

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 2 December 2010 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Ken Atack
Councillor Mrs Catherine Fulljames
Councillor Chris Heath
Councillor Alastair Milne Home
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Trevor Stevens

Substitute
Members: Councillor Norman Bolster (In place of Councillor Rose Stratford)
Councillor Andrew Fulljames (In place of Councillor Mrs Diana Edwards)
Councillor Timothy Hallchurch MBE (In place of Councillor Lawrie
Stratford)
Councillor David Hughes (In place of Councillor Maurice Billington)
Councillor Russell Hurle (In place of Councillor Michael Gibbard)

Apologies
for
absence: Councillor Rose Stratford
Councillor Maurice Billington
Councillor Colin Clarke
Councillor Mrs Diana Edwards
Councillor Michael Gibbard
Councillor Lawrie Stratford

Officers: John Hoad, Strategic Director - Planning, Housing and Economy
Bob Duxbury, Development Control Team Leader
Ross Chambers, Solicitor
Simon Dean, Trainee Planning Officer
Michael Sands, Trainee Democratic and Scrutiny Officer

102 **Declarations of Interest**

Members declared interest with regard to the following agenda items:

8. Land South West of Bicester adjoining Oxford Road and Middleton Stoney Road, Bicester.

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

11. 226 Chatsworth Drive, Banbury.

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

103 **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.

104 **Urgent Business**

There was no urgent business.

105 **Minutes**

The Minutes of the meeting held on 4 November 2010 were agreed as a correct record and signed by the Chairman.

106 **Revocation of the Regional Spatial Strategy**

The Committee considered a report which sought to inform Members of the High Court ruling on 10 November 2010, which overturned the Secretary of State's revocation of Regional Strategies earlier in the year and to consider the consequences of this.

The Committee were advised that CALA Homes had issued a second claim in the High Court, seeking a declaration that the Government's stated intention to revoke Regional Strategies was not a material consideration for the purposes of making planning decisions, and that until the outcome of the full hearing into CALA Homes' second claim was announced, full regard should be had to the Regional Strategy as part of the statutory development plan.

Resolved

That the report and the implications of the re-establishment of Regional Spatial Strategies with regard to determining planning applications be noted.

107 **Land off Bicester Road A43, Gosford,**

The Committee considered a report for a new burial ground.

The Committee considered the issue of car parking provision at the site.

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

Resolved

That application 10/01346/F 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 approved plans and supporting documents received in the office on the 2nd September 2010.
- (3) That prior to commencement of work on site the proposed means of access onto the Bicester Road (A43) is to be formed, laid out and 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.
- (4) Prior to the commencement of work on site vision splays measuring 4.5 metres x 120 metres shall be provided to each side of the access. These vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6metres as measured from carriageway level.
- (5) Before the development is first used the parking and manoeuvring areas shall be provided in accordance with the submitted plan hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times.
- (6) Prior to the first use of the proposed development the new footway and crossing point along the Bicester Road (A43) shall be formed, laid out and 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.
- (7) The gate hereby approved to be set back a minimum of 10m from the back-edge of the Bicester Road (A43).
- (8) 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.
- (9) 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.
- (10) Should any badger setts be found before or during the implementation of this permission all work must cease and advice must be sought from a qualified ecologist. All recommendations made by the ecologist shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- (11) That a method statement relating to the protection of reptiles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The works shall be undertaken in accordance with the approved details.
- (12) An arboricultural Method Statement and Tree Protection Plan, undertaken in accordance with section 7.0 of BS5837:2005, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The works shall be undertaken in accordance with the approved details.
- (13) Should any evidence of a drainage system be found as a result of the works hereby approved or following the excavation of any of the graves, all work must cease and advice must be sought from the Local Planning Authority. A drainage scheme shall be submitted to and approved in writing by the Local Planning Authority before any further excavation on site can commence. The development shall be carried out in accordance with the details so approved.

108

Land South West of Bicester adjoining Oxford Road and Middleton Stoney Road, Bicester

The Committee considered a report for the construction of up to forty six dwellings with associated amenity space, car parking, access roads and public open space.

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

Resolved

That application 10/01381/OUT be deferred to enable the District Council and the County Council to consider the contents of letters dated 30 November in respect of the Sec 106 Contributions requested in conjunction with the development proposed.

109 **4 Church Lane, Hornton**

The Committee considered a report for a close boarded boundary fence two metres high, a shed (part retrospective) and the raising of the chimney stack to 1.8m.

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 10/01470/F be approved subject to:

- i) the receipt of consultation comments from English Heritage (a statutory requirement as the proposal affects the setting of a Grade I Listed Building)

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_8A (colouring) "shed cladding and fencing"
- (4) SC 5_7B (Making good in materials to match)

110 **4 Church Lane, Hornton**

The Committee considered a report for the installation of a log burner, the relocation of the immersion tank and associated internal works, the raising of the chimney stack to 1.8m and a satellite dish.

The Committee were satisfied with the evidence presented.

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

Resolved

That application 10/01471/LB be approved subject to the following conditions:

- (1) SC 1_5A (Time for implementation specific to Listed Buildings)
- (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 5_7B (Making good in materials to match)

111 **226 Chatsworth Drive, Banbury**

The Committee considered a report for a first floor front extension, two story side extension and single storey rear extension.

The Committee were satisfied with the evidence presented.

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

Resolved

That application 10/01541/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 following plans and documents;
- (3) drawing P/09/0083/001 Rev A (received on 18 November 2010)
- (4) drawing P/09/0083/002 Rev A (received on 18 November 2010)
- (5) drawing P/09/0083/003 Rev A (received on 18 November 2010)
- (6) SC 2_6AA (Materials to match)

112 **Variation of Obligation which Limits Internal Area of the Property to 950 square feet and Removes Permitted Development Rights at 5 Fiveacres, Murcott**

The Committee considered a report which sought the discharge of the S106 planning obligations relating to 5 Fiveacres, Murcott so that the floorspace of the property is not restricted and the property benefits from permitted development rights.

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

Resolved

That Clause 7(d) of the Section 106 Agreement dated 17th January 1992 relating to planning consent granted under RM.CHS.710/90 (1) (2) and amended by CHS.565/93 for only the property known as 5 Fiveacres, Murcott be discharged.

113 **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.

114 **Appeals Progress Report**

The Committee considered a report 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 4.45 pm

Chairman:

Date: