

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 1 August 2024 at 4.00 pm

#### Present:

Councillor Barry Wood (Chairman)  
Councillor Amanda Watkins (Vice-Chairman)  
Councillor Rebecca Biegel  
Councillor Chris Brant  
Councillor John Broad  
Councillor Phil Chapman  
Councillor Grace Conway-Murray  
Councillor Ian Harwood  
Councillor Fiona Mawson  
Councillor Lesley McLean  
Councillor Rob Parkinson  
Councillor David Rogers  
Councillor Les Sibley  
Councillor Dr Kerrie Thornhill

#### Substitute Members:

Councillor Dr Chukwudi Okeke (In place of Councillor Dr Isabel Creed)  
Councillor Dorothy Walker (In place of Councillor Jean Conway)  
Councillor John Willett (In place of Councillor David Hingley)

#### Apologies for absence:

Councillor Becky Clarke MBE  
Councillor Jean Conway  
Councillor Dr Isabel Creed  
Councillor David Hingley

#### Officers:

Paul Seckington, Head of Development Management  
Karen Jordan, Deputy Principal Solicitor  
Katherine Daniels, Principal Planning Officer  
Andrew Thompson, Principal Planning Officer  
Lewis Knox, Senior Planning Officer  
Matt Swinford, Democratic and Elections Officer  
Martyn Surfleet, Democratic and Elections Officer

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## **Declarations of Interest**

### **8. Land Opposite Hanwell Fields Recreation, Adjacent to Dukes Meadow Drive, Banbury.**

Councillor Chris Brant, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Dr Chukwudi Okeke, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Dr Kerrie Thornhill, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Ian Harwood, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Rebecca Biegel, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

### **9. South Lodge, Fringford Road, Caversfield, Bicester, OX27 8TH.**

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

### **11. 45 Woodhall Drive, Banbury, OX16 9TY.**

Councillor Chris Brant, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Dr Chukwudi Okeke, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Dr Kerrie Thornhill, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Ian Harwood, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Rebecca Biegel, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

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## **Requests to Address the Meeting**

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

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## **Minutes**

The Minutes of the meeting held on 11 July 2024 were agreed as a correct record and signed by the Chairman.

42 **Chairman's Announcements**

There were no Chairman's announcements.

43 **Urgent Business**

There were no items of urgent business.

44 **Proposed Pre-Committee Site Visits (if any)**

The Committee considered a proposed site visit to Land adjoining and North of Playing Field, The Bourne, Hook Norton, for application 24/01948/OUT, an outline application for up to 73 dwellings (Use Class C3) with associated open space and vehicular access off The Bourne, Hook Norton, with all Matters Reserved except for accessibility to the site, for vehicles in terms of the positioning and treatment of access to the site.

It was proposed by Councillor Watkins and seconded by Councillor Dr Thornhill that a site visit take place before application 24/01948/OUT was considered by the Committee because there was high public interest in the application including the proposed sites for pedestrian and vehicular access and the removal of a large section of mature hedgerow.

**Resolved**

- (1) That it be agreed that a site visit for application 24/01948/OUT take place prior to consideration of the application at Planning Committee.

45 **Land Opposite Hanwell Fields Recreation, Adjacent To Dukes Meadow Drive, Banbury**

The Committee considered application 23/03366/OUT, an outline planning application for up to 114 dwellings and associated open space with all matters reserved other than access at Land Opposite Hanwell Fields Recreation, Adjacent to Dukes Meadow Drive, Banbury for Manor Oak Homes

Hazel Skwirzynska, local resident addressed the Committee in objection to the application.

Geoff Armstrong, agent for the applicant, addressed the Committee in support of the application.

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

Contrary to the officer's recommendation, it was proposed by Councillor Brant and seconded by Councillor Chapman that application 23/03366/OUT be

refused, for the reasons (with exact wording delegated to officers) that the land was not allocated in the current or emerging Cherwell Local Plan, there was a lack of infrastructure to support the development and that the development would have a harmful visual impact so would be contrary to policies BSC1, ESD 13 and INF1 of the Cherwell Local Plan 2011-2031 Part 1, Policies H18, C8, C28, C15 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Resolved**

That, contrary to the officer's recommendation, application 23/03366/OUT be refused for the following reasons:

1. Cherwell District Council is able to demonstrate a 5-year housing land supply meaning that the relevant development plan policies are up to date. The application site is located within open countryside and is not allocated for development. The proposed development by virtue of its visually prominent position, is such that it would breach Banbury's contained environmental setting, giving rise to a risk of coalescence between Banbury and Hanwell, causing undue visual intrusion into the open countryside, fundamentally changing the undeveloped characteristic of this parcel of open arable land, creating a prominent urban built form, inconsistent with the local character, to the detriment of the rural landscape. As such, the proposed development would be contrary to Policies BSC1 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies H18, C8, C15 and C28 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a direct consequence of the development, and necessary to make the impacts of development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, Cherwell District Council's Developer Contributions SPD 2018 and Government guidance within the National Planning Policy Framework.

### **South Lodge, Fringford Road, Caversfield, Bicester, OX27 8TH**

The Committee considered application 24/00245/OUT, an outline application for the demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access at South Lodge, Fringford Road, Caversfield, Bicester, OX27 8TH for Richborough Estates

Councillor Alan Tennant, on behalf of Caversfield Parish Council, Judy Kleinman, local resident and Alan Brooks, local resident addressed the Committee in objection to the application.

In reaching its decision the Committee considered the officers' report and presentation, the addresses of the public speakers and the written updates.

### **Resolved**

That, in line with the officer's recommendation application 24/00245/OUT be refused for the following reasons, with delegated authority to the Assistant Director Planning and Development to keep, amend or remove Reason for Refusal 2, the highway reason for refusal, following the formal consultation response from the highway authority in respect of the further information received, prior to the issuing of the decision:

1. The proposals by reason of their loss of gap between Caversfield and Bicester would have an adverse impact on the character of the area and Aunt Ems Lane in particular and setting of the wider heritage landscape of RAF Bicester Conservation Area. The field is considered an important feature and visual gap for the area, the identity of Caversfield, historic setting and the proposals would result in unsustainable growth with a limited relationship to the existing built form. As such the proposals would be contrary to Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan 2015 and saved policies C8, C15, C23, C28, C30 and C33 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.
2. The proposals would result in a severe impact on the capacity and functioning of the highway in particular the B4100/Aunt Ems Lane and A4421/Skimmingdish Lane junctions and severe traffic congestion impact at the junction of Bucknell Road and the A4095 and having regard to the impact of committed developments and capacity in these junctions for further movements. As such the proposals are contrary to Policy SLE4 and INF1 of the Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework
3. The highway mitigation considered necessary to make development acceptable, in particular proposed footways to Aunt Ems Lane and to Fringford Road/Banbury Road would create an urbanising effect to the development and the surrounding area which would result in a detrimental impact to the peri-urban character and result in loss of trees and landscaping with further impacts to heritage assets. As such the proposals would be contrary to Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan 2015 and saved policies C8, C15, C23, C28, C30 and C33 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework
4. Caversfield is a designated Category C village as set out in Policy Villages 1 of the Cherwell Local Plan 2015. Due to the very limited facilities and opportunities for day-to-day services or the opportunity to access alternative modes of transport, the village is only considered appropriate for limited

growth and the proposals are significant in the context of the scale and character of the village. The proposals would be distant from the principal area of the village and unsustainable in relation to Local Plan Policies BSC1 and Villages 1 of the Cherwell Local Plan 2015 and saved policies C5, C8, C15, C23, C28, C30 and C33 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework

5. In the absence of a satisfactory legal agreement or unilateral undertaking to secure education, sport, open space, community facilities and highway contributions, it is not considered that the development would mitigate its impacts and as such would be contrary to the requirements of Policies BSC3, BSC7, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework

47 **Poultry House, Rickfield Farm, Station Road, Milcombe, OX15 4RS**

The Committee considered application 23/03290/F for the change of use of an existing poultry shed to container storage (Use Class B8) including associated landscaping at Poultry House, Rickfield Farm, Station Road, Milcombe, OX15 4RS for Mr Geoffrey Taylor

Caroline Mills, local resident addressed the Committee in objection to the application.

Duncan Chadwick, agent for the applicant and Jenny Taylor, the applicant's daughter addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers' report and presentation, the addresses of the public speakers and the written updates.

It was proposed by Councillor Rogers and seconded by Councillor Brant that application 23/03290/F be refused, in line with the officer recommendation.

On being put to the vote, the proposal was lost, and the motion subsequently fell.

Contrary to the officer recommendation it was proposed by Councillor Biegel and seconded by Councillor Dr Okeke that application 23/03290/OUT be approved for the reason that the application complied with policy SLE1.

- It was considered the proposal accords with this policy.
- The site was unallocated within the local plan.
- The site was outside of the greenbelt, it was considered sufficient justification had been provided to demonstrate the proposal would lead to farm diversification of the farming enterprise.
- The proposal was designed to a high standard, of an appropriate scale to the character and appearance of the locality and would not result in harm to the locality.

- The proposal would not result in a harmful impact to residential amenity. Although there may be harm whilst it was being set up, but once operational would not result in harm.
- Given the nature of the use it was considered to be small scale and would not result in significant increase in vehicular movements.

The Committee was satisfied that there were no other suitable sites for this within the holding. As a result, it had been demonstrated by the applicant the proposal accords with Policy SLE1.

### **Resolved**

That, contrary to the officer's recommendation, application 23/03290/F be approved, subject to conditions (to be delegated and agreed with the Assistant Director Planning and Development).

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### **45 Woodhall Drive, Banbury, OX16 9TY**

The Committee considered application 24/01326/F for the conversion of a garage to habitable accommodation and the erection of a single storey front extension at 45 Woodhall Drive Banbury OX16 9TY for Mr and Mrs Donald & Sarah McAllister.

In reaching its decision the Committee considered the officers report and presentation.

### **Resolved**

That, in line with officers' recommendation, permission for application 24/01326/F be granted, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

### **CONDITIONS**

#### **Time Limit**

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.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the drawing numbered "RM 24 / 013.1A" (Existing & Proposed Elevations, Floor Plans, Site Location & Block Plans).

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. The materials to be used for the external walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on the existing building and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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### **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Following a question from the Committee asking for the estimated cost for the Council to defend a planning appeal at a Public inquiry, the Head of Development Management advised the Committee that the average cost to the Council could be £50,000 to £100,000, however this was dependant on different factors including reasons for refusal and the length of Inquiry.

### **Resolved**

(1) That the position statement be accepted.

The meeting ended at 6.46 pm

Chairman:

Date: