

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, on 30 October 2008 at 4.00 pm.

Present: Councillor Fred Blackwell (Chairman)

Councillor Ken Atack
Councillor Maurice Billington
Councillor Colin Clarke
Councillor Andrew Fulljames
Councillor Mrs Catherine Fulljames
Councillor James Macnamara
Councillor Alastair Milne Home
Councillor George Parish
Councillor Debbie Pickford
Councillor George Reynolds
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Mrs Rose Stratford

Substitute

Members: Councillor Andrew Fulljames substituted for Councillor L Stratford, Councillor Parish substituted for Councillor Sibley and Councillor Stevens substituted for Councillor Gibbard.

Apologies for absence were received from Councillors Edwards, Heath, Hughes and Pack.

Officers: Jameson Bridgwater (Head of Development Control and Major Developments)
Bob Duxbury (Development Control Team Leader)
Nigel Bell (Assistant Solicitor)
Paul Manning (Assistant Solicitor)
Alexa Coates (Democratic and Scrutiny Officer)
Theresa Goss (Democratic Officer)
Simon Dean (Planning Trainee)

P.69

Declarations of Interest

Councillors Miss Debbie Pickford and Mrs Rose Stratford indicated that as Members of Bicester Town Council they had been involved in the consideration of applications on the agenda for the meeting.

Councillors Colin Clarke, Alastair Milne Home, George Parish and Chris Smithson made similar declarations in respect of Banbury Town Council (Councillor Milne Home was a Member of the Banbury Town Council's Planning Committee).

All of the aforementioned Members declared that they would form judgements on the appropriate applications on the basis of the evidence presented at the meeting and that judgement might differ from any views they had expressed at the meetings of the Town and Parish Councils which had been based on the evidence available at that time.

P.70 Minutes

The Minutes of the meeting of the Committee held on 9 October 2008 were approved as a correct record.

P.71 Additional Items and Petitions

The Chairman outlined that there were no additional items or petitions.

Planning Applications

P.72 Begbroke Science Park - Access Road and Land Including Part of OS0004 and OS0028 Adjacent to Woodstock Road 08/00899/F

The Committee considered a report from the Head of Development Control and Major Developments for the widening and southern extension of access road including public highway junctions alterations and associated works at Begbrooke Science Park.

The proposal involved the widening of the existing access driveway from the complex to Sandy Lane and the construction of an entirely new section (about 600 metres) of roadway to the east of Broadfield Road and Ryder Close and to the south of Gravel Pits Lane. It was proposed to be a two way single carriageway road with associated landscaping of hedgerows and tree planting. It would cross Sandy Lane as a simple crossroads and would terminate at Woodstock Road as a traffic light controlled junction. The application had been accompanied by a design and access statement, a transport assessment, a flood risk assessment (both the latter of which has been supplemented by additional information) and a planning statement.

Following consideration of the Officers' report, written update and presentation, the Committee were of the opinion that the application should be refused, in line with the officer's recommendation.

Resolved that application 08/00899/F be refused for the following reason:

The proposed roadway significantly increased the detrimental impact upon the openness and visual amenity of the Oxford Green Belt over that associated with the previously proposed roadway. Therefore, it was contrary to Policies G2 and G4 of the Oxfordshire Structure Plan 2016, saved Policy GB1 of the adopted Cherwell Local Plan and Policies GB1 and GB6 of the Council's Non-Statutory Cherwell Local Plan 2011.

P.73 Sapa Profiles UK Southam Road, Banbury 08/01987/F

The Committee considered a report from the Head of Development Control and Major Developments for the change of use of the existing rolling mill building from Class B2 (general industrial) to flexible uses, use Class B2 (general industrial) and/or Class B8 (warehousing or distribution) at Sapa profiles UK Southam Road, Banbury.

The application site was located at the northern end of the town and had an area of 12.65 hectares. The site was currently occupied by Sapa Profiles, which would close its operations on the site at the end of 2008. The site lay adjacent to

the A423 route between Banbury and Southam and had an established B2 employment use.

The Head of Development Control and Major Developments felt that the application should be approved because the application was in accordance with the development plan. The development was considered to be acceptable on its planning merits as the proposal sought to ensure the economic continuation and reuse of the buildings. As such the proposal was in accordance with Policy E1 of the Oxfordshire Structure Plan 2016 and the Council's informal development guidance for the site.

Following consideration of the Officers' report, written update and presentation, the Committee were of the opinion that the application should be approved, in line with the officer's recommendation.

Resolved that application 08/01987/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.

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.
- 2 no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site, and in particular the northern boundary to Noral Way and the southern boundary adjacent to the Oxford canal which shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation, Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan.
- 3 all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies G2 and EN1 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan.

- 4 a Green Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policies G1 and T1 of the Oxfordshire Structure Plan 2016.

- 5 the parking and servicing areas shall be kept free of obstructions at all times and used only for the specified purpose.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government advice in PPG13: Transport and Policy T8 of the Oxfordshire Structure Plan 2016.

- 6 no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan.

- 7 the existing rolling mill building, office building, gates and gatehouse shall not be structurally altered in any way without the prior consent of the LPA

Reason - To safeguard the preservation and retention of the 'Planning and the Historic Environment', Policy EN4 of the Oxfordshire Structure Plan and Policy C18 of the adopted Cherwell Local Plan.

- 8 the premises shall be used only for purposes falling within Class B2/B8 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy G2 of the Oxfordshire Structure Plan 2016 and Policies C28 and C31 of the adopted Cherwell Local Plan.

9. the existing listed art-deco office building shall be retained as ancillary office accommodation in connection with the use/occupation of the remainder of the site for B2/B8 purposes and shall remain unaltered unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport and Policy T8 of the Oxfordshire Structure Plan 2016.

10. prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policies G1 and T1 of the Oxfordshire Structure Plan 2016.

11. prior to the first occupation of the development hereby permitted and in conjunction with the Green travel Plan, shower facilities shall be provided for use by employees within the building in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policies G1 and T1 of the Oxfordshire Structure Plan 2016.

P.74

60A Foxdown Close, Kidlington

08/01925/LB

The Committee considered a report from the Head of Development Control and Major Developments for a pedestrian access at 60A Foxdown Close, Kidlington, Oxon.

The site comprised former stone barns which were currently undergoing a conversion and an extension to create an independent dwelling and were located between the houses in the residential cul-de-sac Foxdown Close and to the rear of the High Street. The principle access to the site was from Foxdown Close and there was also an access which served this site from between 95 and 101 High Street, the continued and type of use of this access was the subject of this application.

This proposal sought to construct a natural stone wall to a height of 1.9m, with a timber lintel and rounded coping, bringing the total height to just over 2m, at its highest point. A timber framed pedestrian gate was proposed to be installed in the wall.

The Head of Development Control and Major Developments felt that the application should be approved because the application was in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, Government advice contained within PPG15 and the development plan. The development was considered to be acceptable on its merits as the proposal preserved the character and appearance of the listed wall. As such, the proposal was in accordance with Policy EN4 of the Oxfordshire Structure Plan 2016 and Policy C18 of the adopted Cherwell Local Plan.

Following consideration of the Officers' report, written update and presentation, the Committee were of the opinion that the application should be approved, in line with the officer's recommendation.

Resolved that application 08/01925/LB be approved subject to the following conditions:

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.

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. lime mortar shall be used in the construction and/or repointing of the natural stone wall.

Reason - To ensure appropriate materials are used which preserve the listed building and to comply with Policy EN4 of the Oxfordshire Structure Plan and Policy C18 of the adopted Cherwell Local Plan.

3. full design details of the pedestrian gate, at a scale of 1:20, 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.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in PPG15: Planning and the Historic Environment, Policy EN4 of the Oxfordshire Structure Plan 2016 and Policy C18 of the adopted Cherwell Local Plan.

4. the wall shall be constructed in natural weathered limestone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1metre square 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.

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/or on the adjoining building and to comply with Policy G2 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan.

P.75

60A Foxdown Close, Kidlington

08/01824/F

The Committee considered a report from the Head of Development Control and Major Developments for a pedestrian access gate within stone wall at 60A Foxdown Close, Kidlington, Oxon.

The site comprised former stone barns which were currently undergoing a conversion and an extension to create an independent dwelling and were located between the houses in the residential cul-de-sac Foxdown Close and to the rear of the High Street. The principle access to the site was from Foxdown Close and there was also an access which served this site from between 95 and 101 High Street, the continued and type of use of this access was the subject of this application.

This proposal sought to construct a natural stone wall to a height of 1.9m, with a timber lintel and rounded coping, bringing the total height to just over 2m, at its highest point. A timber framed pedestrian gate was proposed to be installed in the wall

The Head of Development Control and Major Developments felt that the application should be approved because the application was in accordance with the development plan. The development was considered to be acceptable on its planning merits as the proposal was not considered to detrimentally impact highway safety, the character and appearance of the Conservation Area nor setting of the nearby Grade II listed outbuildings. As such, the proposal was in accordance with PPG 13: Transport, PPG 15: Planning and the Historic Environment, Policies G2, T8 and EN4 of the Oxfordshire Structure Plan 2016 and Policy C28 of the adopted Cherwell Local Plan.

Following consideration of the Officers' report, written update and presentation, the Committee were of the opinion that the application should be approved, in line with the officer's recommendation.

Resolved that application 08/01824/F be approved subject to the following condition:

1. the natural stone wall and pedestrian gate shall be constructed within 3 months from the date of this permission. No other means of access whatsoever shall be formed or used between the site and the highway other than via Foxdown Close as indicated on the plans approved under reference no. 00/02458/F.

Reason - In the interests of highway safety, and to comply with Government advice contained in PPG 13: Transport and Policy T8 of the Oxfordshire Structure Plan 2016.

P.76 **Completion of the S106 Agreement for Land at Bankside Banbury- Progress Report**

The Committee considered a report from the Head of Development Control and Major Developments on the completion of the S106 Agreement for Land at Bankside, Banbury.

Since the last report was submitted to the Committee on 17 July 2008, the section 106 agreement had been completed and was ready for engrossment along with a complete set of planning conditions. This was currently with Oxfordshire County Council's legal department and would take some time, as would the sealing exercise, due to the number of parties to the agreement.

Resolved that the report be noted.

Review and Monitoring Reports

P.77 **Decisions Subject to Various Requirements – Progress Report**

The Committee considered a report from the Head of Development Control and Major Developments on the applications which they had authorised decisions upon, subject to various requirements which must be complied with, prior to the issue of decisions.

The Committee were also advised that the section 106 agreement for Bicester Town Centre was currently with the developers for comment.

Resolved that the position statement be noted.

P.78 **Appeals – Progress Report**

The Committee considered a report from the Head of Development Control and Major Developments on applications which had been determined by the Council, where new appeals had been lodged, public inquiries/hearings had been scheduled or appeal results received.

The Committee were advised that although the appeal by Mr D Williamson against the refusal of application 07/02134/F for retrospective solar panels at Manor Cottage, Mill Road, Stratton Audley (delegated), was dismissed by the inspector, the Council would not take enforcement action as the development was now a permitted development.

Resolved that the position statement be noted.

P.79 **Exclusion of the Public and Press**

Resolved

That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in the following paragraph of Schedule 12A of that Act

Paragraph 7 – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

PART II: MATTERS CONTAINING EXEMPT INFORMATION

EXEMPT

P.80 **Prosecution Proceedings – Progress Report**

(Exempt by virtue of paragraph 7)

The Committee considered a joint report from the Head of Development Control and Major Developments and the Head of Legal and Democratic Services indicating the present position in respect of outstanding prosecution proceedings.

Resolved that the position statement be noted.

The meeting ended at 5:10pm