

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,  
Bodicote, Banbury, OX15 4AA, on 24 February 2011 at 4.00 pm

Present: Councillor Rose Stratford (Vice-Chairman)

Councillor Ken Atack  
Councillor Colin Clarke  
Councillor Mrs Diana Edwards  
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  
Councillor Lawrie Stratford

Substitute Members: Councillor Russell Hurle (In place of Councillor Mrs Catherine Fulljames)  
Councillor Barry Wood (In place of Councillor Michael Gibbard)

Apologies for absence: Councillor Fred Blackwell  
Councillor Maurice Billington  
Councillor Nick Cotter  
Councillor Mrs Catherine Fulljames  
Councillor Michael Gibbard

Officers: Bob Duxbury, Development Control Team Leader  
Jane Dunkin, Senior Planning Officer  
Ross Chambers, Solicitor  
Michael Sands, Democratic and Scrutiny Officer

#### 144 **Declarations of Interest**

Members declared interest with regard to the following agenda items:

#### **6. Tuthill Park, Wardington.**

Councillor Ken Atack, Personal, as the applicant was known to him.

**7. Land east of Dorcas Road adjoining and south of Overthorpe Road, Banbury.**

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

Councillor Chris Smithson, Personal, as a Member of Banbury Town Council.

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

**8. Land South of Overthorpe Road and West of M40, Banbury.**

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

Councillor Chris Smithson, Personal, as a Member of Banbury Town Council.

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

**10. Land to the Rear of The Coach House, Queens Avenue, Bicester.**

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

Councillor Lawrie Stratford, Personal, as a Member of Bicester Town Council.

Councillor Leslie F Sibley, Personal, as a Member of Bicester Town Council.

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

**11. 81 Bloxham Road, Banbury.**

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

Councillor Chris Smithson, Personal, as a Member of Banbury Town Council.

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

**13. Land South of 85 East Street, East Street, Fritwell, Oxfordshire.**

Councillor James Macnamara, Prejudicial, as he had been involved previously with the application.

**14. Blue Gates, Banbury Road, Bicester.**

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

Councillor Lawrie Stratford, Personal, as a Member of Bicester Town Council.

Councillor Leslie F Sibley, Personal, as a Member of Bicester Town Council.

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

145 **Petitions and Requests to Address the Meeting**

The Chairman advised that requests to address the Committee would be dealt with at each item.

146 **Urgent Business**

There was no urgent business.

147 **Minutes**

The Minutes of the meeting held on 27 January 2011 were agreed as a correct record and signed by the Chairman.

148 **Tuthill Park, Wardington**

The Committee considered a report for the demolition of the existing greenhouse stores and construction of a new workshop and ancillary office/administration accommodation, the refurbishment of the existing industrial buildings and construction of administration/research and development block and the upgrading and reshaping of the existing hard standings to form car parking areas.

The Committee considered the possible benefits to the local economy in terms of employment. Members also discussed impact on traffic volume and parking provision at the site.

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

**Resolved**

That application 10/01814/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 drawing nos. 4170.100, 101, 102, 103, 104 and 105.
- 3) That the external walls and roof(s) of the development shall be constructed in accordance with a schedule and samples of materials and finishes which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.

- 4) That the buildings and structures to be demolished on the site at the date of this permission shall be demolished and the debris and materials removed from the site before the proposed buildings hereby approved are first occupied.
- 5) 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.
- 6) 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.
- 7) No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
  - i. a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
  - ii. the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.

- iii. a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
  - iv. written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
  - v. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
  - vi. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
  - vii. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
  - viii. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
  - ix. the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
  - x. the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- 8) 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.

- 9) Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.
- 10) That this permission shall enure for the benefit of Francis Tuthill Limited and Omlet Ltd only and of no other persons/company whatsoever, and shall not enure for the benefit of the land.
- 11) That the operational use of the premises shall be restricted to the following times:-
  - i. Monday-Friday - 8.00 a.m. to 6.00 p.m.
  - ii. Saturday - 8.30 a.m. to 5.00 p.m.
  - iii. Sunday and Public Holidays - No time.
- 12) That no goods or materials shall be stored at a height greater than 3 metres on the site.
- 13) That with the exception of ancillary vehicle part sales operated by Francis Tuthill Ltd, no retail sales shall be made to the general public direct by Omlet Ltd, from the site and business premises.
- 14) That full design and position details of any external lighting shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with those details so approved.
- 15) That within 4 months of the development hereby approved being first occupied, all existing external storage containers and the existing paint store building positioned on the north elevation of the existing Francis Tuthill building shall be removed from the site.

149

**Land east of Dorcas Road adjoining and south of Overthorpe Road, Banbury**

The Committee considered a report for a hybrid application for employment generating development consisting of two buildings to be used for B2 and/or B8 uses.

The Committee considered the potential benefits that the proposed development could have on the local economy in terms of employment. Members expressed concern regarding the parking provision at the site and the impact on traffic volume.

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

**Resolved**

That application 10/01816/HYBRID be approved subject to the following:

- (i) Applicant entering into Section 106 Agreement with the County Council to secure contributions towards the transport network and the implementation and monitoring of the Travel Plan
- (ii) Departure procedures;

The following conditions:

- 1) That in the case of unit 2 and associated curtilage, development shall be begun not later than the expiration of three years beginning with the date of this permission
- 2) That in the case of unit 1 and associated curtilage no development shall be commenced until full details of the external appearance (hereafter referred to as the reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
- 3) That in the case of the reserved matters for unit 1 and associated curtilage, application for approval shall be made not later than the expiration of three years beginning with the date of this permission
- 4) That in the case of unit 1 and associated curtilage development shall be begun not later than the expiration of two years from the final approval of the reserved matters.
- 5) That except for the external appearance of unit 1 and unless otherwise required via condition, the development hereby approved shall be carried out strictly in accordance with: Application Forms, Design and Access Statement Revision A dated January 2011, Flood Risk Assessment S1154 dated November 2010, Aspect Ecology Ecological Assessment dated November 2010 and the following drawings numbered: AP(0)010, AP(0)024, AP(0)027, AP(0)028, AP(0)029, AP(0)030, AP(0)031, AP(0)034, AP(0)035, S1154-01B, S1154-06, S1154-07A, S1154-08A, S1154-09A, S1154-10A and 100485E100TDv1 received with the application on 06/12/10 and amended drawings numbered AP(0)011 Rev A, AP(0)012 Rev A, AP(0)013 Rev A, AP(0)014 Rev A, AP(0)015 Rev A, AP(0)016 Rev A, AP(0)020 Rev A, AP(0)021 Rev A, AP(0)022 Rev A, AP(0)023 Rev A, AP(0)025 Rev A, AP(0)026 Rev A, AP(0)032 Rev A received 21/01/11.
- 6) That following the first occupation of each unit, all planting, seeding and turfing comprised in the approved details of landscaping relating to the curtilage of each building shall be carried out in the first planting and seeding seasons.
- 7) That prior to the first occupation of unit 2 a management plan for the landscaping scheme for the whole site, shall be submitted to and agreed in writing by the Local Planning Authority. The management

plan shall be carried out strictly in accordance with the approved details and timescale.

- 8) That prior to the installation of any part of any enclosure required in relation to unit 1, full details of the proposed enclosures shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be erected on site in accordance with the approved details.
- 9) That prior to the first occupation of each of the buildings hereby approved car parking provision shall be provided in accordance with the approved plans and shall be retained for the parking of vehicles at all times thereafter.
- 10) Prior to the commencement of the development hereby permitted, a detailed method statement to outline the proposed arrangements to ensure that access is maintained to adjacent industrial developments, farmland to the south and public footpaths during construction, including temporary access arrangements to the site during construction and details of wheel washing or road sweeping arrangements during construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and carried out in accordance with the approved method statement.
- 11) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA S1154) produced by Bailey Johnson Hayes Consulting Engineers, dated November 2010 and the following mitigation measures detailed within the FRA:
  - a. The surface water drainage system shall be designed to safely manage storm events up to and including the 1 in 100 year event with and allowance for climate change, in accordance with Sections 4 and 6 of the FRA.
  - b. During the design event, surface water discharge rates shall not exceed 19 l/sec from unit 1 and 25 l/sec from unit 2, in accordance with Section 3 of the FRA.
  - c. The surface water drainage system shall include swales.
- 12) That prior to the first use or occupation of the buildings hereby approved, each building and all items of mechanical plant and equipment including compressor motors and fans, within or associated with that building, shall be acoustically enclosed or insulated in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and operated at all times in accordance with the approved acoustic enclosure/insulation scheme.



- 13) That in the case of both buildings, except where provision for outside storage is shown on the approved plans, no outside storage shall take place
- 14) The development hereby permitted shall be constructed to at least a BREEAM good standard.

150

**Land South of Overthorpe Road and West of M40, Banbury**

The Committee considered a report for an outline application for employment generating development consisting of two buildings to be used for B1c/B2 and B8 with ancillary office accommodation.

The Committee expressed concern regarding the relief road contained within the site. Members also discussed parking arrangements and the importance of retaining the ditch.

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

**Resolved**

That application 10/01823/OUT be approved subject to:

- (iii) Applicant entering into Section 106 Agreement with the County Council to secure contributions towards the transport network and the implementation and monitoring of the Travel Plan
- (iv) Departure procedures;

The following conditions:

- 1) SC 1.0a Outline: Approval of Reserved Matters Details (RC1).
- 2) SC 1.1 Outline: Expiry of Application for Reserved Matters (RC1).
- 3) SC 1.2 Outline duration limit (RC1).
- 4) SC 3.0a Submit Landscaping Scheme (RC10a).
- 5) SC 3.1a Carry Out Landscaping Scheme and Replacements (RC10a).
- 6) That the existing line of trees on the eastern side for the site shall be retained in its entirety apart from any poor tree specimens identified to be removed in accordance with the landscaping scheme to be submitted and approved. Furthermore, the existing line of trees shall be reinforced by new tree planting, details of which shall be set out in the landscaping scheme under condition 4 (RC10a).
- 7) That full details of all service trenches, pipe runs or drains and any

other excavation, earth movement, or mounding required in connection with the development hereby permitted shall be submitted to an approved in writing by the Local Planning Authority prior to such works being commenced. The development shall be carried out in accordance with the details so approved (RC59a).

- 8) Prior to the commencement of the development hereby permitted, a detailed method statement to outline the proposed arrangements to ensure that access is maintained to adjacent industrial developments, farmland to the south and public footpaths during construction, including temporary access arrangements to the site during construction and details of wheel washing or road sweeping arrangements during construction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and carried out in accordance with the approved method statement.
- 9) 9. SC 4.21aa Surface Water and Sewerage Disposal (RC19a) delete 'the surface water and'
- 10) SC 2.10a Floor Levels (RC7a)
- 11) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: CS/044664/Rev A produced by Capita Symonds, dated 10 November 2010 and the following mitigation measures detailed within the FRA:
  - Surface water discharge rates shall not exceed greenfield runoff rates, as described in Section 4.2 of the FRA and detailed in Table 3 of the FRA.
  - The surface water drainage system shall be designed to safely manage storm events up to and including the 1 in 100 year event with an allowance for climate change in accordance with Section 4.2 of the FRA.
  - The surface water drainage system shall include porous paving, ponds and filter drains as detailed in Section 4.11 of the FRA and in drawing CS/044664/FRA/006 Rev C.
- 12) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, together with details of how the scheme shall be maintained and managed after completion, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 13) 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.

- 14) If a potential risk from contamination is identified as a result of the work carried out under condition 14, 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.
- 15) If contamination is found by undertaking the work carried out under condition 15, 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 16, the remedial works shall be carried out in accordance with the scheme approved under condition 16. 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.
- 17) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 18) SC9.12a (RC93aa) 'good'
- 19) That the development hereby approved shall be carried out strictly in accordance with the submitted Ecological Mitigation and Enhancement Plan which specifically refers to mitigation in relation to

nesting birds, reptiles, water voles and bats, together with habitat enhancement and habitat creation relating to bird, invertebrate, reptile and amphibian habitats, ditches and ponds.

- 20) That prior to the commencement of the development and regardless of whether badgers have been recorded on the site or not, a working plan which takes account of movement of, and access by, badgers during the implementation of the development shall be submitted to and approved in writing by the Local Planning Authority, the movement and access plan shall be implemented and maintained on site throughout the whole of the development process.
- 21) Prior to the first occupation of any part of the development hereby approved, an access programme for the long term movement of badgers into and through the site (using appropriate corridors and boundary hedging) for foraging shall be submitted to and approved in writing by the Local Planning Authority and the access programme shall be introduced on site in accordance with the approved details.
- 22) Prior to the commencement of development a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas including ponds, hedgerows, trees and green spaces, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.
- 23) The existing ditch systems shall be restored for effective conveyance of the attenuated flows and maintained as such thereafter. Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure that the water drainage scheme offers wider environmental enhancements in accordance with PPS25 and Policy NRM5 of the South East Plan.
- 24) That the premises shall be used only for purposes falling within Class B1c/B2 and B8 specified in the schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever and that no more that 8,500sqm of the buildings shall be used for B8 purposes.
- 25) Prior to the installation of any external lighting on the site, full design details, including height of columns/lanterns, luminance levels, lantern geometry and type of lighting unit, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 26) That the height of the buildings hereby approved shall not exceed 14m in height (RC7a)

151 **7 Colesbourne Road, Bloxham**

The Committee considered a report for a two storey side and rear extension.

The Committee were satisfied with the evidence presented.

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

**Resolved**

That, subject to the expiration of the neighbour consultation period on 25 February 2011, and the delegation of the authority to issue the permission to the Strategic Director Planning Housing and Economy, application 10/01824/F be approved, subject to 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 schedule of materials and approved plans numbered 1, 3, 5, 7 and 9, floor and elevation plan and block plan.
- 3) 2.6AA – Materials to match (RC5AA)

152 **Land to the Rear of The Coach House, Queens Avenue, Bicester**

The Committee considered a report for one dwelling (resubmission of application 10/00784/F).

Councillor Miss Pickford requested that application 10/01856/F be deferred in order for a site visit to take place.

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

**Resolved**

That application 10/01856/F be deferred to enable Members to hold a formal site visit on 24th March 2011.

153 **81 Bloxham Road, Banbury**

The Committee considered a report for a two storey and single storey rear extension.

The Committee considered the height of the proposed extension.

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

**Resolved**

That application 10/01859/F be approved subject to:

- i) The expiration of the consultation period

The following conditions:

- 1) SC1.4A (RC2) Duration limit
- 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:
  - Plan no. BWC2010/GB/81BRB (amended plan rec. 07/02/11)
  - Site and block plan (amended plan rec. 08/02/11)
- 3) SC 2.6AA (RC5AA) Materials to match existing
- 4) That the first floor windows in the south elevation shall be glazed at all times with obscure glass. (RC6A)

154

**Land Adjacent Radwell Grounds, Duns Tew Road, Hempton**

The Committee considered a report for a corn store.

The Committee considered the issue of noise pollution and dust. Members also considered the possible impact on traffic movement.

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

**Resolved**

That application 10/01879/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 schedule of materials and approved plans numbered 2176/02 received 20/12/2010 and 2176/04 received on the 27/01/2011 and the site location plan .
- 3) The steel cladding shall be in accordance with the sample panel, Corus Colorcoat HPS200 Ultra Juniper Green submitted on the 20/12/2010.
- 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 rated level of noise emitted from grain drying equipment permitted by this approval shall not exceed background noise levels when measured in accordance with British Standard BS 4142:1997' Method for rating industrial noise affecting mixed residential and industrial areas' at nearby dwellings.
- 7) That the method of mechanical ventilation and dust control of the proposed corn store shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be installed before the buildings hereby approved are first brought into use and operated in accordance with the approved details at all times thereafter.

155

**Land South of 85 East Street, East Street, Fritwell, Oxfordshire**

The Committee considered a report for the erection of a detached four bedroom house, garage and workshop, disabled WC, allotments, pond and landscaping (resubmission of application 10/00677/F).

Councillor Macnamara spoke in favour of the application as Ward Member.

Mr Clive Shepherd spoke in favour of the application.

Mr Robert Thurlow spoke in favour of the application as the applicant.

The Committee considered the location of the property in relation to the village boundary and also discussed the size of the proposed development.

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

**Resolved**

That application 11/00028/F be refused on the following grounds:

- 1) The proposal represents an extension of the built up limits of the village into the open countryside, detracting from its rural character and visual amenities of the street scene thereby failing to conserve the heritage asset of the Fritwell Conservation Area and historic buildings in proximity contrary to government guidance in PPS5 – Planning for the Historic Environment, PPS7 – Sustainable Development in Rural Areas and Policies CC6, C4, BE6 of the South East Plan 2009 and Policies C7, C8, H13 and H18 of the adopted Cherwell Local Plan.
- 2) The proposed dwelling is incongruous in its setting as its design is incompatible with the appearance, layout, scale and density of existing dwellings in the vicinity detracting from the character of the area and failing to respect the historic settlement pattern contrary to Government Guidance in PPS1 – Delivering Sustainable Development, PPS3 – Housing, PPS5 – Planning for the Historic Environment and Policies CC6, BE1 and BE6 of the South East Plan 2009 and Policies C27, C28 and C30 of the adopted Cherwell Local Plan.

156

**Blue Gates, Banbury Road, Bicester**

The Committee considered a report for the erection of four three bed semi-detached dwellings and four four bed detached dwellings with vehicular access to Banbury Road and individual accesses to Taylor Close.

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 11/00093/F be approved subject to:

- i) The expiration of the 21 day consultation period

The following conditions:

- 1) SC 1.4A (RC2) [Time limit]
- 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's P01, P02, P03, P04 and P05.



- 3) SC 2.0A (RC4A) 'dwellings and garages' [Materials and finishes]
- 4) SC 3.0A (RC10A) [Submit landscaping]
- 5) SC 3.1A (RC10A) [Carry out landscaping]
- 6) SC 3.4AA (RC11A) 'west' '2.5m' [Retain tree/hedgerow]
- 7) SC 3.7AA (RC12AA) [Boundary enclosure details]
- 8) SC 4.3AA (RC13BB) (Banbury Road) [Access details for approval]
- 9) SC 4.8AA (RC13BB) 'Banbury Road' 'full faced kerb, reinstatement of path and verge' [Close existing access]
- 10) That prior to the commencement of the development, the proposed means of access to the dwellings fronting Taylor Close, 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. '3 metres' (RC13BB)
- 11) That before the development is first occupied, in relation to plot 3, a turning area and three car parking spaces shall be provided within the curtilage of the site so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, and as such the turning area and parking spaces 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. The turning area and car parking spaces shall be retained for the parking and manoeuvring of vehicles at all times thereafter. (RC15AA)
- 12) SC 4.13CD (RC13BB) [Parking and manoeuvring area retained]
- 13) SC 6.1AA (RC30) [Open fronts]
- 14) SC 6.2AA (RC32A) [No extensions]
- 15) SC 6.6AB (RC35AA) [No garage conversion]

157

**Variation of obligation which restricts the use of the accommodation ancillary to Buzzard Farm House, Chapel Lane, Little Bourton**

The Committee considered a report of the Strategic Director, Planning, Housing and Economy which sought the variation by agreement of S106 planning obligations relating to Buzzard Farm House, Chapel Lane, Little Bourton.

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

**Resolved**

That the variation of S106 planning obligations as set out in the report be allowed.

158 **Tree Preservation Order No. 10/2010 Yew tree at St Peters Church, South Newington**

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 a Yew tree at St. Peters Church, South Newington.

**Resolved**

That Tree Preservation Order No.10/2010 be confirmed without modification.

159 **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.

160 **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 6:20 pm

Chairman:

Date: