

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 22 April 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 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

Apologies for absence: Councillor Maurice Billington
Councillor John Wyse

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Bob Duxbury, Development Control Team Leader
Rebecca Horley, Senior Planning Officer
Paul Manning, Solicitor
Michael Sands, Trainee Democratic and Scrutiny Officer
Tony Ecclestone, Communications Officer

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Declarations of Interest

Members declared interest with regard to the following agenda items:

6. Bryan House, Chapel Street, Bicester, Oxfordshire.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council.

Councillor G A Reynolds, Prejudicial, 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.

Councillor Michael Gibbard, Prejudicial, as a Member of Executive and Charter Community Housing Board.

Councillor Rose Stratford, Prejudicial, as a Member of Charter Community Housing Board.

7. Bryan House, Chapel Street, Bicester, Oxfordshire.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council.

Councillor G A Reynolds, Prejudicial, 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.

Councillor Michael Gibbard, Prejudicial, as a Member of Executive and Charter Community Housing Board.

Councillor Rose Stratford, Prejudicial, as a Member of Charter Community Housing Board.

10. Land adjacent to 45 George St, Bicester.

Councillor G A Reynolds, Prejudicial, 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 Charter Community Housing Board.

Councillor Rose Stratford, Prejudicial, as a Member of Charter Community Housing Board.

200 **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.

201 **Urgent Business**

There was no urgent business.

202 **Minutes**

The Minutes of the meeting held on 1 April 2010 were agreed as a correct record and signed by the Chairman.

203 **Bryan House, Chapel Street, Bicester, Oxfordshire**

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the existing Bryan House and development of twenty three units of affordable housing.

The Committee considered the parking arrangements and the number of parking spaces that would be available. Members also raised concerns regarding access arrangements from Priory Lane and the height of the proposed development.

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

Resolved

That application 10/00106/F be approved subject to:

- a) The HDCMD being given delegated authority to approve the application upon the resolution of the flooding issue and withdrawal of the EA objection.
- b) The completion of a S106 agreement covering the following heads of terms;
 - OCC Infrastructure contributions including primary, secondary and special needs schools, library and stock, waste management and recycling centre, museum resource centre and monitoring.
 - CDC Offsite outdoor sport, public art, waste bins and monitoring.
 - CDC LAP maintenance and management
- c) The following conditions:
 - 1) S.C1.4A (RC2) – [Time: 3 years]
 - 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with drawing nos. 2007/1016/SLP01, P01, P03, P04, P05, P06(A), P07, P08, P09, P10, P11, P12, P13 and the design and access statement submitted with the application.
 - 3) 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.

- 4) If a potential risk from contamination is identified as a result of the work carried out under condition 3, 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.
- 5) If contamination is found by undertaking the work carried out under condition 4, 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.
- 6) If remedial works have been identified in condition 5, the remedial works shall be carried out in accordance with the scheme approved under condition 5. 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.
- 7) That prior to the first occupation of the development both the existing means of access onto Chapel Street shall be improved, laid out and formed with a 2m x 2m pedestrian visibility splay to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
- 8) Notwithstanding the parking and manoeuvring areas shown on plan no. 2007/1016/P03 a revised layout plan showing these areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. (RC13BB)
- 9) Before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with the approved plan submitted under condition 8 and shall be constructed, laid out, surfaced, drained (SUDS) and completed in accordance with specification details to be submitted to and approved in writing by the

Local Planning Authority. The areas shall thereafter be retained unobstructed except for the parking and manoeuvring of vehicles at all times. (RC15AA)

- 10) That samples of the surface finishes for the areas of hard standing 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 details so approved. (RC4A)
- 11) 5.5AA Replace first part with 'That full design details (including sections) of the eaves, dormers, fenestration and doors (RC4A)
- 12) 5.5AAboundary walls ... (RC4A)
- 13) 2.3DD - natural stone (RC5B)
.....buildings which face onto Chapel Street....
- 14) 2.2AAbricks....buildings.....(RC4A)
- 15) 2.2BB.....tiles.....roofs of the buildings....(RC4A)
- 16) 2.8A Replace first part with 'That the colour, texture and finish of the external walls shall be in accordance with a scheme to be submitted.....' (RC4A)
- 17) That details of the public art scheme 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 details so approved. (RC4A)
- 18) 2.13AA Demolition of buildings (RC8A)
- 19) 6.7AA No radio, TV aerials, satellite dishes (RC4A)
- 20) 3.0A Submit landscaping scheme (RC10A)
- 21) 3.1A Carry out landscaping (RC10A)
- 22) No development shall commence within the application area until the applicant, or their agents or successors in title, has secured the implementation of a staged programme of archaeological investigation and mitigation in accordance with a written scheme of investigation that shall first be submitted to and approved in writing by the Local Planning Authority. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication. The work shall be carried out by a professional archaeological organization acceptable to the Local Planning Authority.

- 23) 9.4A Ecological report (RC85A)
.....Extended Phase 1 Habitat Survey by Middlemarch Environmental Ltd dated December 2009.....
- 24) 9.11A Provision of a LAP (RC92A)
- 25) 5.19A Conservation rooflights (RC4A)
- 26) 5.5AA Replace first part with 'That details, including the locations, of the gas and electricity meter cupboards(RC4A)
- 27) Notwithstanding the cycle and bin store details submitted in drawing 2007/1016/P10 and their proposed locations shown on drawing 2007/1016/P03, new design details and their locations shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details. (RC4A)
- 28) That none of the development shall be occupied until a surface water drainage scheme to serve it has been submitted to and approved in writing by the Local Planning Authority. (RC13CC)

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Bryan House, Chapel Street, Bicester, Oxfordshire

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the wall to Chapel Street car park and other means of enclosure within the Conservation Area.

The Committee were satisfied with the evidence presented.

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

Resolved

That application 10/00122/CAC be approved subject to the following conditions:

- 1) 1.5A (RC3)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with drawing nos. 2007/1016/P02, P03 and P018 and the design and access statement submitted with the application.
- 3) That the stone on the existing walls shall not be disposed of but shall be conserved and re-used in the redevelopment of the Bryan House site.

Phase 2 Apollo Office Park, Ironstone Lane, Wroxton, Oxfordshire, OX15 6AY

The Committee considered a report of the Head of Development Control and Major Developments for the erection of three B1 units set within and below earth moundings, improvements and enhancement to the railway line, car parking and associated landscaping on the existing derelict brownfield site to form extension to the existing phase one development.

The Committee considered the issue of outdoor lighting.

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

Resolved

That application 10/00134/F be approved subject to the satisfactory receipt of a legal obligation from the applicants concerning off-site transport infrastructure contributions and the following conditions:

- 1) 1.4A (RC2) – [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 schedule of drawings received 03.02.2010.
- 3) 2.3CC (RC5B) – natural ironstone DEVELOPMENT
- 4) 5.5AA (RC4A) – full design details – glazing, balustrades, bridge, railway and locomotive shed feature and refuse and recycling areas.
- 5) Prior to the commencement of development a construction phase traffic management plan shall be submitted to and approved by the Local Planning Authority. The approved plan shall be implemented and operated in accordance with the approved details.
- 6) Prior to the commencement of development a scheme of drainage shall be submitted to and approved by the Local Planning Authority. The approved plan shall be implemented and operated in accordance with the approved details.
- 7) Prior to the first occupation of the development, the proposed widening of Ironstone Lane and associated access works shall be completed in accordance with the details provided within the Transport Assessment dated May 2009 or otherwise agreed with the Local Planning Authority. The works will require the applicant to enter into a Section 278 for the undertaking of works to the highway with the local highway authority.
- 8) Prior to the first occupation of the development the access road, parking and manoeuvring areas shall be provided in accordance with the plans hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and maneuvering of vehicles at all times. (RC15AA)

- 9) 4.14DD (RC66AA) – Green travel plan
- 10) That full design details of any lighting to be fixed on the buildings and on the ground 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 details so approved. (RC95A)
- 11) 6.15AA (RC40AA) – that the buildings shall be used for the purposes falling within Class B1
- 12) 6.4AB (RC34AA) – commercial no extensions
- 13) 7.13 (RC50) – no outside storage or other operations
- 14) That 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 which shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas, hedgerow planting, creation of a wildflower grassland and SuDs. The planting scheme should cover: species mix (species should be of local provenance and appropriate to the local area) and methods of establishment.
 - (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, pavements, pedestrian areas, crossing points and steps.
- 17) 3.1A (RC10A) – carryout landscaping
- 18) 3.7BB (RC10A) – submit boundary enclosure details
- 19) Prior to the commencement of development a management plan for semi-natural grass areas should be submitted to and approved by the Local Planning Authority DC prior to any works taking place. The management plan shall be carried out in accordance with those approved details. (RC85A)
- 20) No development approved by this planning permission shall be commenced unless and until all remediation requirements and working practices are carried out in accordance with the 'Environmental Recommendations' included in the ground investigation report ref: C9469 (February 2004).
- 21) 4.14CC (RC66A) – cycle parking

- 22) That notwithstanding Condition 4 above prior to commencement of development, details of the existing former mineral railway track on the site, identifying which lengths of track are proposed to be preserved shall be first submitted to and approved by the Local Planning Authority and that such agreed length of trackway shall thereafter be left in situ on the site.
- 23) SC 9.4A Carry out mitigation in ecological report (RC85A)
- The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Appraisal of the by Richard Tofts Ecology dated March 2010 and Reptile Survey: Initial Report dated April 2010 unless otherwise agreed in writing by the Local Planning Authority.
- 24) Notwithstanding condition no. 23, and the mitigation measures and recommendations contained in the Ecological Appraisal by Richard Tofts Ecology dated March 2010 and Reptile Survey: Initial Report dated April 2010 a scheme for the management of badgers should be submitted to and approved in writing by the Local Planning Authority prior to any works taking place and that a further 7 no. site visits be made by the appointed Ecologist to undertake further reptile survey work, and that following these visits and prior to any works taking place, a full Ecological report be submitted to and approved in writing by the Local Planning Authority which provides details of mitigation and recommendations. The development hereby permitted shall be carried out in accordance with the mitigation and recommendations.
- 25) Vegetation shall not be removed except between 1st September and 28th February (inclusive) as this is outside of the bird breeding season. If any trees need to be removed between 1st March and 31st August (inclusive), they will need to be checked over by an ecologist immediately prior to removal to ensure there are no nesting birds present. If nesting birds are present, the tree must be cordoned off and protected and cannot be removed until the birds have fledged.

206 **B-Line Business Centre, Station Road, Enslow**

The Committee were advised that this item had been withdrawn.

207 **Land adjacent to 45 George St, Bicester**

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of three garage blocks and erection of four dwellings (as amended by plans received 30/03/10).

The Committee considered the issue of overlooking given the proximity to neighbouring properties.

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

Resolved

That application 10/00247/F be approved subject to the following conditions:

- 1) SC 1_4A (Time 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 details:
 - 2005/1033/P02
 - 2005/1033/P03
 - 2005/1033/P04
 - 2005/1033/P05A
 - 2005/1033/P06A
 - 2005/1033/P08
 - EH Smith 'Brindled Red Sandfaced' bricks and Russell 'Peat Brown' roof tiles in accordance with the samples submitted with the application.
- 3) That prior to the first occupation of the dwellings hereby approved the proposed means of access between the land and the highway shall be formed, 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.
- 4) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved 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.
- 5) SC 6_2AA (Permitted development restriction – no extensions/structures in the curtilage)
- 6) SC 6_3AA (Permitted development restriction – no new windows or openings)
- 7) SC 6_1AA (Permitted development restriction – no fences/enclosures to front)

Land to the rear of New Vicarage, Earls Lane, Deddington, Oxfordshire

The Committee considered a report of the Head of Development Control and Major Developments for four dwellings with garages, parking and private gardens.

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

Resolved

That application 10/00297/F be deferred to allow Members to conduct a site visit to gain an appreciation of the site in relation to surrounding properties.

209 **47 St Johns Way, Hempton**

The Committee considered a report of the Head of Development Control and Major Developments for a two storey side and single storey rear extension and porch.

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 10/00353/F, subject to the delegation of the authority to issue the permission to the Head of Development Control and Major Developments, be approved subject to the following conditions:

- 1) 1.4A - Full Permission: Duration Limit (3 years) (RC2)
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved plans: 1961: 001; 1961: 002; 1961: 002a; 1961: 003; 1961: 004; 1961: 007; 1961: 008; 1961: 009; 1961: 010; 1961: 011; 1961: 012; 1961: 013.
- 3) 2.6AA - Materials to match (RC5AA)
- 4) 4.13CD - Parking and manoeuvring area retained
- 5) 6.6AB - No conversion of the garage

210 **Tree Preservation Order (No 03) 2010 Willow Tree and two Oak Trees at land south of Paddington Cottage, Milton Road, Bloxham**

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 and two Oak trees at land south of Paddington Cottage, Milton Road, Bloxham.

Resolved

That Tree Preservation Order No. (03) 2010 be confirmed without modification.

211 **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.

212 **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 5:20 pm

Chairman:

Date: