

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 28 January 2010 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Ken Atack
Councillor Colin Clarke
Councillor Michael Gibbard
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor David Hughes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor John Wyse

Substitute Members: Councillor Luke Annaly (In place of Councillor Mrs Catherine Fulljames)
Councillor Barry Wood (In place of Councillor Rose Stratford)

Apologies for absence: Councillor Rose Stratford
Councillor Maurice Billington
Councillor Mrs Catherine Fulljames

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Bob Duxbury, Development Control Team Leader
Jenny Barker, Major Developments Team Leader
Nigel Bell, Solicitor
Natasha Clark, Trainee Democratic and Scrutiny Officer

Members declared interest with regard to the following agenda items:

11. Land at Colne Close, Bicester.

Councillor Barry Wood, Prejudicial, as a member of Executive.

Councillor D M Pickford, Prejudicial, as a member of Executive.

Councillor G A Reynolds, Personal, as a member of Executive.

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

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

Councillor Lawrie Stratford, Personal, as a member of Bicester Town Council who may have previously considered the application.

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

12. Verge To Front of 2 to 12 Braithwaite Close, Banbury, Oxfordshire, OX16 0WN.

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

Councillor Barry Wood, Prejudicial, as a member of Executive.

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

Councillor D M Pickford, Prejudicial, as a member of Executive.

Councillor G A Reynolds, Personal, as a member of Executive.

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.

13. Request for a variation of the S106 Agreement relating to the proposed development at South West Bicester - Application 06/00967/OUT.

Councillor Lawrie Stratford, Personal, as a member of Oxfordshire County Council.

19. Bodicote Park.

Councillor G A Reynolds, Prejudicial.

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Petitions and Requests to Address the Meeting

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

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Urgent Business

There was no urgent business.

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Minutes

The Minutes of the meeting held 10 December 2009 were agreed as a correct record and signed by the Chairman.

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Communications

Councillor Reynolds made a further statement regarding comments he had made at the Planning Committee meeting of 19 November 2009. Councillor Reynolds extended his apology of 10 December 2009 to all rural and urban members of Banbury Civic Society, apologising for any offence he may have caused and providing assurance that his comments had not been intended to cause offence.

145

Land Parcel, 2783 Main Street, Great Bourton

The Committee considered a report of the Head of Development Control and Major Developments on an application for the erection of block of 6 no. stables (2 no. to be used as Tackroom and food/hay storage) and erection of barn and rest room with track from main gate and change of use of the land for the keeping of horses.

Members of the Committee commented that the proposed development would encroach on the countryside and was overdevelopment on the site.

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

Resolved

That application 09/01299/F be refused for the following reason:

- 1) The erection of the two proposed stables and barn/restroom buildings of the size and in the positions proposed would, if approved, be an intrusive development harming the topography and character of the landscape and erode the open character and appearance of the countryside contrary to policies C5 and BE5 of the South East Plan 2009, policies AG5, C7, C8, C13 and C28 of the Adopted Cherwell Local Plan 1996 and policies EMP11, EN30, EN31 and EN34 of the Non Statutory Cherwell Local Plan 2011.

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Church End, Church Street, Somerton

The Committee considered a report of the Head of Development Control and Major Developments on an application for the for the demolition of a single storey, lean-to extension on the rear of the property, conversion of an existing rear outbuilding to provide ancillary living accommodation and erection of a glazed link/covered yard at the rear.

Mr Eastwood spoke in favour of applications 09/01411/F and 09/01412/LB as the applicant.

The Committee considered whether the proposal represented a minor and sympathetic addition to the existing building. Members also considered the visibility of the proposed gazed link from the churchyard and public footpath.

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

Councillor Macnamara proposed that application 09/01411/F be approved. Councillor Annaly seconded the proposal.

Resolved

That application 09/01411/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 development hereby permitted shall be constructed in accordance with a schedule of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
- 3) 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: E09-06 and E09-08a.

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Church End, Church Street, Somerton

The Committee considered a report of the Head of Development Control and Major Developments on an application for the for the demolition of a single storey, lean-to extension on the rear of the property, conversion of an existing rear outbuilding to provide ancillary living accommodation and erection of a glazed link/covered yard at the rear.

Mr Eastwood spoke in favour of applications 09/01411/F and 09/01412/LB as the applicant.

The Committee considered whether the proposal represented a minor and sympathetic addition to the existing building. Members also considered the visibility of the proposed gazed link from the churchyard and public footpath.

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

Councillor Macnamara proposed that application 09/01412/LB be approved. Councillor Annaly seconded the proposal.

Resolved

That application 09/01412/LB be approved subject to the following conditions:

- 1) That the works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

- 2) That the development hereby permitted shall be constructed in accordance with a schedule of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
- 3) 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: E09-06 and E09-08a.
- 4) All new works and works of making good shall be carried out in matching materials and detailed to match the adjoining original fabric except where shown otherwise on the approved drawings.
- 5) That full design details of the glazed lantern 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.

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10 Strawberry Terrace, Bloxham, Banbury, Oxfordshire, OX15 4PA

The Committee considered a report of the Head of development Control and Major Developments on an application for a rear two storey extension, with a single storey element adjacent to the shared boundary with the adjoined neighbour.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 09/01522/F be approved subject to the following conditions:

- 1) 1.4A (RC2) [Full permission: Duration limit (3 years)]
- 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: P470/03c, P470/05d, P470/04c, P470/01, P470/02 and site and block plan.
- 3) 2.2BB (RC4A) [Samples of roofing materials] insert 'slate' 'extension'
- 4) 2.3EE (RC5B) [Sample panel of brickwork] insert 'extensions'
- 5) 5.19A (RC4A) [Conservation roof light]

149

Holly Close, Main Street, Sibford Gower

The Committee considered a report of the Head of Development Control and Major Developments on an application which proposed the erection of a

detached dwelling and the creation of an opening in the stone boundary wall for vehicular access from the highway, and the erection of a new boundary fence. The application was a resubmission of application 09/00990/F.

Mr Oswyn Murray, Mr Christian Fletcher and Mr Christopher Job spoke in objection to the application.

Mr Philip Smith spoke in favour of the application as the Applicant's Agent.

Members of the Committee raised concerns about the impact of the proposed development on the conservation area.

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

Councillor Reynolds proposed that application 09/01586/F be refused. Councillor Clarke seconded the proposal.

Resolved

That application 09/01586/F be refused for the following reason:

- 1) The proposed house by reason of its design in a sensitive location within the Sibford Gower Conservation Area would be detrimental to visual amenity and harmful to the character and appearance of the area. It is therefore contrary to policies C28 and C30 of the Adopted Cherwell Local Plan and EN39 of the Non Statutory Cherwell Local Plan and the general thrust of PPG15-Planning and the Historic Environment.

150

Land at Colne Close, Bicester

The Committee considered a report of the Head of Development Control and Major Developments on an application for the creation of 22 parking spaces, surfaced with permeable block paving, on an existing grass area.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 09/01739/CDC be approved subject to the following:

- 1) SC 1.4A (Time – 3 years)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the Drawing 'E4615-2' and the details outlined in the Design and Access statement, submitted with the application dated 29/09/09.

- 3) SC 4.13CD (Parking and manoeuvring area as plan, specification to be submitted and approved)
- 4) SC 4.0AB insert “first use” and “parking area” (Access to be constructed in accordance with the specification to be attached).
- 5) SC 3.13 (Retain trees) – remove reference to ‘effective screen’ from reason
- 6) No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
 - a) 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.
 - b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.
 - c) 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.
 - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
 - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
 - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
 - h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).

- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the Root Protection Areas of retained trees.
- l) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

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Verge To Front of 2 to 12 Braithwaite Close, Banbury, Oxfordshire, OX16 0WN

The Committee considered a report of the Head of Development Control and Major Developments on an application for the creation of 6 parking spaces, surfaced with permeable block paving, on an existing grass area.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 09/01740/CDC be approved subject to the following conditions:

- 1) S.C.1.4A (RC2) [Time]
- 2) S.C 4. 13CD (Parking and manoeuvring area as plan, specification to be submitted and approved)
- 3) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans: Drawing 'E4613' and the details outlined in the Design and Access statement, submitted with the application dated 14/12/09.

152

Request for a variation of the S106 Agreement relating to the proposed development at South West Bicester - Application 06/00967/OUT

The Committee considered a report of the Head of Development Control and Major Developments which detailed a request to vary the S106 Agreement in relation to the development at South West Bicester and request Members to determine whether or not to accept the variation of the Agreement.

The Team Leader Development Control and Major Developments advised the Committee that the proposed changes to the S106 Agreement maintained the overall level of affordable housing, infrastructure and facilities previously agreed. The main alterations proposed included a reduced percentage of affordable housing in the first phase (made up in later phases), a delay in the timing of delivery of the financial contributions which may have an impact on the timing of some infrastructure but the completion of the perimeter road would be brought forward.

Members of the Committee commented that in the current economic climate it was important for the Council to be flexible with regard to the request to vary the S106 Agreement. Members noted that the variation would assist in the delivery of affordable housing throughout the site.

Members of the Committee raised concerns about access through and in the vicinity of the site and about potential delays to the development of the Sports Village.

The Committee thanked Officers for their hard work in working with the developer to negotiate the modifications to the S106 Agreement.

Resolved

That, subject to agreement of the location of the 10% affordable housing, the variation to the S106 Agreement in accordance with the schedule of Heads of Terms and revised trigger dates for the submission for schemes of the open space as set out in the minute book be agreed.

153 **Tree Preservation Order (No 12) 2009 Lime Tree at 14 Main Street, Mixbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought the confirmation of an unopposed Tree Preservation Order relating to a Lime Tree at 14 Main Street, Mixbury.

Resolved

That Tree Preservation Order No. (12/2009) be confirmed without modification.

154 **Quarterly Enforcement Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on the progress of outstanding formal enforcement cases and informed Members of various caseload statistics.

The Committee expressed their thanks to the Development Control and Major Developments team for their hard work in producing such a comprehensive report.

Resolved

That the report and the content of the appendices be accepted.

155 **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 noted.

156 **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.

157

Exclusion of Public and Press

Resolved

That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 5 of Schedule 12A of that Act.

158

Bodicote Park

The Committee considered a joint report of the Head of Development Control and Major Developments and Head of Legal and Democratic Services.

Resolved

That the recommendation as set out in the exempt minute be agreed.

The meeting ended at 7.15 pm