

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 23 November 2017 at 4.00 pm

- Present: Councillor David Hughes (Chairman)
Councillor James Macnamara (Vice-Chairman)
- Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor Chris Heath
Councillor Simon Holland
Councillor Alastair Milne-Home
Councillor Mike Kerford-Byrnes
Councillor Alan MacKenzie-Wintle
Councillor Richard Mould
Councillor D M Pickford
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Barry Richards
Councillor Nigel Simpson
Councillor Les Sibley
- Substitute Members: Councillor Hannah Banfield (In place of Councillor Andrew Beere)
- Also Present: Councillor Ken Attack
Councillor Sean Gaul, ward member for Bicester East, for agenda item 8
Councillor Ken Attack, ward member for Cropredy, Sibfords and Wroxton, for agenda items 10 and 11
- Apologies for absence: Councillor Andrew Beere
- Officers: Paul Seckington, Senior Manager Development Management
Bob Duxbury, Joint Majors Manager
Linda Griffiths, Principal Planning Officer
Matthew Coyne, Planning Officer
Bob Neville, Senior Planning Officer
George Smith, Assistant Planning Officer
Nat Stock, Minors Team Leader
Ben Arrowsmith, Solicitor
Aaron Hetherington, Democratic and Elections Officer

Declarations of Interest

4. Urgent Business.

Councillor Nigel Simpson, Non Statutory Interest, as a member of Kidlington Parish Council which had been consulted on the application.

8. Part Of OS Parcels 0625 And 0914 North Of Coopers, Buckingham Road, Bicester.

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

12. Caravan Park, Station Approach, Banbury, OX16 5AB.

Councillor Alastair Milne-Home, 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.

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

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

13. OS Parcel 1424 Adjoining And Rear Of Jersey Cottage, Heyford Road, Kirtlington.

Councillor Simon Holland, Declaration, as the applicant was known to him, but would stay in the room but would not take part in the vote.

16. Former Offices Cherwell District Council, Old Place Yard, Bicester.

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor Mike Kerford-Byrnes, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor Richard Mould, Declaration, as a member of the Executive and would leave the room for the duration of the item.

17. Cherwell District Council, Former Offices, Old Place Yard, Bicester.

Councillor Colin Clarke, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor Mike Kerford-Byrnes, Declaration, as a member of the Executive and would leave the room for the duration of the item.

Councillor Richard Mould, Declaration, as a member of the Executive and would leave the room for the duration of the item.

18. 27 Goodrington Close, Banbury, OX16 0DB.

Councillor Alastair Milne-Home, 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, Declaration, as a member of Banbury Town Council and a separate declaration of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

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

Councillor Lynn Pratt, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Mike Kerford-Byrnes, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Surinder Dhesi, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate application, as the applicant was known to her and would leave the chamber for the duration of the item.

117 **Requests to Address the Meeting**

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

118 **Urgent Business**

The Chairman advised the committee that he had agreed to add one item of urgent business to the agenda, relating to an appeal by Cantay Estates and Midcounties Cooperative Society at 26 High Street, Kidlington (Application ref no 15/01872). The matter had arisen after agenda publication and a decision was required before the next scheduled meeting of the Committee. The item would be taken after the Appeals Progress Report.

119 **Minutes**

The Minutes of the meeting held on 26 October 2017 were agreed as a correct record and signed by the Chairman.

120 **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.

121 **Phase 2 SW Bicester Parcel 7849 North Of Whitelands Farm Adjoining, Middleton Stoney Road, Bicester**

The Committee considered an application for the discharge of condition 6 (design code) of 13/00847/OUT at Phase 2 SW Bicester Parcel 7849 North Of Whitelands Farm Adjoining Middleton Stoney Road, Bicester for Countryside Properties (Bicester) Ltd.

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

Resolved

That the Design Code for South West Bicester Phase 2 be approved as satisfying condition 6 of the planning approval (reference 13/00847/OUT) and that delegated authority be given to Officers to agree the final submission having regard to the comments made to the agent on 7 November 2017 and subject to no adverse comments being received from OCC, Thames Water and Environment Agency and any other consultees prior to the expiry of the public consultation which ends on 30 November 2017.

Part Of OS Parcels 0625 And 0914 North Of Coopers, Buckingham Road, Bicester

The Committee considered application 17/01428/F for the erection of two-storey 64 bed care home for older people (Class C2 Use) with associated new access (off Skimmingdish Lane), parking and landscaping, and new linear park/public open space at Part Of OS Parcels 0625 And 0914 North Of Coopers Buckingham Road, Bicester at LNT Care Developments Ltd/Greenlight Developments Ltd.

Councillor Sean Gaul addressed the committee as Ward member.

John Broad, on behalf of CPRE and Pamela Roberts addressed the committee in objection to the application.

Philip Rawle, agent for the applicant, addressed the committee in support of the application.

Councillor Mould proposed that application 17/01428/F be refused as the application was contrary to saved Policy R1 of that Plan and to Policy Bicester 7 of the Cherwell Local Plan 2011-2031 and contrary to the thrust of Policies ESD 1, BSC 4 and SLE 4 of the adopted Cherwell Local Plan 2011-2031 and to the sustainable transport policies of the National Planning Policy Framework. Councillor Pratt seconded the proposal.

In reaching their decision, the committee considered the officer's report, presentation, written update, address of the Ward member and the public speakers.

Resolved

That application 17/01428/F be refused for the following reasons:

1. The proposal is within an area identified in the Proposals Map of the Cherwell Local Plan 1996 as being reserved for recreation use and is therefore contrary to saved Policy R1 of that Plan and to Policy Bicester 7 of the Cherwell Local Plan 2011-2031 which seeks to establish an urban edge park around the outskirts of the town by protecting the existing network of green spaces and securing new open space.
2. The proposal is considered to be in an unsustainable and isolated location for visitors to and staff of the care home by reason of the long walk distances to the nearest shops and other services, and to the nearest bus stops, and by being poorly connected to the nearby residential areas, and therefore is contrary to the thrust of Policies ESD 1, BSC 4 and SLE 4 of the adopted Cherwell Local Plan 2011-2031 and to the sustainable transport policies of the National Planning Policy Framework.

123 **Studley Wood Golf Club, The Straight Mile, Horton Cum Studley, Oxford, OX33 1BF**

The Chairman advised that application 16/02218/F had been withdrawn by the applicant.

124 **West Wing, Williamscot House, Street From Centre To North West, Williamscot, Banbury, OX17 1AE**

The Committee considered application 17/01034/LB for regularising historic internal and external works to the West Wing of Williamscot House at West Wing, Williamscot House, Street from Centre to North West, Williamscot, Banbury, OX17 1AE for Williamscot Estate.

Councillor Atack addressed the committee as Ward Member.

David Harris, the applicant, addressed the committee in support to the application.

In reaching their decision, the committee considered the officer's report, presentation written update and address of the Ward member and public speaker.

Resolved

That application 17/01034/LB be approved, subject to the following:

1. 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: 'Plan 1.0 WW Proposed'; and Williamscot House Schedule of Works Version 5 (Pages 14 to 23 only).

125 **East Wing, Williamscot House, Street From Centre To North West, Williamscot, Banbury, OX17 1AE**

The Committee considered application 17/02025/LB for regularising historic internal and external works to the East Wing of Williamscot House at East Wing, Williamscot House, Street from Centre to North West, Williamscot, Banbury, OX17 1AE for Williamscot Estate.

Councillor Atack, addressed the committee as Ward Member. This address also covered the previous application.

David Harris, the applicant addressed the committee in support to the application. This address also covered the previous application.

In reaching their decision, the committee considered the officer's report, presentation and address of the public speaker and Ward member speaker.

Resolved

That application 17/02025/LB be approved, subject to the following:

1. 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: Design and Access Statement; 'History of East and West wings of Williamscot House since 1969'; site location plan 'SP4745NE'; 'Ground Floor Plan'; 'First Floor Plan'; 'Second Floor Plan'; and 'Williamscot House Schedule of Works Version 5' (with the exception of pages 14 to 23).

126

Caravan Park, Station Approach, Banbury, OX16 5AB

The Committee considered application 17/01233/OUT, an outline application for the development of land to the west of Banbury Railway Station to comprise 44 apartments all within Use Class C3; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures at Caravan Park, Station Approach, Banbury, OX16 5AB for Land Group (Banbury) Ltd.

Stephen Hinsley, agent for the applicant, addressed the committee in support of the application.

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

Resolved

That application 17/01233/OUT be refused for the following reasons:

1. The proposal for the development of this small part of the Canalside regeneration area is contrary to the requirements of Policy Ban 1 of the adopted Cherwell Local Plan 2011-2031 in that in the absence of a Supplementary Planning Document or detailed strategic site-wide masterplan it is not possible to form a view on how the proposal will fit in with the overall aspirations of the strategic site and how it will contribute towards the creation of a single integrated community. In these circumstances the proposal may prejudice the development of adjacent sites and may frustrate the provision of necessary infrastructure across the wider site.
2. The Local Planning Authority consider that the access way which will provide vehicular access to the site is inadequate to also serve as the pedestrian access to the site and whilst alternative access for pedestrians may be possible along the canal towpath this has not been secured through agreement with the land owner and a Section 106 agreement and will therefore be contrary to Policy SLE4 of the adopted Cherwell Local Plan.
3. In the absence of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway

concerns, delivering mixed and balanced communities by the provision of affordable housing and securing future site maintenance arrangements will be provided. This would be contrary to Policy INF1, BSC2, BSC9, BSC11 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.

127

OS Parcel 1424 Adjoining And Rear Of Jersey Cottage, Heyford Road, Kirtlington

The Committee considered application 17/01688/OUT, an outline application for a proposed residential development for up to 20 new dwellings and associated works with all matters reserved except access for Manor Farm Developments Ltd, S Nicholson, JF Budgett, DC Grayland, CM Budgett & HC Tylor at OS Parcel 1424 Adjoining and Rear Of Jersey Cottage, Heyford Road, Kirtlington.

George King, a local resident, addressed the committee in objection to the application.

Will Twiddy, the agent for the applicant and David Pratt, Chairman of Kirtlington Parish Council, addressed the committee in support to the application.

In reaching its decision, the Committee considered the officer's report, presentation and the address of the public speakers.

Resolved

That application 17/01688/OUT be refused for the following reasons:

1. By virtue of its siting, scale, size and form the proposal fails to respect the traditional linear settlement pattern of Kirtlington extending well beyond its built up limits to the east into open countryside and into Kirtlington Park, resulting in an incongruous and inappropriate form of cul-de-sac development which would relate poorly to the remainder of the village, and cause demonstrable harm to the rural character and setting of the village and visual amenities of the area. Therefore the proposal is contrary to saved Policies H18, C8, C27, C28 and C30 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and Central government advice within the National Planning Policy Framework.
2. The proposed development would by reason of its location, scale, and form cause considerable harm to the character and significance of the heritage assets of Kirtlington Conservation Area and the Grade II Registered Kirtlington Park, and would cause unacceptable harm to the settings of nearby listed buildings in particular Home Farm and the wider setting of Kirtlington Park House. Whilst, on balance, this harm is less than substantial the public benefits do not outweigh this harm. Therefore the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and the National Planning Policy

Framework in particular paragraph 17 'Core planning principles' and section 12 'Conserving and enhancing the historic environment', and the Planning Practice Guidance.

3. In view of the harm identified in refusal reasons 1 and 2 above and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, the proposal is considered to be unnecessary, undesirable and unsustainable new housing development that would conflict with the criteria for assessing proposals for minor development listed under Policy Villages 2 of the Cherwell Local Plan 2011-2031. Therefore the proposal is unacceptable in principle contrary to Policy Villages 2 of the Cherwell Local Plan 2011-2031 and Central government advice within the National Planning Policy Framework.
4. In the absence of a satisfactory planning obligation the Local Planning Authority is not convinced that the infrastructure required to mitigate the impacts of the development on existing community infrastructure and services, along with the affordable housing directly required as a result of this scheme, will be delivered. This would be contrary to Policies BSC3 and INF1 of the Cherwell Local Plan 2011-2031 and central government guidance within the National Planning Policy Framework.

128

Field To Rear Of Cedar Barn, North Side, Steeple Aston

The Committee considered application 17/01694/F for the erection of single dwelling, involving formation of new driveway served off an existing access, car parking and turning area, creation of new opening through side boundary wall, erection of new boundary walls and enclosures and associated landscaping at Field To Rear Of Cedar Barn, North Side, Steeple Aston for Mark & Kate Kewley.

Nicholas Worlledge, the agent for the applicant and Kate Kewley, the applicant addressed the committee in support of the application.

Councillor Kerford-Byrnes proposed that application 17/01694/F be approved, Councillor Pickford seconded the proposal. On being put to the vote, the motion was lost and subsequently fell.

Councillor Richards proposed that application 17/01694/F be refused in line with the officer recommendation. Councillor Dhesi seconded the proposal.

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

Resolved

That application 17/01694/F be refused for the following reasons:

1. The proposal, by virtue of its siting and form, would fail to integrate successfully with the existing built form of the settlement resulting in

sporadic, backland development. Therefore the dwelling would fail to represent acceptable 'minor development' in a Category A settlement, failing to accord with Policy Villages 1 of the Cherwell Local Plan (2011-2031 Part 1), and government guidance contained within the National Planning Policy Framework.

2. The proposed development by reason of the inappropriate form, massing, detailing, appearance and extent of the site area, would result in less than substantial harm to designated heritage assets, in particular the designated Steeple Aston Conservation Area. It is considered to represent a visual intrusion into the important open space and fails to integrate well with the significant rural character, qualities and setting of the site and would detract from the character and appearance of the area without public benefits outweighing this harm, contrary to Policy ESD15 of the Cherwell Local Plan (2011-2031), C28 and C30 of the Cherwell Local Plan (1996) and government guidance contained within the National Planning Policy Framework.
3. The proposed development, by virtue the partial loss of a curtilage listed wall, is considered to cause less than substantial harm to the historic character and significance of the Grade II Listed Cedar Lodge. It has not been demonstrated that the loss of this historic fabric is justified or that the harm would be outweighed by public benefits, and as a result fails to comply with Policy ESD15 of the Cherwell Local Plan (2011 - 2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

129

The Pheasant Pluckers Inn, Street Through Burdrop, Burdrop, Banbury, OX15 5RQ

The Committee considered application 17/01981/F for change of use from A4 to C3 (ACV Listed) at The Pheasant Pluckers Inn, Street through Burdrop, Burdrop, Banbury, OX15 5RQ for Mr Geoffrey Richard Noquet.

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

Resolved

That application 17/01981/F be refused for the following reason:

1. The proposal would result in the loss of a valued village service and Asset of Community Value which, on the basis of the application and the contributions received, it has not been conclusively demonstrated as not being viable in the long-term. As such, the loss of the service would lead to an unacceptable impact on the character and appearance of the conservation area and the local community and would therefore be contrary to saved Policy S29 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government advice on supporting a prosperous rural economy and

promoting healthy communities contained within the National Planning Policy Framework.

130 Former Offices Cherwell District Council, Old Place Yard, Bicester

The Committee considered application 17/00114/NMA for a Non-Material Amendment to 16/00043/F - Alterations to external Door ED.A.06 and Window W.A.16 swapped positions as indicated on elevation G to Building A and External cupboards added to courtyard elevations E and F to Building at Former Offices Cherwell District Council, Old Place Yard, Bicester for Cherwell District Council.

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

Resolved

That the alterations to the elevations of the buildings on Site A and Site B do not materially alter the appearance of the approved scheme, or raise any new issues that have not previously been considered, and so can be accepted as non-material amendments under Section 96A of the Town and Country Planning Act 1990 (as amended).

131 Cherwell District Council, Former Offices, Old Place Yard, Bicester

The Committee considered application 17/00119/NMA for a non-material amendment to 16/00043/F - To change the approved roof tile and window sill tile on Building B (St Edburgs) from Marley plain clay 'Smooth red' to Marley plain clay 'Smooth Blue' to match Building A (Old Place Yard) at Cherwell District Council, Former Offices, Old Place Yard, Bicester for Cherwell District Council.

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

Resolved

That the change to the approved roofing tile on Site B does not materially alter the appearance of the approved scheme, or raise any new issues that have not previously been considered, and so can be accepted as a non-material amendment under Section 96A of the Town and Country Planning Act 1990 (as amended).

132 27 Goodrington Close, Banbury, OX16 0DB

The Committee considered application 17/01829/F for a rear extension to provide bedroom and level access shower room at 27 Goodrington Close, Banbury, OX16 0DB for Mr Masud Raja.

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

Resolved

That application 17/01829/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 approved plans: SLP.01; and P.01.

133 **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.

134 **Urgent report re appeal by Cantay Estates and Midcounties Cooperative Society at 26 High Street, Kidlington (Application ref no 15/01872)**

The Head of Development Management submitted an urgent report which requested the Committee to reconsider the Council's position in light of recent changes to the County Council's position with regards to the infrastructure contributions they were seeking and provide officers and consultants acting for the Council with advice concerning the negotiation of a legal undertaking with relation to this appeal that was due to be heard at a hearing on 29 November 2017.

Resolved

- (1) That officers of the Council and those representing them in the hearing be authorised to seek to maximise the provision of affordable housing by the diversion of the potential contribution.

135 **Exclusion of Public and Press**

There being no questions on the exempt appendix, it was not necessary to exclude the press and public.

**Part Of OS Parcels 0625 And 0914 North Of Coopers, Buckingham Road,
Bicester - Exempt Appendix**

Resolved

- (1) That the exempt appendix be noted.

The meeting ended at 8.04 pm

Chairman:

Date: