

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 28 November 2013 at 4.00 pm

Present: Councillor Alastair Milne Home (Vice-Chairman, in the Chair)

Councillor Ken Atack
Councillor Andrew Beere
Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Gordon Ross
Councillor Trevor Stevens
Councillor Lawrie Stratford

Substitute Members: Councillor Barry Wood (In place of Councillor Rose Stratford)

Apologies for absence: Councillor Rose Stratford

Officers: Bob Duxbury, Development Control Team Leader
Laura Bailey, Principal Planning Officer
Gemma Magnuson, Senior Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Team Leader Democratic and Elections

145

Declarations of Interest

Members declared interests in the following agenda items:

8. Centurion PH, Leach Road, Bicester, OX26 6JU.

Councillor D M Pickford, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor James Macnamara, Conflict of Interest, as a member of St John's Ambulance which had a place opposite the application site.

11. Parkside, 8 Hunt Close, Bicester, OX25 6HU.

Councillor D M Pickford, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

12. Bicester Hotel Golf and Spa, Akeman Street, Chesterton.

Councillor D M Pickford, Conflict of Interest, as a member of the Bicester Hotel Golf and Spa gym.

Councillor D M Pickford, Non Statutory Interest, as a member of Bicester Town Council, which had been consulted on the application.

Councillor James Macnamara, Conflict of Interest, as a member of the Bicester Hotel Golf and Spa gym.

Councillor Lawrie Stratford, Conflict of Interest, as a member of the Bicester Hotel Golf and Spa gym.

146 **Requests to Address the Meeting**

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

147 **Urgent Business**

There was no urgent business.

148 **Minutes**

The Minutes of the meeting held on 31 October 2013 were agreed as a correct record and signed by the Chairman.

149 **Chairman's Announcements**

There were no Chairman's announcements.

150 **Old Ironstone Works, Horley Path Road, Wroxton, Banbury OX15 6AY**

The Committee considered application 13/01065/F for retrospective permission for the renewal of temporary planning for 3 portacabins for changing rooms and stores for youth football and the addition of a mobile home for use by security person on evenings and weekends.

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

Resolved

That application 13/01065/F be refused for the following reasons:

1. The applicant has failed to establish that the mobile home is essential for the proper functioning of the football club and that someone needs to be readily available at most times at the site. Therefore, the proposal fails to meet the requirements of the National Planning Policy Framework and saved policy H18 of the Adopted Cherwell Local Plan 1996.
2. The proposed mobile home represents a sporadic development in the countryside that would add to the collection of temporary structures on this land and would be detrimental to the visual amenities and open rural character of the area and the Area of High Landscape Value in which it is set, contrary to the advice within the National Planning Policy Framework and policies C7, C8 and C13 of the adopted Cherwell Local Plan 1996.

151

Centurion PH, Leach Road, Bicester, OX26 6JU

The Committee considered application 13/01348/F for the proposed demolition of The Centurion Public House and erection of a 53 bed C2 Care Facility and associated parking.

Prior to consideration of the application, Councillor Pickford proposed that consideration of the application be deferred for a site visit. Councillor Hurle seconded the proposal. The proposal was voted on and subsequently lost.

Paul Beasley, a local resident, spoke in objection to the application.

Tony Kirby, a Highways Consultant for the Client, spoke in support to the application.

Councillor Pickford proposed that application 13/01348/F be refused. Councillor Hurle seconded the proposal.

In reaching their decision, the committee considered the officers report, presentation, written update and presentation of the speakers.

Resolved

That application 13/01348/F be refused for the following reason:

The proposal by virtue of its scale, siting and layout represents a cramped overdevelopment of the site out of keeping and conflicting with the general character of the surrounding area. Furthermore, the proposal fails to provide an appropriate level of off street car parking commensurate with the scale of the development, which is likely to lead to an increase in on street car parking and consequential detriment to highway safety and convenience of other road users. The proposal is therefore contrary to the provisions of Policies C28 and C30 of the adopted Cherwell Local Plan, Policy TR11 of the Non Statutory

Cherwell Local Plan and central Government guidance contained within the National Planning Policy Framework.

152 **2 Exton Cottages, Station Road, Ardley, OX27 7PD**

The Committee considered application 13/01413/F for the erection of a single storey extensions to the front, side and rear of the existing dwelling.

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

Resolved

That application 13/01413/F be approved, subject to the following conditions:

1. 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 drawing number: 1012 4D received in the department on 07/11/13.
3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s), including samples, of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
4. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the extensions without the prior express planning consent of the Local Planning Authority.

153 **19 Milton Road, Bloxham, OX15 4HD**

The Committee considered application 13/01426/F for a new two storey dwelling.

Councillor Heath proposed that application 13/01426/F be refused. Councillor Pickford seconded the proposal. The proposal was voted on and subsequently lost.

In reaching their decision, the committee considered the officers report and presentation.

Resolved

That application 13/01426/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 Tree Report produced by Sacha Barnes Ltd (ref: SB/JS/313) and dated September 2013 and the following approved plans: 1179-02.A; 1179-03.C; 1179-04.C; and SB/JS/313/TS.
- 3 That the external walls and roof of the dwelling shall be constructed in accordance with a schedule 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 full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the dwelling.
- 5 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 6 That the legally defined line of the footpath affected shall not be obstructed during or after the construction of the dwelling.
- 7 a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the decision.

- 8 The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the submitted Tree Report produced by Sacha Barnes Ltd (ref: SB/JS/313) and dated September 2013.
- 9 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.
- 10 If a potential risk from contamination is identified as a result of the work carried out under condition 9, 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.
- 11 If contamination is found by undertaking the work carried out under condition 10, 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.
- 12 If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 13 That the landing and first floor windows in the western elevation shall be glazed at all times with obscured glass that complies with British Standard Category C.
- 14 That, notwithstanding the provisions of Classes A, B and C of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent

amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the western and southern elevations of the building without the prior express planning consent of the Local Planning Authority.

- 15 That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the approved dwelling(s) shall not be extended (nor shall any structures be erected within the curtilage of the said dwelling(s) without the prior express planning consent of the Local Planning Authority.

154

Parkside, 8 Hunt Close, Bicester, OX25 6HU

The Committee considered application 13/01474/F which sought consent for the erection of a two storey side extension, to replace the single storey side element approved under the extant consent.

Mr David Carter, the applicant, addressed the Committee in support of the application.

In reaching their decision the Committee considered the officers' report and presentation and the presentation of the public speaker.

Resolved

That application 13/01474/F be approved, subject to the following conditions:

1. 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 following plans and documents listed below:

Drawings: SK.12-565-07A, 153, 154, 155 and 156

3. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the proposed parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
4. Prior to the first occupation of the development hereby approved, the first floor window in the north east elevation of the dwelling shall be fixed shut, other than a top hung opening element, and shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

155 **Bicester Hotel Golf and Spa, Akeman Street, Chesterton**

The Committee considered application 13/01492/F for the change of use of 4 hectares of land at the south west corner of the wider site (which extends to 46 hectares) to form an assault course.

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

Resolved

That application 13/01492/F be approved, subject to the following conditions:

1. 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 following plans and documents: Location and block plans numbered SK.13-617-01 Planning, Design and Access Statement, Assault course details and application forms received with the application.
3. The assault course hereby approved shall not be operated otherwise than ancillary to and in connection with the Bicester Hotel Golf and Spa.

156 **Manor Farm Buildings, Mollington Road, Claydon**

The Committee considered application 13/01506/F for the demolition of the majority of the barn leaving only the section of residential use covered by the certificate of lawfulness and to extend the remaining section to form a large, detached, four bedroom dwelling with associated domestic curtilage.

Mr Robert Ulyett, the applicant, addressed the Committee in support of the application.

In reaching their decision the Committee considered the officers' report, written update and presentation and the presentation of the public speaker.

Resolved

That application 13/01506/F be refused for the following reasons:

1. The proposed dwelling constitutes residential development beyond the built up limits of the settlement for which no justification for essential need has been submitted. In its proposed location the dwelling would detract from the open and spacious, rural character of the area. As such the proposal is considered to be contrary to government guidance contained within the National Planning Policy Framework and Policy H18 of the adopted Cherwell Local Plan.

2. The proposed dwelling and attached garage, by virtue of their scale, design and siting would cause harm to visual amenity, would not be in keeping with the character of the area and would therefore neither conserve nor enhance the environment or the rural character of the area. As such the proposal would cause harm to visual amenity and the designated Area of High Landscape Value, contrary to government guidance contained within the National Planning Policy Framework and Policies C13 and C28 of the adopted Cherwell Local Plan.

157 **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

158 **Appeals Progress Report**

The Committee considered a report which updated Members on application which had been determined by the Council, where new appeals had been lodged, hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted

The meeting ended at 6.05 pm

Chairman:

Date: