

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 16 April 2015 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)  
Councillor Colin Clarke (Vice-Chairman)

Councillor Andrew Beere  
Councillor Fred Blackwell  
Councillor Michael Gibbard  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Matt Johnstone  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor Alastair Milne Home  
Councillor Nigel Randall  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Lawrie Stratford

Apologies for absence: Councillor Trevor Stevens  
Councillor Douglas Williamson

Officers: Jonathan Westerman, Development Services Manager  
Emily Shaw, Senior Planning Officer  
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer  
Amy Jones, Legal Assistant  
Natasha Clark, Team Leader, Democratic and Elections

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### Declarations of Interest

Members declared interests in the following agenda items:

#### **8. 55-57 Park Road, Banbury OX16 0DH.**

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 Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Declaration, as he lived in an adjacent property and would leave the meeting for the duration of the item.

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

**9. Easington Sports and Social Club.**

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 Barry Richards, 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 Colin Clarke, Declaration, as the Chairman of the Residents Association was known to him and he would leave the meeting for the duration of the item.

**11. Tesco, Pingle Drive, Bicester.**

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

220 **Requests to Address the Meeting**

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

221 **Urgent Business**

There were no items of urgent business.

222 **Minutes**

The Minutes of the meeting held on 19 March 2015 were agreed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 195 – Declarations of Interest

Delete all declarations under 22. 43 Churchill Road, Bicester, OX26 4UW

223 **Chairman's Announcements**

The Chairman made the following announcements:

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.
2. Planning training would be held on Thursday 21 May 2015 at 1.30pm. All Members were welcome to attend and in particular Planning Committee member should attend due to the requirement for Committee members to have received planning training prior to sitting on the Committee.

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### **Land adj to Vespasian Way, Chesterton**

The Committee considered application 14/01899/F for the erection of 10 no. Dwellings with associated means of access, car parking and landscaping at land adjacent to Vespasian Way, Chesterton for Hill Residential.

Simon Joyce, agent for the applicant, addressed the Committee in support of the application.

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

### **Resolved**

That application 14/01899/F be refused for the following reasons:

1. The proposed development will be conspicuous from public vantage points to the west and will be detrimental to the character and appearance of the countryside And to the setting of the village and the land is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996, nor is the application site proposed for development as a strategic housing allocation in the Submission Local Plan December 2014. The proposal will have a greater impact on these matters than the scheme being built that was allowed at appeal ( re non 12/00305/OUT) and represents a sporadic, unplanned, urban extension, encroaching into the open countryside which fails to maintain its rural character and appearance. The application is, therefore, contrary to Policies H18, C7 and C8 of the adopted Cherwell Local Plan, Policies ESD13, and ESD16 of the Submission Cherwell Local Plan June 2014 (as amended by modifications) and national policy contained in the National Planning Policy Framework.
2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policy INF1 of the Submission Cherwell Local Plan January 2014 and national policy contained within the National Planning Policy Framework.
3. Development in the manner proposed will curtail the opportunity for the developer to deliver the informal open space that it is obligated to provide in the terms of a legal agreement entered into by the applicant

in respect of the adjacent site that is currently being built to the detriment of the character and appearance of that scheme and the quantum of open space that should be provided, contrary to Policy BSC10 of the submitted Cherwell Local Plan.

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**55-57 Park Road, Banbury OX16 0DH**

The Committee considered application 14/01901/F for the change of use from domestic outbuilding to D1 Madrassa with prayer facilities at 57 Park Road. Proposed retention of existing classroom with the addition of prayer facilities and opening hours at 55 Park Road for Mr Mohammed Hanif.

Steve Kilsby, speaking on behalf of another neighbour, addressed the Committee in objection to the application.

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

**Resolved**

That application 14/01901/F be approved subject to the following conditions, an additional condition requiring boundary treatment and a further condition relating to limits on the number of children in the building at any one time, the exact wording of these additional conditions to be delegated to the Head of Development Management:

1. The operation hours of the prayer premises located within the building to the rear of 55 and 57 Park Road shall be restricted to the following times:-

During British Summer Time (BST)  
Monday-Friday – 13:00 to 15:00  
Saturday – 13:00 to 15:00  
Sunday and Public Holidays 13:00 to 15:00

During British Winter Time (GMT)  
Monday-Friday – 12:00 to 14:00  
Saturday – 12:00 to 14:00  
Sunday and Public Holidays 12:00 to 14:00

2. The operation hours of the class room/prayer facility on the ground floor on 55 Park Road shall be restricted to the following times:

Monday – Friday – 16:30 to 18:30  
Saturday – 16:30 to 18:30  
Sunday – 16:30 to 18:30

3. The outbuilding to the rear of number 55 and 57 shall be used only for the purpose of a Madrassa with prayer facilities and for no other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

226 **Easington Sports and Social Club**

The Committee considered application 14/01911/F for the installation of 6 floodlight columns and 16 1500mw lights at Easington Sports and Social Club for Mr Richard Meadows (Easington Sports and Social Club).

Ron Sangster, Chairman of the Residents Association, addressed the Committee in objection to the application.

Paul Woodland, addressed the Committee on behalf of Easington Sports and Social club in support of the application

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

**Resolved**

That application 14/01911/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.
2. The floodlights hereby approved shall not be switched on more than 30 minutes before match kick off and shall be switched off no more than 10 minutes after the final whistle and in any event no later than 18.00 Sunday to Friday and 18.00 on Saturdays.
3. There shall be no floodlit training on the pitch and no more than 12 floodlit matches in any one season, with authority delegated to the Head of Development Management to amend the wording of this condition to ensure its robustness.
4. The lighting is to be installed in accordance with the submitted details and to be checked and certified by the installer.

227 **Muddle Barn Farm, Colony Road, Sibford Gower**

The Chairman advised the Committee that application 14/02157/F had been withdrawn from the planning process by applicant and would therefore not be considered at the meeting.

228 **Tesco, Pingle Drive, Bicester**

The Committee considered application 15/00082/F for the demolition of existing Tesco food store, petrol filling station and part of existing Bicester Village retail outlet centre to provide new Class A floorspace, car parking and associated landscaping and highway works at Tesco, Pingle Drive, Bicester for Bicester Nominees Ltd\_Bicester II Nominees Ltd c/o agent.

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

## **Resolved**

That application 15/00082/F be approved, subject to:

- (i) referral to the Secretary of State (Department for Communities and Local Government) as a departure;
- (ii) completion of a satisfactory section 106 agreement relating to matters of public art and requiring the preparation and implementation of an Employment and Skills Plan (the Plan), and bringing forward those matters previously agreed re highways/transport matters
- (iii) the following conditions:
  1. SC1.4 Time (4 years)
  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: the application form and submitted reports and documentation and drawing numbers 09/068/P-01B, P-02C, P-03A, P-04.1B, P-04.2A, P-04.3A, P-05A, P-06B, P-07B, P-08B, P-09A, P-10A, P-11A, P-12B, P-13A, P-14A, P-15A, P-16A, P-17A, P-18A, P-19A, HED.979.100(a), 101(B), 102(A), 103(A), 104(A), 105, 107, 601, 602, 603, 604, 3P7640/RH1, RH2, RH3, RH4, RH5, RH6, RH7, RH8, SK-26, SK-27, SK-28, SK-29 and SK30.
  3. That the external walls and roof(s) of the buildings shall be constructed in accordance with a schedule of materials and finishes, samples and details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
  4. That a plan showing the details of the finished floor levels of the proposed buildings in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.
  5. That prior to the first occupation of the proposed development the proposed access works between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.
  6. That the proposed vision splays shall be formed, laid out and constructed in accordance with detailed plans which shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the proposed development and that the land and vegetation within the splays shall not be raised or allowed to grow above a maximum height of 0.6 metres above carriageway level.

7. That prior to the first occupation of the proposed development all the identified off-site highway and landscaping works shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.
8. The parking, manoeuvring and servicing areas for the development shall be provided in accordance with the submitted site layout plan (P-04) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking, manoeuvring and servicing of vehicles at all times.
9. No development shall commence on site for the development until the whole of the Sustainable Drainage Systems (SUDS) details are submitted to and approved in writing by the Local Planning Authority in consultation with Oxfordshire County Council.
10. Notwithstanding the drawings submitted, no development shall commence on site for the development until further details are submitted to and approved in writing by the Local Planning Authority in consultation with Oxfordshire County Council for a new alignment for Bicester Footpath number 6.
11. No development shall commence on site for the development until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction and a route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
12. Prior to the first occupation of the development covered cycle parking facilities shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway 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.
13. Notwithstanding the details submitted, 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 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,
  - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

14. That 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.
15. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
16. The development hereby permitted shall be carried out in accordance with the recommendations set out in Report No. WB02669/R2 by Clarkebond (UK) Ltd dated June 2012 unless otherwise agreed in writing by the Local Planning Authority.
17. If contamination is found by undertaking the work carried out under condition 16, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
18. If remedial works have been identified in condition 17, the remedial works shall be carried out in accordance with the scheme approved under condition 17. the development shall not be occupied until a verification report (or validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.
19. No development shall take place on the site until the applicant(s), or their agents or successors in title, has arranged an archaeological watching brief to be maintained during the course of building operations or construction works on the site. The watching brief shall be carried out in accordance with a written specification and by a professional archaeological organisation, details of which 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 details.
20. Development shall not begin until a surface water drainage scheme for the site, based on the principles included in the Flood Risk Assessment Ref WB02669 June 2012 has been submitted to and approved in writing by the local planning authority. The scheme shall include upgrading the storage pond, control structure and pipe work and there shall be no



increase in discharge rates or volumes of surface water runoff. Thereafter, the scheme shall be implemented in accordance with the approved details before the development is completed.

21. No infiltration of surface water drainage into the ground in the area of the former petrol filling stations permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
22. Except where stated in condition 25, the retailing units shall only be used for the purposes of providing a factory outlet shopping centre for high end designer fashion and homewares only and for no other purpose within Class A1 of the Town and Country (Use Classes) Order 1987 (as amended).
23. Except where stated in condition 25, the development shall not be used for the retailing of food or other convenience goods including newspapers, magazines, confectionary nor as a newsagents or chemists selling pharmaceuticals or health products.
24. The development hereby permitted shall not be occupied by 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 and arts and crafts products.
26. Any class A3 café/restaurant use of the approved buildings 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 maximum of 3,500 sq metres.
27. Except where shown on the submitted drawings, no individual retail unit shall have a gross floor area of in excess of 450 sqm.
28. That prior to the commencement of the development, the provision of a suitable scheme of public art shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the occupation of the development and thereafter retained in accordance with the approved details.
29. The development hereby permitted shall be constructed to at least a BREEAM 'very good' standard.

### **Decisions Subject to Various Requirements**

The Head of Development Management submitted a report which informed Members upon applications which they had authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

**Resolved**

- (1) That the position statement be accepted.

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**Appeals Progress Report**

The Head of Development Management 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 5.20 pm

Chairman:

Date: