

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 11 October 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 Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Trevor Stevens
Councillor Lawrie Stratford

Officers: Bob Duxbury, Development Control Team Leader
Tracey Morrissey, Senior Planning Officer
Ross Chambers, Solicitor
Fiona Brown, Strategic Housing Officer (for agenda item 13)
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Democratic and Elections Officer

77

Declarations of Interest

Members declared interests in the following agenda items:

10. First & Second Floors, 10 - 11 Horse Fair, Banbury.

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

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

11. Ardley Waste Management Facility, Ardley Fields Farm, Ardley.

Councillor G A Reynolds, Conflict of Interest, as a member of Oxfordshire County Council which would determine the application and he would remain in the meeting room for the item but not vote.

Councillor Lawrie Stratford, Conflict of Interest, as a member of Oxfordshire County Council which would determine the application and he would remain in the meeting room for the item but not vote.

78 **Requests to Address the Meeting**

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

79 **Urgent Business**

There was no urgent business.

80 **Minutes**

The Minutes of the meeting held on 13 September 2012 were agreed as a correct record and signed by the Chairman.

81 **Mallards, New Street, Deddington, Banbury, Oxfordshire, OX15 0SR**

The Committee considered application 12/00711/LB for the Demolition of rear porch and derelict garden outbuildings; construction of two storey rear extension; improved access to existing parking area including covered area; fitting of satellite dish; internal alterations; replacement windows to dwelling and new roof light.

Consideration of the application had been deferred from the previous meeting of the Committee to allow for a formal site visit.

In introducing the report, the Development Control Team Leader advised Members of an email received from the applicant, which had been included in the written update, requesting that consideration of the application be deferred to allow him to address the Committee.

It was proposed by Councillor Blackwell and seconded by Councillor Pickford that the application be determined at the meeting. Members voted unanimously in favour of the motion.

Janet Macey, a neighbour, spoke in opposition to the application.

Members were satisfied with the evidence presented.

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

Resolved

That application 12/00711/LB be approved, subject to:

- (1) The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
- (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 forms, design and access statement, schedule of works, photographs and amended drawing numbers 32.11 B 'Existing and proposed elevations, floor plans, section and site plans', 32.11B 'Proposed timber outhouse' and 32.11A 'Improved access to parking area and removal of outhouse' all received in the department on the 16 July 2012 with agent's letter of the same date.
- (3) That the external walls of the extension and the raised boundary walls to the side of the dwelling surrounding the covered parking area shall be constructed in natural ironstone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1m² in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.
- (4) That samples of the tiles to be used in the covering of the roof of the extension shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.
- (5) That full design details of the windows, doors (which shall be timber) and roof lights (the roof lights shall be conservation grade), including details of the elevations, glazing and a cross section at a scale of 1:20 and an indication of the colour/ finish shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
- (6) That full design details of the roof to the covered parking area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
- (7) That lime mortar shall be used in the construction and/or repointing of the extension and boundary wall.
- (8) Any making good to the internal walls shall be made good using lime plaster and permanently so retained thereafter.
- (9) All new works and works of making good shall be carried out in materials and detailed to match the adjoining original fabric except where shown otherwise on the approved drawings.

Mallards, New Street, Deddington, Banbury, Oxfordshire, OX15 0SR

The Committee considered application 12/00732/F for the demolition of rear porch and derelict garden outbuildings; construction of two storey rear extension; improved access to existing parking area including covered area; fitting of satellite dish and new shed.

Consideration of the application had been deferred from the previous meeting of the Committee to allow for a formal site visit.

In introducing the report, the Development Control Team Leader advised Members of an email received from the applicant, which had been included in the written update, requesting that consideration of the application be deferred to allow him to address the Committee.

It was proposed by Councillor Blackwell and seconded by Councillor Pickford that the application be determined at the meeting. Members voted unanimously in favour of the motion.

Janet Macey, a neighbour, spoke in opposition to the application.

The committee was satisfied with the evidence presented.

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

Resolved

That application 12/00732/F be approved subject to:

- (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 forms, design and access statement, schedule of works, photographs and amended drawing numbers 32.11 B 'Existing and proposed elevations, floor plans, section and site plans', 32.11B 'Proposed timber outhouse' and 32.11A 'Improved access to parking area and removal of outhouse' all received in the department on the 16 July 2012 with agent's letter of the same date.
- (3) That the external walls of the extension and the raised boundary walls to the side of the dwelling surrounding the covered parking area shall be constructed in natural ironstone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1m² in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.

- (4) That samples of the tiles to be used in the covering of the roof of the extension shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.
- (5) That full design details of the windows, doors (which shall be timber) and roof lights (the roof lights shall be conservation grade), including details of the elevations, glazing and a cross section at a scale of 1:20 and an indication of the colour/ finish shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
- (6) That full design details of the roof to the covered parking area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
- (7) That the revised parking area shall be kept free of obstructions at all times and used only for the specified purpose.
- (8) That, notwithstanding the provisions of Classes A, B and C of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the side (north west and south east) elevations of the extension without the prior express planning consent of the Local Planning Authority.

83

Islip Fuel Depot, Bletchington Road, Islip

The Committee considered application 12/00776/F for the change of use of a former oil storage depot to groundwork contractors yard.

In considering the application, Members commented that the site was a green belt site and that the proposed development would be an intrusion into the green belt.

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

Resolved

That application 12/00776/F be refused for the following reasons:

- (1) The principle of the proposed development does not comply with Green Belt policy and guidance. In the absence of a persuasive very special circumstances case, the development is considered to be inappropriate development in the Green Belt which will adversely affect its openness. Furthermore the development would cause significant harm to the surrounding countryside. The proposal is therefore contrary to Policies CO4, SP5 and C4 of the South East Plan 2009, saved

Policies GB1 and C7 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- (2) In the absence of a transport statement, a statutory requirement for a development of this size, the development is likely to constitute a potential highway safety risk and therefore does not accord with Government guidance contained within the National Planning Policy Framework.
- (3) In the absence of a flood risk assessment, a statutory requirement for a development of this size, the development is likely to constitute a potential flood risk and therefore does not accord with Government guidance contained within the National Planning Policy Framework.

84

Otmoor Lodge, Horton Hill, Horton cum Studley

The Committee considered application 12/01000/F for the Refurbishment and alteration to hotel bar and restaurant to form public house, with shop and change of use of existing hotel facilities to form 5 no. dwellings and construction of 4 detached dwellings, garages and access.

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

Resolved

That application 12/01000/F be refused for the following reasons:

- (1) The proposal constitutes inappropriate development within the Green Belt in that the use of the land for residential purposes with associated access road and car parking for residential and public house use, will not maintain the open and rural character of the Green Belt and will conflict with the purposes of including land within it. The very special circumstances advanced do not outweigh the harm caused to the Green Belt and the proposals are therefore contrary to the National Planning Policy Framework, Policy GB1 of the adopted Cherwell Local Plan and Policies GB1 and GB1a of the Non-Statutory Cherwell Local Plan 2011 and Policies CO4 and SP5 of the South East Plan 2009.
- (2) The proposed new build element of the development by virtue of its siting, design, layout, building height and scales are considered to be out of keeping with the local vernacular and would form a conspicuous and incongruous form of development to the detriment of the character and appearance of the locality and furthermore the development as a whole, fails to demonstrate an acceptable layout that provides sufficient amenity and parking space and delivery arrangements. The development is therefore contrary to the National Planning Policy Framework and Policies C4, CC6, H4, H5, T4 and BE5 of the South East Plan 2009 and Policies C7, C8, C28 and C30 of the adopted Cherwell Local Plan and Policies D1, D3 and D5 of the Non-Statutory Cherwell Local Plan 2011.

85

First & Second Floors,10 - 11 Horse Fair, Banbury

The Committee considered application 12/01020/F for the conversion of existing offices into a house of multiple occupation.

In considering the application, some Members commented that the proposed development was appropriate for the site and there was a need for bed-sits in the town centre, in particular in light of the Government's welfare and housing reforms. Other Members commented that the proposal represented over development and stressed that, should the application be approved, good management would be essential.

In response to Members' comments, the Development Control Team Leader provided clarification on the proposed acceptance of lower S106 contribution levels explaining that the issue of viability was greater in the current economic climate

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

Resolved

That application 12/01020/F be approved, subject to:

- (a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions.
- (b) 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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: application forms, site location plan and drawing Nos. 07-07-685/PL-101, 102, 103, 104, 105.
 - (3) That full details of refuse bin storage for the units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, thereafter the refuse bins shall be stored at all times in accordance with the approved details other than on the day of refuse collection.

86

Ardley Waste Management Facility, Ardley Fields Farm, Ardley

The Committee considered application 12/01215/CM for the continuation of asbestos land-filling. Cherwell District Council was a consultee on the application which would be determined by Oxfordshire County Council.

The Committee was satisfied with the evidence presented.

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

Resolved

- (1) That Oxfordshire County Council be advised that Cherwell District Council raise no objection to the application subject to there being no alteration to the phasing, restoration, timescales, inputs (including traffic levels), hours of operation and employment details approved as part of 08/02472/CM as a result of the continuation of asbestos landfilling.

Councillors Lawrie Stratford and Reynolds requested that their abstention from the vote be recorded.

87 **Request for variation of the Section 106 legal agreement to the proposed development at Land South West of Orchard Close and adjoining Murcott Road, Upper Arcott - Application 10/00807/OUT**

The Committee considered a request to vary the Section 106 legal agreement in relation to the housing development at Land South West of Orchard Close and adjoining Murcott Road, Upper Arcott – Application 10/00807/OUT.

Resolved

- (1) That the section 106 agreement be varied in accordance with Option 2 as set out in the report.

88 **Request for a variation of the S106 Agreement relating to the proposed development at Bankside, Banbury - Application 05/01337/OUT**

The Committee considered a report which requested agreement to vary the S106 Agreement in relation to the development at Longford Park (Bankside), Banbury (application 05/01337/OUT). Consideration of the request had been deferred at the last meeting to allow answers to be provided to questions concerning the mix of housing.

The Strategic Housing Officer advised the Committee that the affordable housing mix had been negotiated in January 2012 and was set to respond to meeting future housing needs in the Cherwell district at that time.

The Committee thanked officers for the additional information.

Resolved

- (1) That the s106 agreement be varied to enable further progress towards the commencement of the development and delegate to officer the final approval of the precise wording of the amendments (option 2).

89 **Request for a variation of the S106 Agreement relating to the proposed development at Oak Farm, Milcombe - 1000967OUT**

The Committee considered a request for a variation of the S106 Agreement in relation to the development at Oak Farm, Milcombe – Application 10000967/OUT.

In considering the report, Members commented that Parish Councils should be consulted on S106 variation requests to ensure that any variations continued to best meet the needs of the parish.

The Development Control Team Leader confirmed that Parish Councils were consulted on S106 agreements and assured Members that procedures would be reviewed with a view to consulting parishes on variations.

Resolved

- (1) That the requested variations to the agreement as laid out in the report be agreed and that authority be delegated to officers on the final approval of the precise working of the amendments should this be necessary.

90 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were Decisions Subject to Various Requirements

Resolved

- (1) That the position statement be accepted.

91 **Appeals Progress Report**

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

Resolved

- (1) That the position statement be accepted

The meeting ended at 6.00 pm

Chairman:

Date: