

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 April 2012 at 4.00 pm

- Present: Councillor Rose Stratford (Chairman)
Councillor Alastair Milne Home (Vice-Chairman)
- Councillor Ken Atack
Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor George Parish
Councillor D M Pickford
Councillor Trevor Stevens
Councillor Lawrie Stratford
- Substitute Members: Councillor Mrs Diana Edwards (In place of Councillor Russell Hurle)
Councillor Barry Wood (In place of Councillor Mrs Catherine Fulljames)
- Apologies for absence: Councillor Mrs Catherine Fulljames
Councillor Russell Hurle
Councillor G A Reynolds
- Officers: Bob Duxbury, Development Control Team Leader
Caroline Roche, Planning Officer (Major Developments)
Rebecca Horley, Senior Planning Officer
Rob Lowther, Anti-social Behaviour Manager
Ross Chambers, Solicitor
Natasha Clark, Team Leader, Democratic and Elections

219

Declarations of Interest

Members declared interests in the following agenda items:

7. Unit 3A, Bessemer Close, Bicester OX26 6QE.

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

Councillor Rose Stratford, Personal, as a member of Bicester Town Council which had been consulted on the application.

8. 56 - 60 Calthorpe Street Banbury.

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

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

Councillor George Parish, Personal, as a member of Banbury Town Council which had been consulted on the application.

9. Bicester Village, Pingle Drive, Bicester.

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

Councillor Rose Stratford, Personal, as a member of Bicester Town Council which had been consulted on the application.

10. Land adjacent to 45 George Street, Bicester.

Councillor Barry Wood, Prejudicial, as a member of the Executive and whilst Cherwell District Council was not the applicant, it owned the land.

Councillor D M Pickford, Prejudicial, as a member of the Executive and whilst Cherwell District Council was not the applicant, it owned the land.

Councillor D M Pickford, Personal, as a Charter Housing Board Member and as a member of Bicester Town Council which had been consulted on the application.

Councillor James Macnamara, Prejudicial, as a member of the Executive and whilst Cherwell District Council was not the applicant, it owned the land.

Councillor Ken Atack, Prejudicial, as a member of the Executive and whilst Cherwell District Council was not the applicant, it owned the land.

Councillor Lawrie Stratford, Personal, as a Charter Housing Board Member.

Councillor Michael Gibbard, Prejudicial, as a member of the Executive and whilst Cherwell District Council was not the applicant, it owned the land.

Councillor Michael Gibbard, Personal, as a Charter Housing Board Member.

Councillor Rose Stratford, Personal, as a member of Bicester Town Council which had been consulted on the application.

Petitions and Requests to Address the Meeting

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

221 **Urgent Business**

There was no urgent business.

222 **Minutes**

The Minutes of the meeting held on 22 March 2012 were agreed as a correct record and signed by the Chairman.

223 **Land North of Willowbank Farm, Fritwell Road, Fewcott**

The Committee considered an application which sought a variation of condition 21 of application 08/02495/F (APP/C3105/A/09/2116152) which had been granted planning permission in July 2010 by an Inspector appointed by the Secretary of State following a public inquiry. Consideration of the application had been deferred from the 22 March 2012 meeting of the Committee to allow for further consultation with local residents.

Ian Corkin, a member of Ardley with Fewcott Parish Council addressed the Committee in objection to the application.

The Committee considered the impact of the proposed condition variation on the safety of residents on the ground in the vicinity, aircraft and aviation operations.

In response to Member comments regarding the position of the Local Planning Authority in determining the application to amend conditions set by the Planning Inspector, Officers confirmed that whilst a Local Planning Authority cannot reverse the decision of the Planning Inspector, it can determine applications to vary conditions whether these were set by the Local Planning Authority or the Planning Inspector.

Councillor Macnamara proposed that the application be refused on the grounds of safety of aircraft and aviation operations and residents living in the vicinity. Councillor Kerford-Byrnes seconded the proposal.

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

Resolved

That application 11/01932/F be refused on the grounds of safety of aircraft and aviation operations and the public safety of residents living in the vicinity of the site.

224 **Unit 3A, Bessemer Close, Bicester OX26 6QE**

The Committee considered an application for retrospective planning permission for a change of use from B8 to B2. Consideration of the

application had been deferred from the 22 March 2012 meeting of the Committee to await further information from and discussion with the applicant's noise consultant with regards to experienced noise levels at the site.

The Development Control Team Leader referred to the written update and advised the Committee that since publication of the agenda further advice had been received from the Anti-Social Behaviour Manager relating to noise levels which had resulted in the officers' recommendation being changed to one of refusal. The applicant had subsequently submitted representation requesting deferral of the applicant. Two emails that had been received after publication of the agenda were read to the Committee.

Councillor Pickford proposed that consideration of the application be deferred to allow for a formal site visit. Councillor Lawrie Stratford seconded the proposal.

Resolved

That consideration of application 12/00152/F be deferred to allow for a formal site visit.

225

56 - 60 Calthorpe Street Banbury

The Committee considered an application which sought an extension of time limit to the previously approved application 07/02584/F - Redevelopment of site for retail use on ground floor with 14 no. residential units on three upper floors together with car and cycle parking area to rear.

The Committee was satisfied with the evidence presented.

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

Resolved

That application 12/00198/F be approved, subject to:

- (i) The applicant entering into a legal agreement requiring contributions towards Transport and Accessibility, Education, Libraries, Museum Resource Centre, Social and Health Care, Waste Management, Indoor Sports, Outdoor Sports, public Art and commuted sum, Local Area of Play Equivalent (off-site contributions for provision of improvements at People's Park) Refuse and Recycling and administration and monitoring fees for both Cherwell District Council and Oxfordshire County Council.
- (ii) 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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, and the following drawings:
Site Location Plan – LOC1
Existing Site Plan, Elevations – SU01
Existing Site Plan, Elevations – SU02
Proposed Ground Floor / Site Plan – PL01 rev D
Proposed 1st and 2nd Floor Plans – PL02 rev C
Proposed Elevations – PL04 rev C
Proposed Elevations and Sections – PL05 rev C
Proposed 3rd Floor Plans – PL06 rev C.
- (3) No development shall take place until a schedule of the materials and finishes to be used in the construction of the external surfaces of the building hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- (4) No development shall take place until details of any external lighting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved lighting scheme, and shall be retained as such thereafter.
- (5) No development shall take place until details of a scheme to prevent the discharge of surface water from the development onto the adjoining highway have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- (6) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public and the environment when the site is developed. Development shall not begin until the measures approved in the scheme have been implemented and the developer has provided written verification to that effect.
- (7) Before the development is first occupied, car and cycle parking and manoeuvring areas shall be provided in accordance with drawing PL01 rev D and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the local planning authority prior to the commencement of development. These areas shall be retained unobstructed and kept available for the parking of cars and cycles and manoeuvring of vehicles at all times thereafter.
- (8) The reduction in the width of the existing access road as indicated on drawing PL01 rev D shall be undertaken in accordance with a specification of works first submitted to and approved by the local planning authority prior to the commencement of works on site. The

approved works shall be complete before the first occupation of the development hereby approved.

- (9) No goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open.

226

Bicester Village, Pingle Drive, Bicester

The Committee considered a report which sought approval for the variation of Condition 10 of the previously approved application 05/02131/F to allow the Class A3 use of any approved building within Bicester Village to be increased from 2,500 sqm to 2,950 sqm.

The application was being considered by the Committee following call-in by one of the local ward members who commented that variations to the conditions associated with the planning permission had been approved under delegated authority and together with this proposed variation, raised concerns about the ongoing impact on the town centre, in particular on retail establishments and food outlets.

In considering the application, Members considered the potential impact on the town centre and traffic and the role Bicester Village played in the local economy.

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

Resolved

That application 12/00233/F be approved, subject to:

- (1) SC1.4A Full Permission: Duration Limit (3 years) (RC2)
- (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/site plan submitted with the application.
- (3) That any Class A3 café/restaurant use of the buildings approved under planning permission 05/02131/F shall not at any time cause the overall gross floorspace for such uses within the existing and proposed factory outlet shopping centre as a whole to exceed the already consented maximum area for such uses of 2,950 sq metres.
- (4) That the retail units shall only be used for the purpose of providing a factory outlet shopping centre only and for no other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and for Class A3 use (as restricted by condition 3 of this decision notice).
- (5) That the development shall not be used for the retailing of food (except where allowed in condition 3 of this decision notice) and other

convenience goods including newspapers, magazines, confectionery and as a newsagents and chemists with both pharmacy and health products.

- (6) No individual retail units hereby permitted shall have a gross area in excess of 450 sq metres, except for one unit which shall not exceed 650 sq metres gross floor area, unless otherwise agreed in writing by the Local Planning Authority.
- (7) No mezzanine trading areas shall be installed in any retail unit unless otherwise first approved in writing by the Local Planning Authority.
- (8) None of the units shall be used for retailers who predominantly sell any of the following category of goods: Furniture hardware, garden products, dispensed optical goods, books, CDs, DVDs, videos, electrical goods, computers and software, mobile phones, toys, pets and pet accessories, arts and craft products.

227

Land adjacent to 45 George Street, Bicester

The Committee considered an application which sought to vary Condition 2 of the previously approved application 10/00247/F.

The Committee noted that the application presented improvements to the previously granted permission and requested that the applicant be encouraged to consider installing PV panels.

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

Resolved

That application 12/00327/F be approved, subject to:

- (1) SC1.4A Full Permission: Duration Limit (3 years) (RC2)
- (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:
 - 2005/1033/GA01 Rev. C
 - 2005/1033/GA02 Rev. C
 - 2005/1033/GA03 Rev. D
 - 2005/1033/EXT03 Rev. C
 - Ibstock Woodthorpe Blend brick
 - Marley Eternit Smooth Grey tile
- (3) That prior to the first occupation of the dwellings hereby approved the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all

ancillary works therein specified shall be undertaken in accordance with the said specification.

- (4) That the parking and manoeuvring areas shall be provided in accordance with Drawing Numbers: E/3432/02 Rev. P2, E/3432/03 Rev. P3, E/3432/04 Rev. P3, E/3432/11 rev. P3, E/3432/12 Rev. P1 and E/3432/40, all received in the department on 13 April 2012 with Agents email of the same date, prior to the first occupation of the development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- (5) SC 6_2AA (Permitted development restriction – no extensions/structures in the curtilage)
- (6) SC 6_3AA (Permitted development restriction – no new windows or openings)
- (7) SC 6_1AA (Permitted development restriction – no fences/enclosures to front)

228 **Quarterly Enforcement Report**

The Head of Public Protection and Development Management submitted a report which informed and updated Members of the progress of outstanding formal enforcement cases.

In response to Members' questions regarding reference 12/0062/ECOU, Arncott Racetrack, Upper Arncott, officers advised the Committee that a public inquiry was scheduled to take place on 25 July 2012.

Resolved

- (1) That the report be accepted.

229 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were subject to various requirements.

The Development Control Team Leader advised the Committee that as a result of the publication on 27 March 2012 of the National Planning Policy Framework which cancelled most of the PSSs and PPGs, Members would need to give consideration to whether their previous decisions in each case were still appropriate given this new advice. A report covering these matters in detail would be presented to the May meeting.

Resolved

- (1) That the position statement be accepted.

230 **Appeals Progress Report**

The Committee considered a report which updated Members on applications where new appeals had been logged, public inquiries/ hearings scheduled or appealed results received.

Resolved

- (2) That the position statement be accepted

The meeting ended at 5.40 pm

Chairman:

Date: