

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 November 2009 at 4.00 pm

- Present: Councillor Fred Blackwell (Chairman)
- Councillor Rose Stratford (Vice-Chairman)
Councillor Maurice Billington
Councillor Colin Clarke
Councillor Mrs Catherine Fulljames
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor David Hughes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor John Wyse
- Substitute Members: Councillor Timothy Hallchurch MBE (In place of Councillor Ken Atack)
Councillor Russell Hurle (In place of Councillor Michael Gibbard)
Councillor Nicholas Turner (In place of Councillor Lawrie Stratford)
- Apologies for absence: Councillor Ken Atack
Councillor Michael Gibbard
Councillor Lawrie Stratford
- Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Bob Duxbury, Development Control Team Leader
Jenny Barker, Major Developments Team Leader
Jon Brewin, Arboriculture Officer
Nigel Bell, Solicitor
Natasha Clark, Trainee Democratic and Scrutiny Officer

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Declarations of Interest

Members declared interest with regard to the following agenda items:

7. Land to the north of the M40 and along the A361 in Chacombe parish.

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

Councillor Nicholas Turner, Personal, as a member of Banbury Town Council who had been consulted on the application.

Councillor James Macnamara, Prejudicial, as the Member who raised the issue of funding the scheme in the 2008/2009 budget.

8. Former USAF Housing & Facilities South of Camp Road, Upper Heyford, Oxfordshire.

Councillor James Macnamara, Personal, as a member of Lower Heyford Parish Council who may have previously considered the application.

10. Akeman Street, Chesterton, Bicester, Oxon, OX26 1TE.

Councillor James Macnamara, Prejudicial, as a member of Bicester Golf and Country Club.

11. Bloxham Church of England Primary School, Tadmarton Road, Bloxham.

Councillor Maurice Billington, Prejudicial, as a member of Oxfordshire County Council who would determine the application.

Councillor Mrs Catherine Fulljames, Prejudicial, as a member of Oxfordshire County Council who would determine the application.

Councillor Timothy Hallchurch MBE, Prejudicial, as a member of Oxfordshire County Council who would determine the application.

Councillor G A Reynolds, Prejudicial, as a member of Oxfordshire County Council who would determine the application.

Councillor Nicholas Turner, Prejudicial, as a member of Oxfordshire County Council who would determine the application.

Councillor James Macnamara, Personal, as the Council's representative on the Oxfordshire County Council School Organisation Stakeholder Group who had considered the application.

17. Tree Preservation Order (No. 9) 2009 Oak Tree at 9 Foscoote Rise, Banbury.

Councillor Colin Clarke, Personal, as a neighbour living in close proximity to the site and acquaintance of the owner of the property.

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

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

109 **Urgent Business**

There was no urgent business.

110 **Minutes**

The Minutes of the meeting held on 22 October 2009 were agreed as a correct record and signed by the Chairman.

111 **Heathfield Village, Heathfield, Bletchington**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of 4 new buildings to provide a further 50 bedrooms, 11 – 60 inclusive (previously approved under 06/00568/F) as part of the ongoing development at the site.

Mr Carl Middleditch spoke in favour of the application as the Applicant's Agent.

Mr Houston Ramm spoke in favour of the application as the Applicant's representative.

The Committee considered the impact of the development on the green belt and noted that green belt policy states that planning approval should be given only in special circumstances. The Committee considered whether this application fulfilled these criteria. Members of the Committee commented on the tourism potential of the development for the local area. The Committee also discussed the previous application and appeal decisions relating to the site.

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

Resolved

That application 08/01343/F be refused for the following reason:

The proposal seeks to provide additional accommodation to be used in conjunction with the leisure and recreational uses at the site. However, the level of accommodation proposed is disproportionate to the current recreational uses at the site. The proposal therefore represents inappropriate development within the Green Belt and the applicant has failed to demonstrate that very special circumstances exist to justify approving such development against which there is a strong presumption of refusal. The proposal is therefore contrary to Planning Policy Guidance Note 2: Green Belts, saved policy GB1 of the Adopted Cherwell Local Plan 1996, policy SP5 of the South East Plan 2009 and policy GB1 of the Non-Statutory Cherwell Local Plan 2011

112 **Land to the north of the M40 and along the A361 in Chacombe parish**

The Committee considered a report of the Head of Development Control and Major Developments relating to engineering works to form a wider Banbury Flood Alleviation Scheme including construction of embankment and floodwalls, excavation of material, realignment of sections of the River

Cherwell and raising of section of the A361 (Includes Environmental Statement). The application was a revised application for the site boundary to include all temporary working areas, works compounds, access routes and routes to local highway network (the scheme proposals remain unchanged).

Officers advised the Committee that a further application relating the majority of the works within Cherwell District would be presented to Members for consideration at a future meeting of the Committee.

The Committee noted that the application was of strategic importance for the Banbury area. Members expressed concerns about the impact of traffic in the area while the A361 road was closed for the engineering works.

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

Resolved

- 1) That South Northamptonshire Council be advised that Cherwell District Council raise no objection subject to appropriate conditions.
- 2) That South Northamptonshire Council be advised that Cherwell District Council raise concerns over traffic management/highways during the construction programme.

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Former USAF Housing & Facilities South of Camp Road, Upper Heyford, Oxfordshire

The Committee considered a report of the Head of Development Control and Major Developments which sought a change of use from military accommodation to private housing and associated community facilities. The application was a renewal of application 03/00757/F.

Members of the Committee commented on the benefits of extending access to the nursery to all residents in the parish.

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

Resolved

That application 09/01254/F be approved subject to:

- 1) The comments of Oxfordshire County Council developer funding team and the completion of a S106 Agreement covering contributions towards public transport and education

And the following conditions:

- 1) That at the expiration of five years from the date hereof the use specified in your application shall be discontinued and the land shall be restored to its former condition on or before that date.

- 2) That during a period of not less than one year and no longer than two years in duration commencing on or before the third anniversary of the date of this permission, the dwellings then occupied shall be progressively vacated in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and no dwelling shall continue to be occupied after the fifth anniversary of the date of the planning permission.
- 3) The existing open space and play areas shall be retained, maintained and made available to the public at all reasonable hours whilst the housing the subject of this permission is occupied.
- 4) Building 549 shall be managed, maintained and made available at all reasonable hours in accordance with details to be first submitted to and approved in writing by the Local Planning Authority for community uses falling within Class D2 of the Town and Country Planning (Use Classes Order) 1987 for the benefit of residents on the site.
- 5) Building 442 shall only be used as a children's nursery that is available to the residents of the housing the subject of this permission and shall not be used for any other purpose falling within Class D1 of the Town and Country Planning (Use Classes Order) 1987.

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Annexe Adjacent Applegate, East End, Hook Norton, Oxfordshire, OX15 5LH

The Committee considered a report of the Head of Development Control and Major Developments which sought approval to demolish a single storey bungalow and build a 1 ½ storey outbuilding and detached timber garage. The application was a resubmission of 09/00642/F with a changed design and access.

Ms Adrienne Nash, Dr Helen Raine and Mr William Stubbs spoke in objection to the application as their properties were in close proximity to the proposed development.

Mr Malcolm Timms spoke in favour of the application as the Applicant's Agent.

Mr John Hamilton, the Applicant, spoke in favour of the application.

Members of the Committee raised concerns about the potential impact of the development on neighbouring properties and requested a site visit.

Resolved

That consideration of application 09/01302/F be adjourned to the Planning Committee meeting on 10 December 2009 to allow a site visit.

115

Akeman Street, Chesterton, Bicester, Oxon, OX26 1TE

The Committee considered a report of the Head of Development Control and Major Developments which sought the removal of condition 7 of planning application 03/01050/F which stated: "That overnight accommodation hereby permitted shall be occupied only by Members of Bicester Golf and Country Club, their guests and Members of visiting golf societies" ..

Mr David Jones spoke in objection to the application.

Mr Neil Davies spoke in favour of the application, as the applicant's agent.

The Committee discussed the difficulties associated with enforcing the original condition. In response to Members' concerns about the impact of traffic in the area, Officers assured the Committee that they were awaiting further advice from Oxfordshire County Council regarding Chesterton Parish Council's suggested traffic mitigation measures.

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

Resolved

That application 09/01357/F be approved subject to:

- 1) Further advice from Oxfordshire County Council regarding Chesterton Parish Council's suggested traffic mitigation measures.

And the following condition:

- 1) Within 3 months of the date of this permission a Green Travel Plan shall be submitted to the Local Planning Authority and upon approval the requirement of agreed plan shall thereafter be implemented unless the plan is subsequently reviewed and approved.

116

Bloxham Church of England Primary School, Tadmarton Road, Bloxham

The Committee considered a report of the Head of Development Control and Major Developments seeking Cherwell District Council's comments on the proposal for the erection of a single storey extension to provide a new children's centre, a multi use classroom and associated external works, including a new entrance with canopy.

The Committee was satisfied with the evidence presented.

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

Resolved

That Oxfordshire County Council be advised that Cherwell District Council has no objections to the proposed development, however would suggest the imposition of the following planning conditions and notes:

Conditions:

- 1) 1.4A (RC2) [Full permission: Duration limit (3 years)]
- 2) 2.0A (RC4A) [Details of materials and external finishes] insert 'development'
- 3) That tree protection measures shall be installed to protect the nearby trees in accordance with the recommendations made within BS: 5837: 2005 - Guide for Trees in Relation to Construction. The tree protection barriers shall remain in place and undamaged for the commencement of development. (RC72A)

117 **Ivy Cottage, Main Street, North Newington, OX15 6AJ**

The Committee considered a report of the Head of Development Control and Major Developments which sought approval for the restoration of and alterations to an existing cottage including a new thatched roof, demolition of the existing single storey rear extensions and replacement with one and a half storey extension, and vehicular access with turning facility.

Members of the Committee requested a site visit to enable Members to view the potential impact of the proposed development on the conservation area and street scene.

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

Resolved

That application 09/01410/F be deferred to allow for a site visit.

118 **Report upon Complaint to the Local Government Ombudsman**

The Committee considered a report of the Head of Legal and Democratic Services and Head of Development Control and Major Developments which notified Members of the details of a complaint to the Local Government Ombudsman arising from the Council's maladministration and recommended payment of compensation.

Resolved

- 1) That £11,274.35 compensation be paid to the complainants.
- 2) That it be noted that the Head of Development Control and Major Developments will write to the complainants apologising for the Council's error and the stress and inconvenience caused.

- 3) That the Executive be recommended to make budgets available to support the action as set out above via a Supplementary Revenue Estimate of £11,274.35 to be funded from Development Control Reserve.

119

Planning Appeal (Public Inquiry) Relating to the Refusal of Planning Application 08/02495/F at Land North of Willowbank Farm, Fritwell Road, Fewcott

The Committee considered a report of the Head of Development Control and Major Developments which requested the Planning Committee to nominate two committee members to give evidence on behalf of the Council at the planning appeal (public inquiry) relating to the refusal of planning application 08/02495/F at Land North of Willowbank Farm, Fritwell Road, Fewcott. The application was for the erection of 4 turbines and ancillary development including a new site entrance, access tracks, a control building with substation and underground cabling and the erection of 1 anemometer monitoring mast and temporary construction compound.

Resolved

- 1) That Councillor Mrs Catherine Fulljames and Councillor James Macnamara be nominated to prepare and present evidence on behalf of the Planning Committee in relation to the planning appeal (public inquiry) at Land North of Willowbank Farm, Fritwell Road, Fewcott.
- 2) That Councillor Rose Stratford and Councillor Lawrie Stratford be nominated as reserve witnesses to present evidence on behalf of the Planning Committee in relation to the planning appeal (public inquiry) at Land North of Willowbank Farm, Fritwell Road, Fewcott.

120

Review of Validation Checklist for Planning Applications

The Committee considered a report of the Head of Development Control and Major Developments advising Members that it was necessary to consider changing the Council's current validation checklist for use in the registration of new planning applications. The report explained the proposed checklist and sought approval to proceed with formal consultations on its contents.

The Committee commended Officers on the revised validation checklist and guidance note and agreed that it would be very beneficial in assisting those submitting planning applications.

Resolved

- 1) That the revised validation checklist and guidance note be agreed.
- 2) That the Head of Development Control and Major Developments be authorised to undertake the necessary formal consultation process.

121 **Tree Preservation Order (No 6) 2009 Sycamore Tree at 'Peacehaven', Manor Farm Lane, Balscote**

The Committee considered a report of the Head of Development Control and Major Developments which advised Members of objections received following the making of a Tree Preservation Order (TPO) on a Sycamore tree at 'Peacehaven', Manor Farm Lane, Balscote and which sought a decision on whether or not to confirm the Order.

The Arboricultural Officer advised the Committee that no further supporting evidence to justify the removal of the tree had been submitted by the owner/occupier of the property.

Resolved

That Tree Preservation Order (No. 6) 2009 be confirmed without modification.

122 **Tree Preservation Order (No. 9) 2009 Oak Tree at 9 Fosscote Rise, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought confirmation of an unopposed Tree Preservation Order relating to a Oak Tree at 9 Fosscote Rise, Banbury.

Resolved

That Tree Preservation Order (No. 9) 2009 be confirmed without modification.

123 **Tree Preservation Order (No. 10) 2009 Lime Tree on highway verge to front of 102 Prescott Avenue, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought confirmation of an unopposed Tree Preservation Order relating to a Lime Tree on highway verge to front of 102 Prescott Avenue, Banbury.

Resolved

That Tree Preservation Order (No. 10) 2009 be confirmed without modification.

124 **Decisions Subject to Various Requirements**

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.

Resolved

That the position statement be accepted.

125 **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 noted.

The meeting ended at 6.45 pm

Chairman:

Date: