

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 17 June 2010 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)
Councillor Rose Stratford (Vice-Chairman)

Councillor Ken Atack
Councillor Colin Clarke
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Chris Heath
Councillor D M Pickford
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Lawrie Stratford

Substitute Members: Councillor David Hughes (In place of Councillor Maurice Billington)

Apologies for absence: Councillor Maurice Billington
Councillor Mrs Diana Edwards
Councillor Alastair Milne Home
Councillor James Macnamara

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

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Declarations of Interest

Members declared interest with regard to the following agenda items:

6. OS Parcel 3873 North east of Hillside House, Street from Cropredy to Great Bourton, Cropredy.

Councillor Ken Atack, Personal, as he had attended Parish Council meetings which had previously considered the application.

7. Land adjoining and north west of 35 Crouch Hill Road, Banbury.

Councillor Colin Clarke, Personal, as a Member of Banbury Town Council.

22 Petitions and Requests to Address the Meeting

There were no petitions or requests to address the meeting.

23 Urgent Business

There was no urgent business.

24 Minutes

The Minutes of the meeting held on 19 May 2010 and 20 May 2010 were agreed as a correct record and signed by the Chairman.

25 OS Parcel 3873 North east of Hillside House, Street From Cropredy to Great Bourton, Cropredy

The Committee considered a report of the Head of Development Control and Major Development for the installation of a cess pit, the construction of a store to the side of the brick animal shelter and a stoned and grassed drive/vehicle standing area.

Councillor Ken Atack spoke in objection to the application as Ward Member.

The Committee were satisfied with the evidence presented.

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

Resolved

That application 10/00293/F be approved subject to the following conditions:

- 1) SC 1.4A Full permission: Duration Limit (3 years) (RC2)
- 2) SC 2.2AA Samples of Walling Material (RC4A) 'timber boarding' 'extension to the barn'
- 3) SC 2.2BB Samples of Roofing Materials (RC4A) 'corrugated tin roof' 'extension to the barn'
- 4) SC 4.0BC Access Specification Existing – Improved as plan no. JL-02b (RC13BB) 'first use' 'extended barn'
- 5) SC 6.19AA Restriction to Agriculture (RC64AA) Delete 'development' Insert 'extension to the barn'
- 6) That, with the exception of timber post and rail fencing to match that existing on the southern boundary site as identified on the site block plan received on 1 June 2009, and notwithstanding the provision of

Class A of Part 2, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within or around the site without the prior express planning consent of the Local Planning Authority.

- 7) The underground storage tank shall not be installed until a letter from an exempted organisation confirming their intent to issue a certificate for the site under paragraph 5 of Schedule 1 of the Caravan Sites and Control of development Act 1960 has been obtained and submitted to the local planning authority.
- 8) The underground storage tank shall be installed in accordance with the Kingspan manufacturers details as submitted as part of the application and of a capacity to be first agreed in writing by the Local Planning Authority. There shall be no outlet from the tank to the ground or any watercourse.
- 9) The underground storage tank shall not be installed until full details of the chemical toilet disposal point leading to the tank inlet, and details of a high level alarm designed to provide a timely visible indication of the impending need to empty the tank, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 10) The high level alarm approved under condition 8 above shall be made operational before the tank is first brought into use. Thereafter it shall be retained in full working order for so long as the tank remains in use.
- 11) Within 3 months of the date hereof the metal oil tank already installed below ground shall be either removed from the ground or filled with a material to be first agreed in writing by the local planning authority.

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Land adjoining and north west of 35 Crouch Hill Road, Banbury

The Committee considered a report of the Head of Development Control and Major Developments for the renewal of application 06/02499/OUT for residential building land.

The Committee were satisfied with the evidence presented.

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

Resolved

That application 10/00388/OUT be approved subject to the following:

- I. Linking this application to the existing s106 application relating to the site (advice awaited from the Head of Legal and Democratic Services)
- II. The comments of Natural England

- III. The comments of the Council's Head of Urban and Rural Services in relation to the impact of the proposal upon the trees in the site
- IV. The following conditions and planning notes:-

Conditions:

Conditions 1 – 15 of 06/02499/OUT (change policies)
and the following additional conditions:

- 16) 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.
- 17) If a potential risk from contamination is identified as a result of the work carried out under condition 16, 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.
- 18) If contamination is found by undertaking the work carried out under condition 17, 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.
- 19) If remedial works have been identified in condition 18, the remedial works shall be carried out in accordance with the scheme approved under condition 18. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

20) Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Site Location Plan, Interim Protected Species Report (Sept 2008)

27 **Cherwell Valley Services, Junction 10 M40, Ardley**

The Committee considered a report of the Head of Development Control and Major Developments for a temporary MSA facility.

The Committee were satisfied with the evidence presented.

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

Resolved

That application 10/00704/F be approved subject to the following conditions:

- 1) That at the expiration of 12 months from the date of this permission, or within 6 weeks of the completion of the permanent replacement MSA building, whichever is the sooner, the building hereby approved shall be removed from the site and the land returned to its former condition on or before that date (RC42)
- 2) That with the exception of the buildings hereby approved, and the provision of a building compound for the construction of the permanent replacement MSA building, the existing car parking and coach parking areas shall be kept free of obstructions at all times and only used for parking purposes (RC16A)
- 3) RC4.21A Surface water drainage arrangements

28 **Tree Preservation Order (No. 06) 2010 one Yew tree, one group of sycamore trees, one group of Horse Chestnut trees at 61 Green Road, Kidlington, Oxon**

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 one Yew tree, one group of sycamore trees and one group of Horse Chestnut trees at 61 Green Road, Kidlington.

Resolved

That Tree Preservation Order No. (06) be confirmed without modification.

29 **Tree Preservation Order (No. 07) 2010 Various Trees at Horton Hospital, Banbury**

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 various trees at the Horton Hospital, Banbury.

Resolved

That Tree Preservation Order No (07) be confirmed without modification.

30 **Tree Preservation Order (No. 11) 2010 Willow tree at 13 Round Close Road, Adderbury**

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 Willow tree at 13 Round Close Road, Adderbury.

Resolved

That Tree Preservation Order No. (11) be confirmed without modification.

31 **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.

32 **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 accepted.

Chairman:

Date: