

Cherwell District Council

Planning Committee

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

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

Councillor Ken Attack
Councillor Colin Clarke
Councillor Mrs Diana Edwards
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Chris Heath
Councillor Alastair Milne Home
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Trevor Stevens
Councillor Lawrie Stratford

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

Apologies for absence: Councillor Maurice Billington
Councillor Chris Smithson

Officers: John Hoad, Strategic Director - Planning, Housing and Economy
Jenny Barker, Major Developments Team Leader
Andrew Lewis, Senior Planning Officer
Ross Chambers, Solicitor
Michael Sands, Trainee Democratic and Scrutiny Officer

87

Declarations of Interest

Members declared interest with regard to the following agenda items:

9. 175A Warwick 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.

10. 29 Red House Road, Bodicote, Banbury.

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

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

88 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.

89 Urgent Business

There was no urgent business.

90 Minutes

The Minutes of the meeting held on 7 October 2010 were agreed as a correct record and signed by the Chairman.

91 Former USAF Housing South of Camp Road Upper Heyford

The Committee considered a report for the permanent change of use of 253 existing military dwellings for residential class C3 use.

The Committee considered the need to ensure suitable transport arrangements were put in place for the proposed development. Members also considered the need for a primary school on site and the issue of unadopted roads.

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

Resolved

That application 10/00640/F be approved subject to:

- (i) the conditions set out below and
- (ii) the applicant entering into a section 106 agreement with the District and County Council as outlined in the officers report and written update.

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) None of the dwellings that form part of this permission shall be occupied under the terms of this permission until the two bungalows 5 and 7 Portal Drive South have been demolished. Written notice shall be given to the Council seven days in advance of their demolition
- (3) Neither 5 nor 7 Portal Drive South shall be demolished until a scheme has been submitted to and approved by the Local Planning Authority for the laying out of a new circular access route around the estate and a legally binding contract for the carrying out of the works is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing by the Local Planning Authority.
- (4) 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,
 - (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.
- (5) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- (6) The existing open space and play areas shall be retained, maintained and made available to the public at all reasonable hours.

OS Parcel 2678 Adj A34 by Hampton Gay and Poyle Hampton

The Committee considered a report for the change of use of land for British Romani gypsy families; 8 mobile homes, 8 touring caravans for nomadic use only and 8 utility day rooms.

The Committee considered the impact the proposed development may have on the green belt and the proximity of the site to the A34 road. Members also expressed concern regarding the lack of amenities for the site.

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

Resolved

That application 10/00839/F be refused for the following reason:

The site lies within an area of open countryside designated as green belt where there is a presumption against inappropriate development and where approval will not be given, except in very special circumstances, for development. In this case the Local Planning Authority do not consider there are very special circumstances which outweigh the presumption against inappropriate development and it is considered the proposal will adversely affect this attractive, open, rural landscape by introducing obtrusive and incongruous development including mobile homes, caravans, outbuildings, hardstandings, an improved access and new road and general domestic paraphernalia which will cause harm to the openness and character of the landscape and the green belt. This would be contrary to Policies GB1 of the adopted Cherwell Local Plan and GB1 of the Non-Statutory Cherwell Local Plan 2011 as well as advice set out in PPG2-Green Belts

93 **Land South of Bernard Close, Berkeley Homes Site, Cassington Road, Yarnton**

The Committee considered a report for the erection of an extra care home.

Members were satisfied with the evidence presented.

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

Resolved

That application 10/01302/F be approved subject to:

- a) The Local Highway Authority agreement that the parking provision is sufficient
 - b) The completion of a S106 agreement to secure the delivery of affordable housing with a cascade mechanism to secure up to 30% based on the viability of the scheme and availability of grant funding
 - c) the completion of an agreement or receipt of a unilateral undertaking to secure the remaining necessary contributions
 - d) the following conditions
- (1) SC 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 plans and documents:
 - Drawing no. PL10 Rev B – Site Location Plan, Proposed Site/Roof Plan
 - Drawing no. PL11 Rev A – Proposed Floor Plans
 - Drawing no. PL12 – Proposed Elevations (Context)
 - Drawing no. PL13 Rev A – Proposed Elevations sheet 1 of 3
 - Drawing no. PL14 – Proposed Elevations sheet 2 of 3
 - Drawing no. PL15 – Proposed Elevations sheet 3 of 3
- (3) SC 2.2AA Samples of walling materials (RC4A) 'brick, stone and render' 'extra care building'
- (4) SC 2.2BB Samples of roofing materials (RC4A) 'slate/tiles' 'extra care building'
- (5) SC 3.0A Submit Landscaping Scheme (RC10A)
- (6) SC 3.1A Carry out landscaping scheme (RC10A)
- (7) SC 5.5AB Submit Design Details (RC4A) 'windows and doors'
- (8) SC5.9AB Archaeological Watching Brief (RC28AA)
- (9) Prior to the first occupation of the extra care building the vision splays for the development shall be provided and shall not be obstructed by any object, structure, planting or other material. (RC13BB)
- (10) The development shall be carried out in accordance with the details of the submitted Travel Plan dated August 2010. (RC66A)
- (11) SC 4.13CD Parking and Maneuvering Area Retained. (RC13BB)
- (12) SC 4.14CC Cycle Parking (RC66A)
- (13) That the rated level of noise emitted from any externally located plant or equipment shall not exceed the background sound pressure level by more than 5dB when measured in accordance with British Standard BS 4142:1997 nearby dwellings. (RC53AB)
- (14) That service vehicles shall not arrive at or depart from site before 08:00 hours or after 18:00 hours on any day. (Emergency services and other related emergency organizations being exempt). (RC49A)
- (15) Any vegetation to be cleared that is likely to support breeding birds shall be undertaken outside of the breeding bird season (March to August inclusive). (RC86A)

- (16) Any trees proposed for felling as part of the scheme hereby approved must be checked for use by bats by a suitably qualified ecologist prior to felling and their advice must be followed. (RC85A)
- (17) Development shall be carried out in accordance with the approved surface water drainage scheme.
- (18) Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the water course on the frontage of the site shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:
 - Plans showing the extent and layout of the buffer zone
 - Details of the planting scheme (for example native species)
 - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.
- (19) Development in accordance with the waste water disposal details previous approved. Reason: Although we are not aware of any capacity issues for sewerage infrastructure this condition is needed to ensure that increased flows into the system are accounted for before the development commences to protect the environment.
- (20) SC 9.6A Fire hydrants (RC87A)
- (21) SC 3.7AA Boundary Enclosure Details (RC12AA)
- (22) That the building shall be used solely for the purpose of extra care accommodation as set out in the submission.
- (23) That the extra care units be occupied only by residents of 65 years of age and over. For reasons of highway safety.

94

175A Warwick Road, Banbury

The Committee considered a report for the conversion of roof space above the existing first floor flat to a studio flat – which was a re-submission of application 10/00475/F.

Members were satisfied with the evidence presented.

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

Resolved

That application 10/01371/F be approved subject to the following conditions:

- 1) SC 1_4A (Time for implementation)

- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application.
- 3) SC 2_9AA insert "proposed first and second floor side facing windows" and "South-East" (Obscurely glazed windows to comply with Policy C30)

95 **29 Red House Road, Bodicote, Banbury**

The Committee considered a report for the erection of a fence to the northern boundary of the front garden.

Members were satisfied with the evidence presented.

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

Resolved

That application 10/01409/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 application forms and following plans:
 - Plan 1 Site Location Plan
 - Plan 2 Block Plan
- (3) The fence shall be painted forest green to match the colour of the existing fence panels to the south.

96 **Discharging of S106 Agreement - Dingers Cottage, The Dickredge, Steeple Aston**

The Committee considered a report which sought to discharge the Section 106 Agreement in order that the original cottage and the residential accommodation/annex development can be used separately and independently rather than be restricted to family use.

Members were satisfied with the evidence presented.

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

Resolved

That the Section 106 Agreement relating to Dingers Cottage be discharged.

97 **Tree Preservation Order (No.12/2010) Two Ash Trees at 5 Fletcher Close, Yarnton**

The Committee considered a report of the Strategic Director Planning, Housing and Economy which sought the confirmation of an unopposed Tree Preservation Order relating to two ash trees at 5 Fletcher Close, Yarnton.

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

Resolved

That Tree Preservation Order No. 12/2010 be confirmed without modification.

98 **Tree Preservation Order (No.13/2010) Sycamore tree at The Old Dairy, Charlton on Otmoor**

The Committee considered a report of the Strategic Director Planning, Housing and Economy which sought the confirmation of an opposed Tree Preservation Order relating to a sycamore tree at The Old Dairy, Charlton on Otmoor.

Resolved

That Tree Preservation Order No.13/2010 be confirmed without modification.

99 **Tree Preservation Order (No.20/2010) Sycamore trees at Beam Ends, Hook Norton**

The Committee considered a report of the Strategic Director Planning, Housing and Economy which sought the confirmation of an opposed Tree Preservation Order relating to a sycamore tree at Beam Ends, Hook Norton

Resolved

That Tree Preservation Order No.20/2010 be confirmed without modification.

100 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were subject to various requirements.

Resolved

That the position statement be accepted.

101 **Appeals Progress Report**

The Committee considered a report of 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 6.35 pm

Chairman:

Date: