

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 14 April 2016 at 4.00 pm

- Present: Councillor Colin Clarke (Chairman)
Councillor Fred Blackwell (Vice-Chairman)
- Councillor Andrew Beere
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Matt Johnstone
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Alastair Milne Home
Councillor Richard Mould
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Rose Stratford
- Substitute Members: Councillor Barry Wood (In place of Councillor Lawrie Stratford)
- Apologies for absence: Councillor Lawrie Stratford
Councillor Sean Woodcock
- Officers: Jon Westerman, Development Services Manager
Bob Duxbury, Development Control Team Leader
Victoria Barrett, Assistant Planning Officer
Stuart Howden, Senior Planning Officer
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer
Aaron Hetherington, Democratic and Elections Officer

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Declarations of Interest

8. 3 West Bar Street, Banbury.

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

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council, which had been consulted on the application.

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

201 **Requests to Address the Meeting**

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

202 **Urgent Business**

The Chairman advised that he had agreed to add one exempt item of urgent business to the agenda relating to an appeal by CPG Development Projects Ltd. The matter arose after the publication of the agenda and a decision was required before the next meeting of the committee due to the on-going legal discussions.

As this item was exempt, it would be taken after agenda 11. Members would need to resolve to exclude the press and public from the meeting before considering the item. Members were recommended to resolve that under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the urgent item of business on the grounds that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraph 5 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

203 **Minutes**

Subject to the following amendments, the Minutes of the meeting held on 17 March 2016 were agreed as a correct record and signed by the Chairman, subject to the following amendment to Minute 160:

Minute 160 Orchard Way, Heyford Road, Somerton, Bicester, OX25 6LL

The published refusal reason needs to be replaced with the following:

The proposed development would, by virtue of its siting, design and scale, result in a visually prominent and intrusive addition on a loosely developed and elevated important gap of land that forms part of the character of the loose knit settlement of Somerton and the setting of the designated Conservation Area, resulting in harm to the significance of the setting of the heritage asset where no public benefits arising from the proposal have been identified, contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the Cherwell Local Plan 1996.

204 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

205 **Cropredy Marina, Claydon Road, Cropredy, Banbury**

The Chairman advised that application 15/01949/F had been withdrawn by the applicant.

206 **3 West Bar Street, Banbury**

The Committee considered application 16/00037/F for the conversion and change of use of existing offices to create 12 no. new apartments. Works including: new 2.5 storey extension (previously approved); replacement of existing single storey element with 2.5 storey extension (previously approved 2 storey extension); associated landscaping and parking (amended scheme to 08/01665/F).

In reaching their decision, the committee considered the officer's report, presentation and written update.

Resolved

That application 16/00037/F be approved, subject to:

- a) The applicant entering into an appropriate legal agreement to the satisfaction of the District Council to secure an off-site financial contribution to affordable housing, as outlined in paragraph 5.43 of the report, to be completed no later than 8 July 2016.
- b) 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 Form submitted with the application;
 - Design and Access Statement submitted with the application;
 - Drawing Number 2577 PL 001 submitted with the application;
 - Drawing Numbers 2577 PL 100 B and 2577 PL 102 B received from the applicant's agent by e-mail on 2nd February 2016; and

- Drawing Number 2577 PL 101 C received from the applicant's agent by e-mail on 12 April 2016.
3. Prior to the commencement of the development hereby approved, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size), shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the extensions shall be constructed in strict accordance with the approved brick sample panel.
 4. Prior to the commencement of the development hereby approved, samples of the slate to be used in the construction of the roof of the extensions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
 5. Prior to the commencement of the development hereby approved, full details of the design, construction, materials and finished appearance of the new doors, windows, chamfered stone sills and window lintels 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 details.
 6. Prior to the construction of the bin store, and notwithstanding the details shown on the approved plans, revised and full details of the siting, design, construction, materials, and finished appearance of the bin store shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the bin store shall be completed and made available for use in accordance with the approved details.
 7. Prior to the first occupation of the development hereby approved, and notwithstanding the details shown on the approved plans, revised and full details of the siting, design, construction, materials, and finished appearance of facilities to provide 20 bicycle parking spaces to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, the approved bicycle parking shall be completed and made available for use in accordance with the approved details, and shall be maintained as such thereafter.
 8. Prior to the first occupation of the development hereby approved, turning areas incorporating a total of 12 car parking spaces as shown on drawing 2577 PL 100 rev B shall be provided within the curtilage of the site allowing vehicles to enter and leave in a forward gear. The turning and parking area shall be constructed, laid out, surfaced and drained in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work.
 9. Prior to commencement of the development hereby approved, a Construction Travel Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the

approved CTMP shall be implemented and operated in accordance with the approved details.

10. A Travel Information Pack, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation, shall be provided to every household.
11. Prior to the commencement of the development hereby approved, details of a scheme for the location of swift bricks or boxes in or on the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the nesting provisions shall be installed on the site in accordance with the approved details.
12. Prior to the commencement of the development, 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, shall be submitted to and approved in writing by the local planning authority. Thereafter, and prior to the first occupation of the development, the approved drainage scheme shall be implemented in full.
13. Prior to the commencement of the development, a Sustainability Statement detailing the measures to be used to maximise the energy efficiency and reduce the environmental impacts of the development, 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 details.
14. Prior to the commencement of the development hereby approved full details of the siting, landscaping and treatment of a Local Area of Play (LAP) to be provided within the site together with a timeframe for its provision and details of its ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority. The approved LAP shall be landscaped, laid out and completed prior to the first occupation of the development, and shall thereafter be retained and maintained at all times as open space/play space in accordance with the approved details.
15. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site 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, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter the development shall be carried out in accordance with the approved landscape scheme.

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, 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. Any trees, herbaceous planting 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 current/next planting season with others of similar size and species.
17. The brick detailing on the existing building consisting of a course of projecting bricks and brick arches over the existing windows shall be replicated on the extensions hereby approved in terms of pattern and height.
18. Except to allow for the means of access and vision splays, the existing hedgerow along the northern (front) boundary of the site shall be retained and properly maintained at a height of not less than 1.5 metres, and any hedgerow plant which dies within five years from the completion of the development shall be replaced with a plant of the same or similar species and shall thereafter be properly maintained in accordance with this condition.
19. The rainwater goods to be installed on to the building shall be constructed from wrought iron or profiled aluminium coloured black.
20. The fascia boards on the existing building shall be replicated on the extensions hereby approved in terms of materials, pattern and paint finish.
21. Prior to the first occupation of the development hereby approved full details of the design, height, construction, materials and finished appearance of all means of enclosure along and within the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure along the boundaries of the site shall be erected prior to the first occupation of the development, in accordance with the approved details.
22. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

207 **28 Grange Park, Steeple Aston, Bicester**

The Committee considered application 16/00349/F for the erection of rear part single and part two storey extensions (revised scheme of 15/01958/F).

Lorraine Watling, a local resident, addressed the committee in objection to the application.

Bob Sutton, agent to the applicant, addressed the committee in support to the application.

Councillor Kerford-Byrnes proposed that application 16/00349/F be refused on the grounds that the build would cause significant demonstrable harm and over-dominance. Councillor Macnamara seconded the proposal.

Resolved

That application 16/00349/F be refused for the following reasons:

The proposed development, by virtue of the size and position of the two storey element, would result in significant and demonstrable harm to the living conditions currently enjoyed by 30 Grange Park through a loss of outlook and an imposing and overbearing form of development. The application would therefore be contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan Part 1 (2011-2031) and saved Policy C30 of the Cherwell Local Plan 1996 and the Home Extensions and Alterations design guide (March 2007).

208 **The Gables, 4 Westbourne Court, Bloxham, OX15 4HD**

The Committee considered application 16/00526/F for the erection of single and two storey extension to outbuilding to provide garage and store (revised scheme of 15/01513/F).

In reaching their decision, the committee considered the officer's report and presentation.

Resolved

That application 16/00526/F be refused, subject to no additional representations received by 28th April that raise new issues having a significant bearing on the Local Planning Authority's assessment of the application.

By reason of its scale, form and massing, the proposal would result in a building of excessive scale that would not be subservient to the main dwelling, which would be visually incongruous displaying poor design, and would result in a cramped form of overdevelopment that would adversely affect the character and appearance of the street scene and that of the local area. The proposal therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Policies C28 and C30 of the Cherwell Local Plan 1996

and paragraphs 17, 58 and 64 of the National Planning Policy Framework and the Home Extensions and Alterations design guide (March 2007).

209 **Appeals Progress Report**

The Head of Development Management submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

210 **Exclusion of the Press and Public**

Resolved

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part I, Paragraph 5 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

211 **Appeal by CPG Development Projects Ltd**

The Head of Development submitted an exempt report which related to planning application: 15/00250/OUT, Land South of and Adjoining Bicester Services Oxford Road Bicester, which was an outline application for 3 No Class A1 (retail); 3 No Class A3 (cafe and restaurants); 1 No Class D2 (gym); surface level car park, access, servicing and associated works.

At the Planning Committee of 1 October 2015 planning permission for the application was refused. An appeal was subsequently lodged by the applicant and the exempt report advised Members of the status of preparations for the appeal, the Inquiry for which was due to commence on 14 June 2016, and to enable Members to consider whether to proceed with one of the reasons for refusal.

Resolved

- (1) That agreement be given with not proceeding to defend the reason for refusal related to the retail impact of the proposal upon Bicester town centre.

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The meeting ended at 5.19 pm

Chairman:

Date: