

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 12 March 2009 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Mrs Catherine Fulljames
Councillor Ken Atack
Councillor Colin Clarke
Councillor Diana Edwards
Councillor Eric Heath
Councillor David Hughes
Councillor James Macnamara
Councillor D M Pickford
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Lawrie Stratford
Councillor Rose Stratford

Substitute
Members: Councillor Trevor Stevens (In place of Councillor Michael Gibbard)
Councillor Barry Wood (In place of Councillor Maurice Billington)

Apologies for absence were received from Councillors Alastair Milne Home, Christopher Pack and George Reynolds

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Bob Duxbury, Development Control Team Leader
Paul Manning, Assistant Solicitor
Gemma Dixon, Assistant Planning Officer
Alexa Coates, Senior Democratic and Scrutiny Officer
Natasha Clark, Trainee Democratic and Scrutiny Officer

152 **Declarations of Interest**

Councillors declared interest with regard to the following agenda items:

6. Land West of Barn Field and Adjoining Akeman Street, Chesterton.

Councillor James Macnamara, Personal, as a member of Bicester Golf and County Club, which is to the north of the site.

7. Part of A Site, DSDC, Bicester, Piddington.

Councillor Leslie F Sibley, Prejudicial, as an employee of the MOD and member of Banbury CLP.

Councillor Barry Wood, Prejudicial, as an employee of the Defence Executive Agency who used to own the land adjacent to the site (now currently the Home Office).

Councillor D M Pickford, Personal, as a member of Bicester Town Council who may have previously considered the application.

Councillor Lawrie Stratford, Personal, as a member of Bicester Town Council who may have previously considered the application.

Councillor Rose Stratford, Personal, as a member of Bicester Town Council who may have previously considered the application.

9. Noral Way, Banbury.

Councillor Colin Clarke, Personal, as a member of Banbury Town Council who may have previously considered the application.

153 **Communications**

The Chairman informed the Committee that he had received a request to address the meeting from Councillor A. Fulljames at agenda item 6, Land West of Barn Field and Adjoining Akeman Street, Chesterton.

154 **Urgent Business**

There was no urgent business.

155 **Minutes**

The minutes of the meeting held on 19 February were agreed as a correct record and signed by the Chairman.

156 **Land West of Barn Field and Adjoining Akeman Street, Chesterton**

The Committee considered a report of the Head of Development Control and Major Developments for a change of use of land for commercial/storage uses including four open yards and erection of associated buildings and the construction of new vehicular access, internal service road and landscaping.

The application had been deferred from the meeting held on 19 February 2009 to allow for a site visit and further consideration of flooding issues and the applicants late offer of land for community use.

The Planning Officer informed the Committee that the Environment Agency had withdrawn its objection to the application.

Councillor A. Fulljames spoke in objection to the application as Ward Member.

The Committee discussed the special circumstances that applied to the application and that the application was a departure from usual policies. Some Members expressed concern however that approving the application under these circumstances would set a precedent.

Members also raised concerns relating to the impact of industrial business and increased traffic on the countryside.

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

Resolved

That application 08/0248/F be refused.

157 **Part of A Site, DSDC, Bicester, Piddington**

The Head of Development Control and Major Developments advised the Committee of a revised recommendation to defer the application in order to allow the applicants to negotiate further with the Environment Agency and Oxfordshire County Council Fire and Rescue Service to overcome issues raised, and to await comments from other consultees.

Members of the Committee also requested a site visit.

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

Resolved

That application 08/02511/F be deferred to allow the applicants to negotiate further with the Environment Agency and Oxfordshire County Council Fire and Rescue Service to overcome issues raised, to await comments from other consultees and to allow a site visit.

158 **Tusmore Park Farm, Tusmore, Bicester, OX27 7SH**

The Committee considered a report of the Head of Development Control and Major Developments for the conversion of existing barns to office space with appropriate welfare facilities and provision of new car parking, the replacement of existing windows and doors with new timber framed windows and doors and screens with double glazed units and new roof lights and a roof entrance canopy. The application was a re-submission of planning application 07/02228/F.

The Committee were satisfied with the evidence presented by Officers. In reaching their decision the Committee considered the Officers' report, written update and presentation.

Resolved

That application 08/02592/F be approved subject to the following conditions:

- 1) SC 1.4A (RC2) Full Duration Limit (3 years)
- 2) SC 2.5B (RC5) Rem Nat Stone to Match Exg insert: buildings, limestone.
- 3) The roof lights shall be conservation grade roof lights which shall fit flush with the roof plane. (Reason: RC27A)
- 4) Full external joinery details of the windows and doors at a scale of 1:20 including across section, material details and colour/finish, shall be submitted to and approved in writing to the Local Planning Authority prior to the commencement of the development. The development shall be carried out in

accordance with the approved details. (Reason: To ensure that appropriate material and finishes are used to preserve the character of the historic building and to comply with policy C28 of the adopted Cherwell Local Plan)

- 5) SC 3.0 (RC10) Submit Landscaping Scheme
- 6) SC 3.1 (RC10) Implementation of Landscaping and Reps
- 7) SC 4.13CC (RC13.B) Parking and Manoeuvring Area Retained
- 8) SC 4.14C (RC66) Cycle Parking
- 9) SC 6.1AA (RC34A) Res Open Fronts-Ret Op Char
- 10) SC6.15A (RC40A) Use Class (Specified) insert: B1
- 11) Full design details of a lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be carried out in accordance with the approved details. (Reason: RC50)
- 12) SC 8.20 (RC10) Location of Refuse Storage Area

159

Noral Way, Banbury

The Committee considered a report of the Head of Development Control and Major Developments for a change of use of existing buildings from Class B2 and ancillary B1(A) to flexible uses: use Class B2 and/or B8 and ancillary B1(A).

The Committee raised concerns relating to the large number of buildings applying for change of use to Class B8 and the potential detrimental effect this could have on economic development and prosperity in the district.

Officers advised the Committee that it was more beneficial for buildings to be occupied than remain empty and they could revert to Class B1 or Class B2 use in the future.

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

Resolved

That application 09/00097/F be approved subject to the following conditions:

- 1) SC 1.4A Full Permission
- 2) SC 3.0 Submit Landscaping Scheme
- 3) SC 3.1 Carry Out Landscaping Scheme
- 4) SC 4.15(a) Parking, Servicing and Manoeuvring Areas Kept Free of Obstruction
- 5) SC 6.15(a) Use Class (Specified) – Class B/B8 With Ancillary B1(a) Only
- 6) SC 7.13 No Ext Storage or Other Ops

- 7) SC 8.5 Noise Emission Mechanical Equipment
- 8) SC6.4BB Commercial No Mezzanines
- 9) That the premises shall not be used for use as a parcel distribution centre unless otherwise agreed in writing by the Local Planning Authority including the submission of a further Traffic Assessment which includes the likely traffic generated by such a use and its impact on the Local Highway network.
- 10) That prior to the occupation of the building, the existing security gate at the site entrance shall be set back a minimum of 10 metres from the highway boundary to enable HGV's to stand clear of the highway before the gates are opened. Full details of this shall be submitted to and agreed in writing by the Local Planning Authority prior to the works being carried out
- 11) Prior to 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 50 provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.
- 12) That prior to the first occupation of the development hereby permitted a Green Travel Plan shall be submitted and agreed in writing by the Local Planning Authority.

160 **Tree Preservation Order (No 9) 2009 Trees at The Bothy, Weston Road, Bletchingdon**

The Committee considered a report of the Head of Development Control and Major Developments to seek the confirmation of an unopposed Tree Preservation Order.

Resolved

That the order be confirmed without modification.

161 **Decisions Subject to Various Requirements - Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments updating Members upon the applications which they had authorised and decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

The Development Control Leader provided an additional update on application 05/01337/F. The Committee was advised that the engrossment process had begun.

The Committee asked for a further update on application 07/00422/F. Officers advised Members that the S106 Agreement was currently being circulated for signature.

Resolved

That the position statement be noted.

162 **Appeals Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments updating Members upon the applications upon which they had been determined by the Council, where new appeals had been lodged, public inquiries/hearings, schedules or appeal results received.

Resolved

That the position statement be noted.

163 **Discharging of S106 Agreement Yellowwell House, Horton Lane, Horley**

The Committee considered a report of the Head of Development Control and Major Developments informing Members that a request to rescind or discharge an existing S106 Agreement had been received, following the granting of consent (08/02398/F – delegated) for the erection of a house and dwelling at the site.

Resolved

That the S106 Agreement be discharged.

164 **Introduction of Public Speaking at Planning Committee - Procedure Rules**

The Committee considered a Joint report of the Head of Development Control and Major Developments and the Head of Legal and Democratic Services on the proposed procedure rules required to be added to the constitution, the draft code of conduct declaration and the draft leaflet for members of the public which will advise on their rights to speak at Planning Committee.

Resolved

- 1) That the Procedure Rules be approved.
- 2) That the Draft Guidance Leaflet be approved.
- 3) That the Code of Conduct Declaration be approved.

The meeting ended at 5.37 pm

Chairman:

Date: