning Authority prior to work commencing and thereafter carried out in accordance with the approved mitigation scheme.

136

Willy Freund Centre, Dover Avenue, Banbury, OX16 0JE

The Committee considered a report of the Head of Development Control and Major Developments on an application which sought consent for a single storey extension to provide a covered link to an existing small hall and administration office facilities.

The Committee was satisfied with the evidence presented by Officers.

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

Resolved

That application 09/01476/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) 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.

137 **Decisions Subject to Various Requirements**

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 accepted.

138 **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.

139 **Constitutional Amendments - Public Speaking and Scheme of Delegation**

The Committee considered a report of the Head of Development Control and Major Developments and the Head of Legal and Democratic Services on the progress and operation of public speaking at Planning Committee, proposed constitutional amendments to the Planning Committee procedure rules and the scheme of delegation and an amendment to the Planning Committee cycle (from three weekly to four weekly).

The Committee commended Officers for the successful implementation of the Planning Improvement Plan and noted the smooth transition to a single Planning Committee which was operating well.

Resolved

- 1) That the amendments to the Planning Committee public speaking procedure rules be recommended to Council with an implementation of May 2010.

- 2) That the amendments to the Scheme of Delegation be recommended to Council to take effect after the full Council meeting on 18 January 2010.
- 3) That it be recommended to full Council that Planning Committee be held on a four weekly cycle with an implementation date of May 2010.

The meeting ended at 5.40 pm

Chairman:

Date: