

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 20 September 2018 at 4.00 pm

- Present: Councillor David Hughes (Chairman)  
Councillor James Macnamara (Vice-Chairman)
- Councillor Andrew Beere  
Councillor Ian Corkin  
Councillor Surinder Dhesi  
Councillor Chris Heath  
Councillor Simon Holland  
Councillor Mike Kerford-Byrnes  
Councillor Alan MacKenzie-Wintle  
Councillor Cassi Perry  
Councillor D M Pickford  
Councillor G A Reynolds  
Councillor Les Sibley
- Substitute Members: Councillor Barry Wood (In place of Councillor Phil Chapman)
- Apologies for absence: Councillor Maurice Billington  
Councillor Phil Chapman  
Councillor Colin Clarke  
Councillor Richard Mould  
Councillor Lynn Pratt
- Officers: Paul Seckington, Senior Manager Development Management  
Aaron Hetherington, Democratic and Elections Officer  
Jim Newton, Assistant Director: Planning Policy and Development  
Nat Stock, Minors Team Leader  
Andrew Lewis, Principal Planning Officer  
Matt Chadwick, Senior Planning Officer  
George Smith, Planning Officer  
Paul Ihringer, Householder Team Leader  
Bob Duxbury, Joint Majors Manager

### **Declarations of Interest**

#### **10. The Old Malthouse, St Johns Road, Banbury.**

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

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

**11. The Old Malthouse, St Johns Road, Banbury.**

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

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

**14. Showroom, Antelope Garage, Swan Close Road, Banbury.**

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

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

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

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

**15. Eco Business Centre, Charlotte Avenue, Bicester OX27 8BL.**

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

**16. Part of Former BHS Unit, 36-37 Castle Quay, Banbury OX16 5UN.**

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

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

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

**17. Slighte, 18B Bridge Street, Banbury OX16 5PM.**

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

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

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

**18. Woodgreen Leisure Centre, Woodgreen Avenue, Banbury OX16 0HS.**

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

Councillor Barry Wood, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor D M Pickford, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

Councillor Ian Corkin, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

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

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

68      **Urgent Business**

There were no items of urgent business.

69      **Minutes**

The Minutes of the meeting held on 23 August 2018 were agreed as a correct record and signed by the Chairman.

70      **Chairman's Announcements**

The Chairman made the following announcement:

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.

71      **Heyford park, Camp Road, Upper Heyford, Bicester OX25 5HD**

The Committee considered application 16/02446/F for the erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works at Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HD for Heyford Investments LLP.

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

**Resolved**

That application 16/02446/F be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

1. Negotiation of the S106 agreement to Officers in accordance with the summary of the Heads of Terms set in para 8.79 and subsequent completion of S106 agreement;
2. Resolution of the Highway Authority objection to the Assistant Director's satisfaction
3. Referral to Department for Communities and Local Government for consideration of the need for Call-in.

4. The conditions set out below (and any amendments to those conditions as deemed necessary):
  1. Commencement Date
  2. Approved plans and documents
  3. Submission of additional matters
  4. Materials to be approved
  5. Landscaping-commencement
  6. Landscaping-commencement
  7. Landscape time frame
  8. Boundary Treatment
  9. LEMP
  10. Construction traffic management plan
  11. Full details of bus route
  12. Full details of bridleway
  13. Drainage strategy and SUDS maintenance
  14. Cycle Parking
  15. Details of footpath connection to SE
  16. Spec of roads, paths
  17. Spec for drives, turning areas
  18. Parking, manoeuvring-Details
  19. Estate roads-completion
  20. Main access details-visibility
  21. Travel Info Pack
  22. Fire Hydrants
  23. CEMP
  24. Contamination 1
  25. Contamination 2
  26. Contamination 3
  27. Remediation Strategy
  28. Mitigation Strategy for Bats
  29. Bat/Newt Licence Required
  30. Landscape and Ecological Management Plan
  31. Biodiversity
  32. TWU-waste
  33. TWU-Foul Water Drainage Strategy
  34. Sport England-Replacement PF

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**Dewey Sports Centre, Barley Close, Bloxham, Banbury OX15 4NJ**

The Committee considered application 18/01252/F for the erection of 12 floodlights, extension of existing car park, relocation of long jump, and associated landscaping at Dewey Sports Centre, Barley Close, Bloxham, Banbury, OX15 4NJ for Bloxham School.

In introducing the application, the Senior Manager, Development Management referred Members to the written update and that the officer recommendation from approval to deferral to allow officers more time to prepare a more comprehensive and thorough report.

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

**Resolved**

That consideration of application 18/01252/F be deferred to allow officers more time to prepare a more comprehensive and thorough report.

73      **OS Parcel 8233 South of Baynards Green Farm, Street to Horwell Farm, Baynards Farm**

The Committee considered application 18/00672/OUT for an outline development for up to 7,161 m<sup>2</sup> of B2 and/or B8 industrial development with ancillary offices (B1a), access and landscaping at OS Parcel 8233 South of Baynards Green Farm, Street to Horwell Farm, Baynards Green for Brunel Securities LLP And The Curtis Family.

David Marler, Director at CMS, addressed the committee in objection to the application.

Nick Shute, the applicant's agent, addressed the committee in support of the application.

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

**Resolved**

That application 18/00672/OUT be refused for the following reasons:

1.     The proposed development would result in the creation of a commercial development, more appropriate in terms of size and scale for a urban location, in a geographically unsustainable location and would not reduce the need to travel or offer a genuine choice of travel modes. The Council do not consider that exceptional circumstances have been demonstrated and as such the proposal is contrary to the Councils employment strategy contained in Policy SLE1 and ESD1 of the Cherwell Local Plan Part 1 and advice in the NPPF.
2.     The proposed development would cause unjustified visual intrusion and harm into the open countryside and result in sporadic development in the open countryside to the detriment of the character and appearance of the countryside. The proposal is therefore contrary to Policies SLE1, ESD13 and ESD15 of the Cherwell Local Plan, Saved Policy C8 of the Cherwell Local Plan 1996 and advice in the NPPF.
3.     The proposed development fails to robustly demonstrate that traffic impacts of the development are, or can be made acceptable. As such the proposal is contrary to Policy SLE4 of the Cherwell Local Plan Part 1 and advice in the NPPF.

74      **The Old Malthouse, St Johns Road, Banbury**

The Committee considered application 18/01158/F for the change of use from B1(a) offices to provide 25 No residential apartments with ancillary parking, bin storage and amenity area (Resubmission of 17/02167/F) at The Old Malthouse, St Johns Road, Banbury for Mr M Morrison, Morrison Property Consultants Limited.

Johannes Paul, speaking on behalf of Omlet, addressed the committee in objection. This address also covered the subsequent application.

Mark Morrison, agent for the applicant, addressed the committee in support to the application. This address also covered the subsequent application.

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

### **Resolved**

That application 18/01158/F be refused for the following reasons:

1. The applicant has failed to demonstrate through a robust marketing exercise that the site is no longer viable to be retained for its existing employment use. The proposed development would therefore lead to the unjustified loss of employment land in a sustainable location and result in economic harm contrary to Policy SLE1 of the Cherwell Local Plan Part 1 (2015) and advice in the NPPF.
2. The proposed development would result in less than substantial harm to the significance of the listed building and conservation area through alterations to the roof to provide the residential accommodation, subdivision of the internal space and also through the number and extent of roof lights proposed on the building. This harm is not supported by clear and convincing justification and it is not considered, based on the evidence provided, that residential use of the building is the optimum viable use of the building. The social and economic benefits arising from the scheme would not outweigh this harm. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C18 of the Cherwell Local Plan 1996.

### **The Old Malthouse, St Johns Road, Banbury**

The committee considered application 18/01159/LB, listed building consent for the change of use from B1(a) offices to provide 25 No residential apartments with ancillary parking, bin storage and amenity area (Resubmission of 17/02168/LB) The Old Malthouse, St Johns Road, Banbury for Mr M Morrison, Morrison Property Consultants Limited.

Johannes Paul, speaking on behalf of Omlet, addressed the committee in objection. This address also covered the previous application.

Mark Morrison, agent for the applicant, addressed the committee in support of the application. This address also covered the previous application.

In reaching their decision the committee considered the officers' report, presentation and address of the Ward member and public speakers.

**Resolved**

That application 18/01159/LB be refused for the following reason:

1. The proposed development would result in less than substantial harm to the significance of the listed building through alterations to the roof to provide the residential accommodation, subdivision of the internal space and also through the number and extent of roof lights proposed on the building. This harm is not supported by clear and convincing justification and it is not considered, based on the evidence provided, that residential use of the building is the optimum viable use of the building. The social and economic benefits arising from the scheme would not outweigh this harm. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C18 of the Cherwell Local Plan 1996.

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**Land West of Fabis House, Rattlecombe Road, Shenington**

The Committee considered application 18/01114/F for the conversion of barn to form new dwelling at Land North West of Fabis House, Rattlecombe Road, Shenington for The Magpie Partnership Ltd.

Councillor Reynolds proposed that application be deferred to allow further consultation on amended plans received. Councillor Beere seconded the proposal.

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

**Resolved**

That application 18/01114/F be deferred to allow further consultation on amended plans received.

77

**Land West of Fabis House, Rattlecombe Road, Shenington**

The Committee considered application 18/01115/LB, listed building consent for the conversion of barn to form new dwelling at Land North West of Fabis House, Rattlecombe Road, Shenington for The Magpie Partnership Ltd.

Councillor Reynolds proposed that application be deferred to allow further consultation on amended plans received. Councillor Beere seconded the proposal.

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

**Resolved**

That application 18/01114/F be deferred to allow further consultation on amended plans received.

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**Showroom, Antelope Garage, Swan Close Road, Banbury**

The Committee considered application 18/01214/F for the change of use to B8 storage and distribution with ancillary Class A1 shops and B1 offices at Showroom, Antelope Garage, Swan Close Road, Banbury for Salvation Army Trading Company Limited.

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

**Resolved**

That application 18/01214/F be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

1. Time
2. Plans
3. Five year temporary permission
4. Details of cycle and car parking

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**Eco Business Centre, Charlotte Avenue, Bicester OX27 8BL**

The Committee considered application 18/00307/DISC for the discharge of condition 6 (zero carbon off site) of previously approved application 17/00573/CDC at Eco Business Centre, Charlotte Avenue, Bicester, OX27 8BL for Cherwell District Council.

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

**Resolved**

That Planning Condition 6 be cleared in accordance with the following:

**Condition 6**

Approval is given for the details of the offsite measures that enable the scheme to achieve the zero carbon standard as set out in the information submitted with the application. The pre-occupation requirements of the condition are therefore satisfied.

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**Part of Former BHS Unit, 36-37 Castle Quay, Banbury OX16 5UN**

The Committee considered application 18/01426/F for the installation of new entrance doors in the north western elevation of former BHS unit to allow pedestrian access to shopping centre from south multi-storey car park at Part of Former BHS Unit, 36 - 37 Castle Quay, Banbury, OX16 5UN for Cherwell District Council.

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

**Resolved**

That authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

1. Time Limit
2. Compliance with the Approved plans

81 **Slighte, 18B Bridge Street, Banbury OX16 5PM**

The Committee considered application 18/00327/DISC for the discharge of Condition 4 (canopy details) of 17/00243/F at Slighte, 18B Bridge Street, Banbury, OX16 5PN for Cherwell District Council.

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

**Resolved**

That the conditions for application 18/00327/DISC be applied for be discharged in accordance with the following plans and documents:

**Condition 4**

The details shown on drawing number 6778.23 A

82 **Woodgreen Leisure Centre, Woodgreen Avenue, Banbury OX16 0HS**

The Committee considered application 18/01014/F for the erection of 2 no storage buildings and the erection of fencing enclosing site area Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS for Tracie Collins.

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

**Resolved**

That authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

1. Time Limit
2. Compliance with the approved plans

### **Appeals Progress Report**

The Assistant Director for Planning Policy and Development 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 6.15 pm

Chairman:

Date: