

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 7 October 2010 at 4.00 pm

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

Councillor Ken Atack  
Councillor Mrs Catherine Fulljames  
Councillor Michael Gibbard  
Councillor Chris Heath  
Councillor Alastair Milne Home  
Councillor David Hughes  
Councillor James Macnamara  
Councillor D M Pickford  
Councillor G A Reynolds  
Councillor Leslie F Sibley  
Councillor Chris Smithson  
Councillor Trevor Stevens  
Councillor Lawrie Stratford  
Councillor Barry Wood

Apologies for absence: Councillor Maurice Billington  
Councillor Colin Clarke  
Councillor Nick Cotter  
Councillor Mrs Diana Edwards

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

72

### Declarations of Interest

Members declared interest with regard to the following agenda items:

#### **9. The Indian Pantry, 65 Calthorpe St, Banbury.**

Councillor G A Reynolds, Prejudicial, as a Member of the Licensing Sub-Committee that considered the application.

Councillor Michael Gibbard, Prejudicial, as a Member of the Licensing Sub-Committee that considered the application.

73 **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.

74 **Urgent Business**

There was no urgent business.

75 **Minutes**

The Minutes of the meeting held on 9 September 2010 were agreed as a correct record and signed by the Chairman.

76 **Whitmore Arms, Main Street, Hethe, Bicester OX27 8ES**

The Committee considered a report for the change of use of premises from Class A4 (public house) to Class C3 (residential).

One resident of Hethe spoke in objection to the application.

Mr Iain Hodgson spoke in favour of the application as the applicant.

The Committee considered the loss of this important village amenity and the marketing exercises carried out by the applicant.

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

**Resolved**

That application 10/01340/F be refused for the following reasons:

- (1) The proposal has failed to adequately demonstrate that the business is unviable in the longer term such that closure is inevitable. The marketing price is likely to be too high and there is insufficient evidence to show how that valuation was arrived at. On this basis, the loss of this village service which serves the basic needs of the local community cannot be justified at this time in accordance with policy S29 of the adopted Cherwell Local Plan and policy S26 of the non-statutory Cherwell Local Plan.
- (2) The pub is grade II listed and forms part of the established Hethe Conservation Area and its loss would seriously undermine its historic importance as a social venue and meeting place thereby harming the heritage asset of the Conservation Area contrary to central government advice contained in PPS5: Planning for the Historic Environment.

- (3) The proposal represents an unsustainable development as it would fail to improve the viability, accessibility or community value of an existing service and facility which is contrary to central government advice contained in PPS1 - Delivering Sustainable Development and PPS7 – Sustainable Development in Rural Areas.

77 **The Otmoor Lodge, Horton Hill, Horton cum Studley, Oxon, OX33 1AY**

The Committee considered a report for the variation of condition 7 of planning application 07/02478/F to permit the project to be constructed in two phases.

The Committee was satisfied with the evidence presented.

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

**Resolved**

That application 10/01021/F be approved subject to:

- i) the applicant entering into a legal agreement concerning the maximum cessation of works between phases 1 and 2 of the hotel extensions and the physical treatment of phase 1 in that eventuality.
- ii) the following conditions:
  - (1) That the part of the hotel extension permitted under planning permission references 06/01927/OUT and 09/01697/REM and 09/00936/F are shown in red on the drawings submitted with this application shall be built concurrently with houses 1 and 2 permitted under 07/02478/F and that thereafter that part of the hotel extension permitted under the above permissions and shown in blue of the drawings submitted with this application shall be built concurrently with houses 3 and 4 of the houses permitted under 07/02478/F. Neither of the houses in each phase shall be occupied until the related phase of the hotel is complete and ready for use.

78 **Wardington House Nursing Home, Wardington, Banbury**

The Committee considered a report for a new bedroom extension to Wardington House Nursing Home.

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 10/01055/F be approved subject to the following conditions:

- (1) SC1.4a [Full Permission: Duration Limit] (3 years) (RC2)
- (2) Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement dated July 2010, RSK Carter Ecological letter dated 14 September 2010, and drawings numbered 001A, 004D, 005D, 006C, 059A, 060G, 063F, 068B, 070J, 072C, 073A, 074B, 075A, 076A, 077A, 078C, 082A, 083C, 084B and 086A.
- (3) SC2.2a [Samples of Walling Materials] (RC4a) insert: 'ashlar stone', 'extension'
- (4) That the ashlar stone (sample to be agreed in accordance with condition 2) shall be laid in random course height which, other than any quoin stones included on the corners of the extension, shall not exceed a bed depth of 22cm. (RC4a)
- (5) SC2.2bb [Samples of Roofing Materials] (RC4a) insert: 'roofing materials', 'extension'
- (6) SC5.5 Submit New Design Details] (RC4a) insert: 'doors, windows, dormer windows and rooflights'
- (7) SC3.0a [Submit Landscaping Scheme] (RC10a)
- (8) SC3.1 [Carry Out Landscaping Scheme and Replacements (RC10a)
- (9) SC4.14bc [Plan of Car Parking Provision (Unspecified number of spaces)] (RC15aa)
- (10) That the three best practice measures listed on page 3 of the RSK Carter Ecological Animal Walk Over Survey dated 14 September 2010 relating to the removal of grass cuttings, vegetation and the felling of the Holly Trees shall be strictly adhered to.
- (11) SC9.6a [Fire Hydrants] (RC87a)

79 **Land to the West and South of Numbers 7 to 26 The Green, Chesterton**

The Committee considered a report for the erection of sixty three dwellings, new village hall/sports pavilion and associated car parking, enlarged playing pitches, new children's play area, access and landscaping.

Mrs Lorna James spoke in objection to the application as a resident of Chesterton.

Councillor Philip Clarke spoke in favour of the application as a Member of Chesterton Parish Council.

Mr John Walbank spoke in favour of the application as a resident of Chesterton.

The Committee considered the impact the proposed development would have on the countryside, given that it was contrary to both the adopted and non-statutory local plan policies. The Committee also considered the potential benefits the proposed development would bring to village amenities.

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

### **Resolved**

That application 10/01278/OUT be refused for the following reasons:

- (1) The proposal represents development beyond the built up limits of the settlement and will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS 3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone. A development of this scale is inappropriate given the size of village and existing level of provision of village facilities. As such the proposed development is contrary to the saved policies H13, H18 and C7 of the adopted Cherwell Local Plan and Planning Policy Statement 3 Housing.
- (2) In the absence of a satisfactory unilateral undertaking or any other form of S106 Legal Agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, contributions to playing pitches, education facilities, library facilities and transport measures will be provided, which would be contrary to Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.

80

### **The Indian Pantry, 65 Calthorpe St, Banbury**

The Committee considered a report for the variation of condition 5 of 08/02513/F to extend the operational use of the premises to Monday – Thursday 11am to 11pm, Friday and Saturday 11am to 1am, Sunday and Public Holidays 11am to 11pm.

The Committee considered the impact that the proposed change of opening hours would have on neighbouring properties.

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

### **Resolved**

That application 10/01282/F be approved subject to the following conditions:

(1) That at the expiration of 6 months from the date hereof the opening hours specified in this application shall be discontinued and shall revert to those set out in Condition 5 of Application Ref 08/02513/F.

(2) That the operational use of the premises shall be restricted to the following times:-

Monday to Thursday - 11am to 11pm

Friday and Saturday - 11am to 1am

Sunday and Public Holidays - 11am to 11pm

81 **Tree Preservation Order (No. 16) 2010 Sycamore tree at Turnstile House, Barford St. Michael**

The Committee considered a report which sought the confirmation of an opposed Tree Preservation Order relating to a Sycamore tree at Turnstile House, Barford St Michael.

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

**Resolved**

That Tree Preservation Order No.16 2010 be confirmed without modification.

82 **Tree Preservation Order (No. 17) 2010 Sycamore tree at Hill House, Workhouse Lane, Bloxham**

The Committee considered a report which sought the confirmation of an opposed Tree Preservation Order relating to a Sycamore tree at Hill House, Workhouse Lane, Bloxham.

The Committee considered the safety and location of the tree.

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

**Resolved**

That Tree Preservation Order No. 17 2010 be confirmed without modification.

83 **Tree Preservation Order (No. 18) 2010 three Hazel trees, six Plum trees, one Apple tree and one Rowan tree at 12 Valentia Close, Bletchington**

The Committee considered a report which sought the confirmation of an unopposed Tree Preservation Order relating to three Hazel trees, six Plum trees, one Apple tree and one Rowan tree at 12 Valentia Close, Bletchington.

**Resolved**

That Tree Preservation Order No. 18 2010 be confirmed without modification.

84 **Quarterly Enforcement Report**

The Committee considered a report which updated Members on the progress of outstanding formal enforcement cases and informed Members of caseload statistics.

**Resolved**

That the report be accepted.

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

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

**Resolved**

That the position statement be accepted.

86 **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 6.45 pm

Chairman:

Date: