

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 15 February 2018 at 4.00 pm

Present: Councillor David Hughes (Chairman)
Councillor James Macnamara (Vice-Chairman)

Councillor Andrew Beere
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 Nigel Simpson
Councillor Les Sibley

Also Present: Councillor Barry Wood, ward member for Fringford And
Heyfords, for agenda item 11

Apologies
for
absence: Councillor Barry Richards

Officers: Paul Seckington, Senior Manager Development Management
Bob Duxbury, Joint Majors Manager
Stuart Howden, Senior Planning Officer
James Kirkham, Principal Planning Officer
Nigel Bell, Interim Legal Services Manager / Deputy Monitoring
Officer
Aaron Hetherington, Democratic and Elections Officer

Declarations of Interest

7. New Banbury Museum, Spiceball Park Road, Banbury, OX16 2PQ.

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 Colin Clarke, Declaration, as a member of Banbury Town Council, which had been consulted on the application and a separate declaration as a member of the Executive and would leave 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 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 Richard Mould, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

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

9. The Old Malthouse, St Johns Road, 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 Colin Clarke, 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.

10. The Old Malthouse, St Johns Road, 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 Colin Clarke, 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.

159 **Requests to Address the Meeting**

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

160 **Urgent Business**

There were no items of urgent business.

161 **Minutes**

The Minutes of the meeting held on 18 January 2018 were agreed as a correct record and signed by the Chairman.

162 **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.

163 **New Banbury Museum, Spiceball Park Road, Banbury, OX16 2PQ**

The Committee considered application 17/01824/OUT for extension to the existing museum at New Banbury Museum, Spiceball Park Road, Banbury, OX16 2PQ for Banbury Museum Trust.

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

Resolved

That application 17/01824/OUT be approved, subject to:

- a. the amendment of the red-line to allow the imposition of the servicing condition and
- b. to the following conditions
 1. Details of the layout, scale, appearance, access and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to

and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in general accordance with the following plans and documents: (to be confirmed in the written update)
4. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site and existing and proposed site levels for the proposed 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 approved finished floor levels plan.
5. No development shall take place until details of the servicing arrangements for the museum by goods vehicles from Spiceball Park Road have been submitted to and approved in writing by the Local Planning Authority. The approved servicing arrangements shall thereafter be implemented prior to the first use or occupation of the development hereby permitted.
6. No development shall take place until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect biodiversity, AND do not adversely affect residential properties adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
7. No development shall take place, including any demolition or works of site clearance, until a method statement for enhancing the biodiversity value of the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
8. All extensions hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision.

OS Parcel 9635 North East Of HM Bullingdon Prison, Widnell Lane, Piddington

The Committee considered application 17/01962/F for a material change of use of land to use as a residential caravan site for 6 gypsy families, each with two caravans, including improvement of access and laying of hardstanding OS Parcel 9635 North East Of HM Bullingdon Prison, Widnell Lane, Piddington

Francesca Darby, Chairman of Piddington Parish Council, addressed the committee in objection to the application.

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

Councillor Holland proposed that application 17/01962/F be refused as the proposed development was contrary to Government guidance contained within the NPPF, Policy H of Government guidance in the Planning Policy for Travellers Sites (PPTS) and Policies PSD1, BSC6, ESD15 of the Cherwell Local Plan 2011-2031 Part 1. Councillor Pickford seconded the proposal.

In reaching their decision, the committee considered the officers' report, presentation and the address of the public speakers.

Resolved

That application 17/01962/F be refused for the following reasons:

1. By reason of its siting in relation to distance from existing services; the proximity to noise generating uses and the ability to provide a satisfactory living environment to future occupiers; that it hasn't been demonstrated to the satisfaction of the Local Planning Authority the ability to provide utilities to service the site, which affects its deliverability and causing potential harm to the natural environment; the proposed development is not considered to be a suitable or sustainable development when assessed against Policy BSC6 of the Cherwell Local Plan. The harm resulting from the proposed development is significant and is not considered to be outweighed by the identified unmet need for gypsy and traveller pitches within Cherwell. The proposed development is therefore considered to be contrary to Government guidance contained within the NPPF, Policy H of Government guidance in the Planning Policy for Travellers Sites (PPTS) and Policies PSD1, BSC6, ESD15 of the Cherwell Local Plan 2011-2031 Part 1.
2. By reason of the planning application not being supported by adequate information to demonstrate the impact of existing noise generating uses operating nearby the site on the future residents of the site is, or can be made, acceptable, the proposed development is contrary to paragraphs 17, 120 and 123 of the National Planning Policy Framework, Policy

ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.

165 **The Old Malthouse, St Johns Road, Banbury**

The Committee considered application 17/02167/F for the conversion of a building from B1(a) Offices to 25 residential flats, with ancillary parking, bin storage and amenity area at The Old Malthouse, St Johns Road, Banbury for Morrison Property Consultants Limited.

Simon Warner, the applicant's agent, Mark Morrison, the applicant and Steven Myhill the architect, addressed the committee in support of the application. The address also covered the subsequent application 17/02168/LB.

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

Resolved

That application 17/02167/F be refused for the following reasons:

1. The applicant has failed to demonstrate through a robust marketing exercise that the site is no longer viable to be retained for its existing employment use. The proposed development would therefore lead to the unjustified loss of employment land in a sustainable location and result in economic harm contrary to Policy SLE1 of the Cherwell Local Plan Part 1 (2015) and advice in the NPPF.
2. The proposed development would result in less than substantial harm to the significance of the listed building and conservation area through alterations to the roof to provide the residential accommodation, subdivision of the internal space and also through the number and extent of roof lights proposed on the building. This harm is not supported by clear and convincing justification and it is not considered, based on the evidence provided, that residential use of the building is the optimum viable use of the building. The social and economic benefits arising from the scheme would not outweigh this harm. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C18 of the Cherwell Local Plan 1996.

166 **The Old Malthouse, St Johns Road, Banbury**

The Committee considered application 17/02168/LB, listed building consent for the a conversion of a building from B1(a) Offices to 25 residential flats, with ancillary parking, bin storage and amenity area at The Old Malthouse, St Johns Road, Banbury for Morrison Property Consultants Limited.

Simon Warner, the applicant's agent, Mark Morrison, the applicant and Steven Myhill the architect, addressed the committee in support to the application. The address also covered the previous application 17/02167/F

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

Resolved

That application 17/02168/LB be refused, for the following reasons:

1. The proposed development would result in less than substantial harm to the significance of the listed building through alterations to the roof to provide the residential accommodation, subdivision of the internal space and also through the number and extent of roof lights proposed on the building. This harm is not supported by clear and convincing justification and it is not considered, based on the evidence provided, that residential use of the building is the optimum viable use of the building. The social and economic benefits arising from the scheme would not outweigh this harm. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C18 of the Cherwell Local Plan 1996.

167

Chesterton Community Centre, 2 Geminus Road, Chesterton, Bicester, OX26 1BJ

The Committee considered application 17/02333/F for the change of use from informal to formal play including the installation of play equipment (part retrospective) at Chesterton Community Centre, 2 Geminus Road, Chesterton, Bicester, OX26 1BJ for Chesterton Parish Council.

Councillor Barry Wood addressed the committee as Ward member.

Philip Clarke, Chairman of Chesterton Parish Council, addressed the committee in support of the application.

In reaching their decision, the committee considered the officers' report, presentation, the address of the Ward member and public speakers.

Resolved

That application 17/02333/F be approved, with authority delegated to officer to vary the existing legal agreements and subject to the following conditions and officers are delegated authority to vary the existing legal agreement:

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: Application form, location plan, site plan CPC 1 showing location of equipment, details of equipment and document entitled Dimensions of play equipment.

3. Prior to the installation of any of the proposed play equipment (i.e. supernova, rota bounce net climb or balance walk) scale plans showing the location of the equipment and dimension of the equipment shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such thereafter.
4. Notwithstanding the provisions of Class A of Part 12, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no further equipment, buildings or structures shall be erected on the land without the grant of further specific planning permission from the Local Planning Authority.

168

Appeals Progress Report

The Interim Director for Planning and Regeneration 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.

The meeting ended at 6.38 pm

Chairman:

Date: