

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 1 December 2011 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)
Councillor Alastair Milne Home (Vice-Chairman)

Councillor Ken Atack
Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor George Parish
Councillor D M Pickford
Councillor G A Reynolds
Councillor Trevor Stevens

Apologies for absence: Councillor Tim Emptage
Councillor Chris Heath
Councillor James Macnamara
Councillor Lawrie Stratford

Officers: Bob Duxbury, Development Control Team Leader
Caroline Roche, Planning Officer (Major Developments)
Ross Chambers, Solicitor
Natasha Clark, Team Leader, Democratic and Elections

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Declarations of Interest

Members declared interests in the following agenda items:

6. Land off School Lane, Cropredy.

Councillor Ken Atack, Personal, as the applicants were near neighbours and acquaintances.

8. Land at Bury Court Farm, North of Hanwell, Warwick Road, Banbury.

Councillor Fred Blackwell, Prejudicial, as his son was a pilot and had an aircraft stationed at the airfield adjacent to the site.

9. Land East of Uplands Farm and North West of Hyde Smith Farm, Quarry Road, Hornton.

Councillor G A Reynolds, Prejudicial, due to land ownership adjacent to one of the sites.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council which would determine the application.

10. 42 South Bar Street, Banbury.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Personal, as a member of Banbury Town Council which had been consulted on the application.

Councillor George Parish, Personal, as a member of Banbury Town Council which had been consulted on the application.

11. 42 South Bar Street, Banbury.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Personal, as a member of Banbury Town Council which had been consulted on the application.

Councillor George Parish, Personal, as a member of Banbury Town Council which had been consulted on the application.

15. Appeals Progress Report.

Councillor Mike Kerford-Byrnes, Personal, as the neighbour of the applicants referred to in paragraph 3.1 of the report.

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

There were no petitions. The Chairman advised that requests to address the meeting would be dealt with at each item.

121 **Urgent Business**

There was no urgent business.

122 **Minutes**

The Minutes of the meeting held on 3 November 2011 were agreed as a correct record and signed by the Chairman.

123 **Communications**

Councillor Atack made a statement regarding Minute 118 of the Minutes of the Planning Committee of 3 November 2011 which concerned the Appeals Progress report. Paragraphs 3.3 and 3.4 of that report had referred to the

appeal outcome of nine plots on the Oxford Canal in Claydon. Sixteen plots had been investigated by CDC Enforcement Officers following a referral by Councillor Atack on behalf of Claydon-with-Clattercote Parish Council. Once the initial site reviews and legal process had started, Councillor Atack confirmed he had occasional officer contact to determine progress but had no involvement with the case once the enforcement notices were issued and had not attended the appeal hearings. He reported that he had been contacted by two residents of his ward saying he had made erroneous comments at the 3 November Planning Committee meeting regarding the remaining seven plots which were owned by the residents. At that meeting Councillor Atack had stated that enforcement notices issued against the seven plots had not been appealed whereas they had not in fact been included in the enforcement programme. Councillor Atack reported that he had apologised by email to the residents for his oversight and any concern he caused and wished to acknowledge matters to the Planning Committee.

124 **Land off School Lane, Cropredy**

The Committee considered a report for a proposed marina with new access from Oxford Canal complete with associated car parking and facilities buildings (as amended by plans received 16/09/11)

Councillor Atack reported that there was a second application relating to a proposed marina that was likely to be presented to the Committee for consideration in January 2012 and that it may be useful for Members to visit the site prior to making a decision on each application.

Councillor Reynolds proposed that the application be deferred for a site visit. Councillor Blackwell seconded the proposal.

Resolved

That consideration of application 11/01069/F be deferred for a site visit.

125 **Land at Bury Court Farm, North of Hanwell, Warwick Road, Banbury**

The Committee considered a report for the installation and operation of a wind monitoring mast for a period of up to 24 months.

The Planning Officer (Major Developments) advised Members that she had received an email from Mollington Parish Council whose consultation response had not been included in the report to the Committee. She confirmed that their concerns echoed those of Cropredy Parish Council and Claydon-with-Clattercote Parish Council, which had been referenced in the report.

Councillor Webb spoke in opposition to the application as Ward Member.

Simon Jackson, Councillor at Stratford District Council who had been consulted on the application, spoke in objection to the application. Councillor Jackson addressed the Committee as the spokesperson for Giles Dessian,

representative for Hanwell Parish Council, Charles Wilford, representative of the residents' Windfarm Action Group and Jane Winter, representative of Hanwell residents and Shanwag Action Group, who had also objected to the application.

Robin Basten, representative of the company submitting the application, spoke in favour of the application.

The Committee considered the residential impact, visual and heritage impact and the ecological and conservation impact of the proposal. Members of the Committee raised concerns that the proposed wind mast could have an adverse effect on aviation safety in the vicinity.

Members noted that the proposal was linked to a future renewable energy source but that, in Members' view, it was contrary to a number of the Council's planning policies.

Councillor Attack proposed that the application be refused. Councillor Catherine Fulljames seconded the proposal.

In reaching their decision, the Committee considered the Officers' report, presentation and written update, the address of the Ward Member and the addresses of the public speakers.

Resolved

That application that application 11/01391/F be refused for the following reasons:

- (1) It was contrary to the following policies of the Adopted Cherwell Plan: C1, C2, C13
- (2) It was contrary to the following policies of the Non-Statutory Local Plan: EN21, EN34
- (3) Concerns over aviation safety

(Councillor Blackwell left the meeting for the duration of this item.)

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Stable Block Corner, Farnborough Road, Mollington

The Committee considered a report for the replacement of a flat roof on an outbuilding with a pitched roof.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/01383/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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered 1073-OB-01 and 1073-OB-02a and A4 Site location Plan.

(Councillor Milne-Home left the meeting at the conclusion of this item.)

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Land East of Uplands Farm and North West of Hyde Smith Farm, Quarry Road, Hornton

The Committee considered a report which sought the comments of Cherwell District Council on a consultation from Oxfordshire County Council relating to an undetermined 1997 application to the County Council as Minerals Planning Authority for approval of up-to-date conditions relating to a mineral-extraction consent granted by the then Minister of Housing and Local Government in 1957. The application was for new conditions (review of old mineral permission) of permission reference: 1899/9/6 for Ironstone Workings – Shenington and Shutford at Shenington Quarry (OCC Ref. MW.0121/11).

The Committee was satisfied with the evidence presented.

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

Resolved

That Oxfordshire County Council be advised that Cherwell District Council objects to this proposal as it has *significant* concerns over the ability of the suggested conditions to properly and appropriately protect the character, appearance, landscape quality and amenity of the affected areas, due to the level of detail and extent of extraction proposed. *It is suggested that conditions are required that specify the minimum distance between residential properties and areas to be worked for minerals and to adequately control the routing of HGVs.* If conditions are agreed which would allow the extraction of minerals on these sites, Cherwell District Council would request that serious consideration be given to the monitoring and enforcement of any conditions imposed in order to ensure adequate protection of the character and amenity of the area.

Cherwell District Council request that they be informed of the outcome of the application once a decision has been made.

(Councillor Reynolds and Councillor Catherine Fulljames left the meeting for the duration of this item.)

(Councillor Rose Stratford left the meeting at the conclusion of this item.)

128 **Appointment of Chairman**

Resolved

That Councillor Colin Clarke be appointed Chairman for the remainder of the meeting.

129 **42 South Bar Street, Banbury**

The Committee considered a report for a variation of Condition 2 of planning application 11/00974/F in order to allow the removal of the former stairwell from the rear of the building.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/01530/F be approved subject to the satisfactory expiry of the consultation period and:

- (i) The applicants entering into a legal agreement to the satisfaction of the District Council to ensure compliance with the terms of the agreement entered into on the original application.
- (ii) The imposition of the following conditions:
 - (1) SC 1_4A (Time limit 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.

130 **42 South Bar Street, Banbury**

The Committee considered a report for the conversion of existing offices to 13 no. apartments to include rear service area and bicycle store.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 11/01531/LB be approved, subject to the satisfactory expiry of the consultation period and 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_7 (Making good in materials to match)
- (4) SC 5_5AA (Design details) "internal staircase"

131 **Ferris Hill Farm, Hook Norton Road, Sibford Ferris**

The Chairman reported that application 11/01559/CM had been withdrawn by the applicant with Oxfordshire County Council.

132 **Ferris Hill Farm, Hook Norton Road, Sibford Ferris**

The Chairman reported that application 11/01560/CM had been withdrawn by the applicant with Oxfordshire County Council.

133 **Decisions Subject to Various Requirements**

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

Resolved

- (1) That the position statement be accepted.

134 **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

- (1) That the position statement be accepted.

The meeting ended at 5.50 pm

Chairman:

Date: