

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 10 September 2009 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Ken Atack
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor David Hughes
Councillor James Macnamara
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Trevor Stevens
Councillor John Wyse

Substitute

Members: Councillor Timothy Hallchurch MBE (In place of Councillor Lawrie Stratford)
Councillor Russell Hurle (In place of Councillor Rose Stratford)
Councillor Nicholas Turner (In place of Councillor D M Pickford)
Councillor Barry Wood (In place of Councillor Colin Clarke)

Apologies for absence were received from Councillors Rose Stratford, Maurice Billington, Colin Clarke, D M Pickford, Chris Smithson and Lawrie Stratford

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Jenny Barker, Major Developments Team Leader
Nigel Bell, Solicitor
Caroline Roche, Planning Officer
Simon Dean, Trainee Planning Officer
Alexa Coates, Senior Democratic and Scrutiny Officer
Michael Sands, Trainee Democratic and Scrutiny Officer

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Declarations of Interest

Councillors declared interest with regard to the following agenda items

6. The Garage, High Street, Charlton on Otmoor, Oxfordshire OX5 2UQ.

Councillor Michael Gibbard, Prejudicial, as the applicant was an acquaintance.

Councillor Timothy Hallchurch MBE, Prejudicial, as he had previously declared support for the application as a local ward member.

10. The Otmoor Lodge Hotel, Horton Hill, Horton cum Studley, Oxford OX33 1AY.

Councillor Timothy Hallchurch MBE, Prejudicial, as he had previously declared support for the application as a local ward member.

11. The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley, Oxford.

Councillor Timothy Hallchurch MBE, Prejudicial, as he had previously declared support for the application as a local ward member.

12. Finmere Quarry, Banbury Road, Finmere, Oxon MK18 4AJ.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Michael Gibbard, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Nicholas Turner, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Timothy Hallchurch MBE, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

13. Horsehay Quarry, Middle Barton Road, Duns Tew.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Nicholas Turner, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Timothy Hallchurch MBE, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

14. Horsehay Quarry, Middle Barton Road, Duns Tew.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Nicholas Turner, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Timothy Hallchurch MBE, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

67 **Petitions and Requests to Address the Meeting**

The Chairman advised the Committee that requests to speak would be dealt with at each item.

68 **Urgent Business**

There was no urgent business.

69 **Minutes**

The Minutes of the meeting held on 13 August 2009 were agreed as a correct record and signed by the Chairman.

70 **The Garage, High Street, Charlton on Otmoor, Oxfordshire OX5 2UQ**

The Committee considered a report of the Head of Development Control and Major Developments for the redevelopment of the existing coach depot by the erection of six dwellings, together with associated landscaping, covered parking and access.

Mr Tremayne spoke in support of the application, as Chairman of Charlton On Otmoor Parish Council.

Mr Peter Uzell spoke in support of the application as the Applicants agent.

The Committee considered the need for Affordable Housing developments in rural areas and discussed the effect on the greenbelt.

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

Resolved

That application 08/02493/F be refused for the following reasons:

- 1) The redevelopment of the Charlton on Otmoor Bus Depot for residential development, which is not infill, represents inappropriate development within the Oxford Green Belt, for which no very special circumstance case has been proven, and which would cause harm to the openness of the Green Belt; conflicting with the purpose of

including land within the Green Belt and would harming its visual amenities. For these reasons, the application is contrary to PPG2: Green Belts, Policy CO4 of the South East Plan 2009, Policy GB1 of the adopted Cherwell Local Plan and Policies GB1 and GB1a of the non-statutory Cherwell Local Plan 2011.

- 2) The proposal would result in the loss of an existing rural business and therefore employment within a rural settlement and as the site has not been satisfactorily marketed and nor is it considered that the proposal would result in a significant or demonstrable planning benefit to the site or its surroundings the development is considered to be contrary to PPS1: Delivering Sustainable Development, PPS6: Town Centres, PPS7: Sustainable Development in Rural Areas and Policy EMP5 of the non-statutory Cherwell Local Plan.
- 3) The proposed dwellings, due to their proposed location, arrangement and relationship with other neighbouring dwellings, would not respect the historic, linear, settlement pattern along High Street, which would neither preserve or enhance the character and the appearance of the Charlton on Otmoor Conservation Area, thus being contrary to PPG15: Planning and the Historic Environment, Policy BE6 of the South East plan 2009 and Policies EN39 and EN40 of the non-statutory Cherwell Local Plan 2011.
- 4) That notwithstanding the above three refusal reasons, the proposal for one affordable dwelling amongst the six proposed would fail to meet the Council's threshold for securing affordable housing in rural areas, contrary to the Council's Affordable Housing SPG, PPS3: Housing, Policy H3 of the South East Plan 2009 and Policy H7 of the Non-Statutory Cherwell Local Plan 2011.

71 **OS Parcel 3873 North east of Hillside House Street From Cropredy to Great Bourton Cropredy**

The Committee considered a report of the Head of Development Control and Major Developments for the extension to the existing open fronted barn and installation of below ground sewage tank. The committee were informed of comments received from Cropredy Parish Council in objection to the application.

Mr Cannon spoke in objection to the application.

Mr Howard spoke in objection to the application.

Ms Tomlin spoke in objection to the application, as representative of Bourton Parish Council.

The Committee considered the risk of flooding due to the surrounding drainage channels being blocked and discussed the usage of the cesspit on site and raised concerns about the installation of another container. The committee expressed concerns relating to previous enforcement issues on the site and the impact of the development on the rural character of the site particularly the loss of ridge and furrow features.

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

Resolved

That application 09/00478/F be refused for the following reasons:

The hard standing and the proposed extension to the building result in an intrusion into the open landscape and the loss of traditional ridge and furrow features which contribute to the rural character of the landscape and will lead to an unacceptable erosion of the rural character and topography of this part of the countryside. This is contrary to Policy C7 of the adopted Cherwell Local Plan.

Councillor Wood requested that his abstention from the vote is recorded as he had not been present for the whole of the Officer's presentation and debate.

72

The Old Turnstile, High Street, Barford St Michael

The Committee considered a report of the Head of Development Control and Major Developments for the construction of a tennis court with enclosure.

Mr Rupert Moulton, Mr Alan Perry and Jenny Greeves registered to speak in objection to the application. Mr Alan Perry spoke on behalf of the three objectors registered.

The Committee considered the potential impact that the development might have on the conservation area. Concerns were raised about the height of the surrounding fence and the possible effects to local wildlife. The Committee also considered the potential benefits in relation to village amenities.

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

Resolved

That application 09/00718/F be approved subject to:

- 1) 1.4A (RC2) [Full permission: Duration limit (3 years)
- 2) 6.16AA (RC40AA) [Incidental use] insert 'tennis court'
- 3) 3.3AA No works or development shall take place until the scheme for the protection of the retained trees is carried out in accordance with the details contained within the letter from Sacha Barnes Associates

dated 1 September 2009 received in the department on the 3 September 2009 and the accompanying plan SBA080/2 dated September 2009. The tree protection barriers shall remain in place and undamaged for the duration of the works. (RC72A) [Scheme to be submitted to protect retained trees] (e, f, g)

- 4) 3.0A (RC10A) [Submit landscaping scheme]
- 5) 3.1A(RC10A)[carry out landscaping scheme]
- 6) 8.18 (RC50) [Floodlights/ Lights]
- 7) 5.5 AA(RC96.A) [fencing details]

73

Rough Hill Farm, Shenington Road, Shenington OX15 6HQ

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the attached single storey structures and detached outbuildings, and the extension and conversion of the existing cottage and barns to form a large single dwelling with ancillary equestrian facilities.

The Committee were satisfied with the evidence presented by Officers.

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

Resolved

That application 09/00913/F be approved subject to the following conditions:

- 1) 1.4A
- 2) 2.0A-extensions, alterations and refurbishment of the farmhouse building and the stable block including the surface materials for the stable courtyard, farmhouse courtyard and driveway
- 3) 3.0A
- 4) 3.1A
- 5) 3.3A –This scheme shall include all trees south of the existing farmhouse complex
- 6) No development shall take place until a schedule of landscape maintenance for a minimum period of five year(s) has been submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and development shall be carried out in accordance with the approved schedule. Reason: In the interests of amenity and the appearance of the area and to comply with policy C28 of the adopted Cherwell Local Plan.

- 7) The garage shown on the approved plan(s) shall only be used as a private domestic garage (or for a purpose incidental to the enjoyment of the dwelling house) and shall at no time be used for any business or commercial purposes. Reason: RC15AA
- 8) No use of the proposed main access will be permitted until vision splays are provided in accordance with the details which shall be submitted to, and approved in writing by the Local Planning Authority, and no structure or vegetation within the splay shall be raised or allowed to grow 1 metre above the carriageway level. Reason: To provide and maintain adequate visibility in the interests of highway safety and to comply with advice contained PPG13-Transport.
- 9) 8.13
- 10) No development shall begin until details of measures to prevent contamination of the stream during the period of construction have been submitted to, and approved in writing by, the Local Planning Authority. REASON: To enable the Local Planning Authority to give further consideration to these matters and to comply with policy ENV1 of the adopted Cherwell Local Plan
- 11) No development will commence until a sustainable drainage scheme is implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Reason: To prevent the increased risk of surface water flooding and improve water quality and in the interests of sustainability in accordance with policy EN15 of the non statutory Cherwell Local Plan
- 12) No development shall be undertaken unless it is constructed in complete accordance with the specifications in the Cotswold Wildlife Survey Bat and Owl Survey report dated 28 October 2008 as amended by the Nocturnal Bat Survey dated 7 and 13 August 2009 accompanying this application or unless otherwise agreed in writing by the Local Planning Authority. In particular development on the farmhouse buildings shall only take place between 1 September and 1 May, a scheme of mitigation measures shall be submitted to and approved by the Local Planning Authority before development commences, and the mitigation measures as approved shall be monitored in accordance with details submitted to and approved by the Local Planning Authority before development commences. Reason: To avoid doubt, to ensure an acceptable development as indicated on the submitted drawings and supporting documents, and to comply with policies C1, C2 and C4 of the adopted Cherwell Local Plan.

74 **The Otmoor Lodge Hotel, Horton Hill, Horton cum Studley, Oxford OX33 1AY**

The Committee considered a report of the Head of Development Control and Major Developments for the construction of a single storey shop.

Officers recommended to the Committee that the application be deferred as the application was central to a further application and it was recommended that all the applications were considered together.

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

Resolved

That application 09/00936/F be deferred.

75 **The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley, Oxford**

The Committee considered a report of the Head of Development Control and Major Developments for the extension of a hotel to form 23 additional bedrooms, ancillary facilities, car park and access.

Officers recommended to the Committee that the application be deferred as the application was central to a further application and it was recommended that all the applications were considered together.

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

Resolved

That application 09/00937/OUT be deferred.

76 **Finmere Quarry, Banbury Road, Finmere, Oxon MK18 4AJ**

The committee considered a report of the Head of Development Control and Major Developments for four applications relating to Finmere Quarry and Landfill.

The committee discussed strengthening the wording of their comments to the County Council.

In reaching their decision the committee considered the Officers report and presentation.

Resolved

That Oxfordshire County Council be advised of the following comments regarding applications:

09/01030/CM: That Oxfordshire County Council be advised that Cherwell District Council was extremely disappointed that the life of the quarry was to be extended as a result of the applicant's over tipping at the site. However, as the height of the over tipped waste could not be reduced without causing serious harm to health; there was no objection to the varying of conditions that

would allow the operations to continue until the land was finally restored, in line with the timescales approved under 08/02518/CM and 08/02519/CM.

Cherwell District Council still maintains that the previously submitted and approved scheme for the necessary extension to the life of the site and restoration of the land is its' preferred option, and therefore option C is not acceptable.

09/01031/CM: That Oxfordshire County Council be advised that Cherwell District Council was extremely disappointed that the life of the quarry was to be extended as a result of the applicant's over tipping at the site. However, as the height of the over tipped waste could not be reduced without causing serious harm to health; there was no objection to the varying of conditions that would allow the operations to continue until the land was finally restored, in line with the timescales approved under 08/02518/CM and 08/02519/CM.

Cherwell District Council still maintains that the previously submitted and approved scheme for the necessary extension to the life of the site and restoration of the land is its' preferred option, and therefore option C is not acceptable

09/01032/CM: That Oxfordshire County Council be advised that Cherwell District Council was extremely disappointed that the life of the quarry was to be extended as a result of the applicant's over tipping at the site. However, as the height of the over tipped waste could not be reduced without causing serious harm to health; there was no objection to the varying of conditions that would allow the operations to continue until the land was finally restored, in line with the timescales approved under 08/02518/CM and 08/02519/CM.

Cherwell District Council still maintains that the previously submitted and approved scheme for the necessary extension to the life of the site and restoration of the land is its' preferred option, and therefore option A is not acceptable

09/01033/CM: That Oxfordshire County Council be advised that Cherwell District Council was extremely disappointed that the life of the quarry was to be extended as a result of the applicant's over tipping at the site. However, as the height of the over tipped waste could not be reduced without causing serious harm to health; there was no objection to the varying of conditions that would allow the operations to continue until the land was finally restored, in line with the timescales approved under 08/02518/CM and 08/02519/CM.

Cherwell District Council still maintains that the previously submitted and approved scheme for the necessary extension to the life of the site and restoration of the land is its' preferred option, and therefore option A is not acceptable.

Horsehay Quarry, Middle Barton Road, Duns Tew

The Committee considered a report of the Head of Development Control and Major Developments for a retrospective application for a building supplies compound and importation of aggregates for sale from the site.

The Committee thanked Officers for their work in dealing with the application.

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

Resolved

That Cherwell District Council object to the proposal on the following grounds:

The use of the site for a building supplies compound and importation of aggregates for sale from the site, is not considered to be reasonably necessary for the activities carried out by the Quarry and results in a new employment generating site in an unsustainable location, contrary to PPG4: Industrial, commercial development and small firms, PPS7: Sustainable development in rural areas, PPG13: Transport, policies M3 and SP3 of The South East Plan, policies C7, C13 and EMP4 of the Adopted Cherwell Local Plan and policies EN34, TR16 and EMP4 of the non-statutory Cherwell Local Plan.

78

Horsehay Quarry, Middle Barton Road, Duns Tew

The Committee considered a report of the Head of Development Control and Major Developments for the continuation of the development of sand extraction, restoration to agriculture and nature conservation, storage and sand importation for blending and sale under planning 07/0394/P/CM without complying with condition 7 to allow overnight lorry parking.

The Committee thanked Officers for their work in dealing with the application.

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

Resolved

That Cherwell District Council raises no objections to the proposal subject to the following planning condition and planning note being attached to any approval:

1. With the exception of vehicles involved in the importation of sand from the area of planning permission B302/54 (The West Quarry) not more than four lorries a day, importing aggregates to the site, shall leave the site without a load of aggregates obtained from the site and recorded at the weighbridge
Reason: To minimise the number of lorry movements on the approach roads in the interests of road safety

Planning note

For the avoidance of doubt the above condition replaces condition 7 of permission 07/0394/P/CM. However you are advised that all the other conditions of 07/0394/P/CM are still relevant to the development and need to be complied with.

79 **Tree Preservation Order (NO. 7) 2009 Weeping Willow at Prews Close
Park Hill Hook Norton**

The Committee considered a report of the Head of Development Control and Major Developments which sought confirmation for an unopposed Tree Preservation Order relating to Prews Close, Park Hill, Hook Norton.

Resolved

That Tree Preservation Order (No. 7) 2009 be confirmed without modification.

80 **Decisions Subject to Various Requirements - Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on decisions which were subject to various requirements.

The Committee were advised that the Section 106 Agreement for the Bicester Town Centre Scheme had been completed and that the transport infrastructure payment agreement at the Pow Wow water site had also been completed.

Resolved

That the position statement be accepted.

81 **Appeals Progress Report**

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

Resolved

That the position statement be accepted.

The meeting ended at 6.25 pm

Chairman:

Date: