

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 9 September 2010 at 4.00 pm

- Present: Councillor Fred Blackwell (Chairman)
Councillor Rose Stratford (Vice-Chairman)
- Councillor Colin Clarke
Councillor Michael Gibbard
Councillor Chris Heath
Councillor Alastair Milne Home
Councillor James Macnamara
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Trevor Stevens
Councillor Lawrie Stratford
- Substitute Members: Councillor Andrew Fulljames (In place of Councillor Mrs Catherine Fulljames)
Councillor David Hughes (In place of Councillor Maurice Billington)
Councillor Russell Hurle (In place of Councillor Chris Smithson)
Councillor P A O'Sullivan (In place of Councillor Mrs Diana Edwards)
- Apologies for absence: Councillor Ken Atack
Councillor Maurice Billington
Councillor Mrs Diana Edwards
Councillor Mrs Catherine Fulljames
Councillor D M Pickford
Councillor Chris Smithson
- Officers: John Hoad, Strategic Director - Planning, Housing and Economy
Bob Duxbury, Development Control Team Leader
Nigel Bell, Solicitor
Jane Dunkin, Senior Planning Officer
Ross Chambers, 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:

7. Oak Farm, Milcombe, Banbury, Oxfordshire, OX15 4RS.

Councillor Chris Heath, Personal, as she had discussed the application with Milcombe Parish Council.

8. Former Allotment Site Rear of Miller House and 33a, Miller Road, Banbury.

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

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

Councillor Michael Gibbard, Personal, as Porfolio Holder for Planning and Housing.

Councillor Rose Stratford, Personal, as a Member of Banbury Town Council.

64 **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.

65 **Urgent Business**

There was no urgent business.

66 **Minutes**

The Minutes of the meeting held on 12 August 2010 were agreed as a correct record and signed by the Chairman.

67 **Land South West of and Adjoining Wickes, Launton Road, Bicester**

The Committee considered a report for the erection of a class A1 discount food store with associated car parking, access and landscaping.

The Committee considered the access arrangements to the site and the potential loss of employment land.

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

Resolved

That application 10/00967/OUT be approved subject to:

- (i) the applicant entering into a legal agreement concerning contributions with regards to public art and off-site highway infrastructure, and
- (ii) the following conditions:
 - 1) SC 1.4 Full permission : Duration limit 3 years

- 2) Except where otherwise stipulated by conditions on this permission the development shall be carried out in accordance with the following drawings: Location Plan drg no. L1, Block Plan drg no. B1, Drg nos. D103B, D200, D201, D202, D203 and the Design and Access Statement.
- 3) That the Class A1 discount foodstore hereby permitted shall enure for the benefit of Aldi Stores Ltd only and not for any other operator or purpose whatsoever, including any other purpose in Class A1 of the Schedule to the Town and County Planning (Use Classes)(Amendment)(England) Order 2005 and that the total net sales floorspace shall not exceed 990 sqm.
- 4) Notwithstanding the provisions of Section 55(2)(a)(i) of the Town & Country Planning Act 1990 (as amended by Section 49 of the 2004 Act) and Article 2A of the Town & Country Planning (General Development Procedure) Order 1995 and Class A of Part 8, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no internal operations increasing the floorspace available within the building hereby permitted shall be carried out without the prior express planning consent of the Local Planning Authority.
- 5) SC2.0A Details of materials and finishes
- 6) SC2.13A Demolition of existing buildings
- 7) SC3.0A Submit landscaping scheme
- 8) SC3.1A Carry out landscaping scheme
- 9) SC3.7AA Boundary enclosure details
- 10) Prior to the commencement of the development, a scheme of drainage (incorporating SUDS where appropriate) shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved scheme of drainage shall be implemented prior to the first use of the development.
- 11) That before the development is first occupied, the access, parking and manoeuvring areas shall be provided in accordance with the submitted plans and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 12) That before the development is first occupied the cycle parking shall be provided in accordance with the submitted plans.
- 13) 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 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 organisation acceptable to the Local Planning Authority

- 14) Prior to the commencement of the development hereby permitted, taking into account the recommendations within the MWH Environmental Statement (dated 2007) and the Ground Investigation (South West) Ltd, Interpretative Ground Investigation Report (dated July 2010) submitted with this application, further assessment 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.
- 15) If contamination is found by undertaking the work carried out under condition 14, 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.
- 16) If remedial works have been identified in condition 15, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 15. A verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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Oak Farm, Milcombe, Banbury, Oxfordshire, OX15 4RS

The Committee considered a report for the erection of twenty nine residential dwellings with private gardens and car parking.

Mr Cliff Potter spoke in objection to the application as Chairman of Milcombe Parish Council.

Mr Arron Twamley spoke in favour of the application as the applicant's agent.

The Committee expressed concern regarding the density of the proposed development and the potential impact on traffic volume. Members also discussed parking provision and the access arrangements to the site.

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

Resolved

That application 10/00967/OUT be approved subject to:

- (i) Applicant entering into Section 106 Agreement with District and County Council's to secure developer contributions as set out in paragraph 5.3.2 and to the 30% affordable housing requirement referred to at 5.4.1-5.4.3
- (ii) Departure procedures

The following conditions:

- 1) SC1.0A Approval of reserved matters details (RC1)
- 2) SC1.1 Outline expiry of application for reserved matters (RC1)
- 3) SC1.2 Outline duration limit (RC1)
- 4) SC2.15AA That no more than 29 dwellings shall be accommodated on the site.
- 5) SC3.0A Submit Landscaping Scheme.
- 6) SC3.1A Carry Out Landscaping Scheme
- 7) SC3.10A Open Space
- 8) 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.
- 9) If a potential risk from contamination is identified as a result of the work carried out under condition 8, 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.

- 10) If contamination is found by undertaking the work carried out under condition 9, 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.
- 11) If remedial works have been identified in condition 10, the remedial works shall be carried out in accordance with the scheme approved under condition 10. 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.
- 12) That the development hereby permitted shall be carried out in accordance with the recommendations made in the RSK Initial Ecological Survey dated June 2010, in particular the Method Statement (Appendix 6) which sets out measures for habitat retention and enhancement and avoidance of harm.
- 13) That the development hereby permitted shall be carried out in accordance with the recommendations made in the RSK Bat and barn Owl Survey dated June 2010, in particular the Method Statement (Appendix 6) which sets out measures for replacement bat roosting habitat, avoidance of harm/destruction of unidentified bat roosts, replacement barn owl roosting habitat and avoidance of harm in relation to barn owls.
- 14) SC9.6A Fire Hydrants
- 15) Prior to the commencement of the development an archaeological Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority.
- 16) Following the approval of the Written Scheme of Investigation referred to in condition 14, no development shall commence within the application area until the applicant, or their agents or successors in title, have implemented a staged programme of archaeological investigation and mitigation, which shall be carried out by a professional archaeological organisation (acceptable to the Local Planning Authority) in accordance with the Written Scheme of

Investigation. 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.

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Former Allotment Site Rear of Miller House and 33a, Miller Road, Banbury

The Committee considered a report for ten single bedroom flats together with eleven parking spaces and access way.

The Committee considered the design and layout of the proposed development. Members also discussed the access arrangements.

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

Resolved

That application 10/01053/F be approved subject to:

- 1) SC 1.4A Full Permission: Duration Limit (3 years) (RC2)
- 2) SC 2.0A Details of Materials and External Finishes (RC4A)
- 3) SC 2.2AA Samples of walling materials 'brick' 'building' (RC4A)
- 4) SC 2.2BB Samples of roofing materials 'tile' 'building' (RC4A)
- 5) SC 2.10A Floor Levels 'building' (RC7A)
- 6) SC 3.3AA 'remove point K and M' (RC72)
- 7) That a plan detailing the access road widening to 4.5m for the first 10 metres from the highway shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The access shall be provided in accordance with the agreed details prior to the development being brought into use.
- 8) SC 4.13BC '11 car parking spaces and one visitor space'
- 9) Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall incorporate Sustainable Urban Drainage System. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any part of the building hereby approved. All drainage works shall be laid out and constructed in accordance with the Water Association's current edition "Sewers for Adoption".

- 10) That a Construction Management Plan shall be submitted to and approved by the Local Planning Authority prior to development commencing on site. The proposed development shall be carried out in accordance with the details approved.
- 11) That full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the dwelling.
- 12) Prior to the development being occupied full details of the bin storage areas, in the form of elevational details and material details, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 13) 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:
 - a. Drawing number 10/605-LP RevA
 - b. Photo Montage – proposed Miller Road Development
 - c. Design and access Statement received on the 5th August
 - d. Drawing number 10/605-01
 - e. Drawing number 10/605-02
 - f. Drawing number 10/605-03
 - g. Drawing number 10/605-04
 - h. Drawing number 10/605-05
 - i. Drawing number 10/605-06
 - j. Drawing number 10/605-07
- 14) 14. SC 8.13 Contaminated land Phased condition (RC80)
- 15) 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:
 - Design and access statement received 5th August 2010
 - 10/605-LP Location Plan
 - 10/605-02 Rev A Proposed site layout plan
 - 10/605-01 Rev A Proposed site plan
 - 10/605-03 Proposed north and south street elevations
 - 10/605-04 proposed east and west street elevations
 - 10/605-05 proposed ground floor flat layout plans
 - 10/605-06 proposed first floor flat layout plans

- 15) That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 17) Site clearance shall be undertaken under an ecological watching brief to check for signs of badgers or reptiles prior to the removal of areas of vegetation.
- 18) Should any evidence of active badger setts be discovered, or reptiles be found on the site works shall cease immediately and the advice of a qualified ecologist sought before any further works are carried out.

Councillor Michael Gibbard requested that his abstention from the vote be recorded.

70 **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 accepted.

71 **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 6:20 pm

Chairman:

Date: