

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 14 November 2019 at 4.00 pm

Present: Councillor James Macnamara (Chairman)
Councillor Maurice Billington (Vice-Chairman)

Councillor Andrew Beere
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Chris Heath
Councillor Simon Holland
Councillor David Hughes
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds

Substitute Members: Councillor Surinder Dhesi (In place of Councillor Barry Richards)
Councillor Ian Middleton (In place of Councillor Katherine Tyson)

Apologies for absence: Councillor Barry Richards
Councillor Les Sibley
Councillor Katherine Tyson

Officers: Alex Keen, Major Projects Manager and Deputy Senior Manager
Matt Chadwick, Senior Planning Officer
George Smith, Planning Officer
Bob Neville, Senior Planning Officer
Jennifer Crouch, Solicitor
Lesley Farrell, Democratic and Elections Officer

Declarations of Interest

There were no declarations of interest.

94 **Requests to Address the Meeting**

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

95 **Minutes**

The Minutes of the meeting held on 24 November 2019 were agreed as a correct record and signed by the Chairman.

96 **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.
2. The Chairman reminded the Committee that the date of the next meeting of the Committee had changed from Thursday 12 December to Wednesday 18 December 2019.

97 **Urgent Business**

There were no items of urgent business.

98 **Proposed Pre-Committee Site Visits (if any)**

There were no pre-proposed site visits.

99 **Land North and West of Bretch Hill Reservoir Adj to Balmoral Avenue, Banbury**

The Chairman advised that application 19/01811/OUT had been withdrawn by the applicant.

100 **Exham House, Bloxham School, Banbury Road, Bloxham, Banbury, OX15 4PE**

The Committee considered application 19/01160/F for the change of use to Exham House, from Class D1 to a mixed Class D1/A3 to allow public use of a cafe, and associated works at Exham House, Bloxham School, Banbury Road, Bloxham, Banbury, OX15 4PE for Bursar Bloxham School.

Mr Andrew Baud, local resident, addressed the Committee in objection to the application.

Mr Iain Summerwood, agent to the applicant addressed the Committee in support of the application.

It was proposed by Councillor Heath and seconded by Councillor Billington that application 19/01160/F be refused contrary to officer recommendations as the application was contrary to policies: BL14 (6) and BL 16 of the Bloxham Neighbourhood Plan, ESD15 of the CLP and C31 and C32 (saved policies).

The motion was debated and subsequently fell.

It was proposed by Councillor Clarke and seconded by Councillor Perry that application 19/01160/F be approved subject to additional conditions regarding opening hours and external lighting.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 19/01160/F, subject to the following conditions (and any amendments to those conditions as deemed necessary):

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. 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:
 - Application form
 - Site Location Plan
 - Ground Floor Proposed Layout – 0GPL Rev B.
 - First Floor Proposed Layout – 01PL Rev A.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as guidance contained within the National Planning Policy Framework.

3. Prior to the installation of any ventilation required for the proposed A3 unit, full details of the method of mechanical ventilation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, any mechanical ventilation shall be installed and brought into use in accordance with the approved details and shall be maintained as such thereafter.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with

saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. The hours of opening, in relation to the public use of the café, shall be restricted to the following times:

Monday-Saturday – 9.00am to 5.00pm

Sunday and Public Holidays – No time whatsoever

Reason - In order to safeguard the amenities of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C31 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. No external lights/floodlights shall be erected on the land or building without the prior express planning permission of the Local Planning Authority.

Reason - To retain planning control over the development of this site in and the amenities of the area and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies ENV1, C28 and C31 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

101 **65 Bicester Road, Kidlington, OX5 2LD**

The Committee considered application 19/01082/F for the demolition of an existing single level dwelling - Class C3(a) - and erection of 5 x flats in single, two level building - Class C3(a) at 65 Bicester Road, Kidlington, OX5 2LD for Mr Richard Field.

Councillor Billington proposed that application 19/01082/F be deferred to allow for a formal site visit to take place. Councillor Middleton seconded the proposal.

Resolved

That consideration of application 19/01082/F be deferred to allow a formal site visit to take place.

102 **Land East of South View and South of School Lane, Great Bourton**

The Committee considered application 19/01808/F for the erection of 3 No. dwellings and associated garages at Land East of South View and South of School Lane Great Bourton for Fernhill Land Holdings Ltd.

Mr Ian Cooper and Mr Mark McCann addressed the meeting in objection to the application.

Mr William Lombard addressed the meeting in support of the application.

In reaching its decision the Committee considered the officers' report and presentation and the address of the public speakers.

Resolved

- (1) That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 19/01808/F subject to the following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS:

Time Limit

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.

Compliance with Plans

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: Application form, Ecology Walkover Survey prepared by EDP and drawings numbered WG843 001B, WG843 002C, WG843 003g, WG843 004A, WG843 005C, WG843 006, WG843 007B, WG843 008A and 502.0067.001A.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Transport

3. Prior to the commencement of the development hereby approved, full specification details of the access road, parking and manoeuvring areas, including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the access road the development shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

4. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance

with the approved details and the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

5. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

Materials

6. Prior to the commencement of the development hereby approved above slab level, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1sqm in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. The external walls of the development shall not be constructed other than in strict accordance with the approved brick sample panel and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved above slab level, samples of the slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved above slab level, samples of the timber cladding to be used in the construction of the walls of the proposed garages shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the

area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping

9. Notwithstanding the details submitted, prior to the commencement of the development hereby approved above slab level, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site 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, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
 - (d) details of all boundary treatments.
- Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out before the first occupation of the development and shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, 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. Any trees, herbaceous planting 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 current/next planting season with others of similar size and species.

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 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. The existing hedgerow along the western boundary of the site shall be retained and properly maintained at a height of not less than 3m metres, and if any hedgerow plant dies within five years from the

completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
Ecology and Biodiversity

12. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

13. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in strict accordance with the approved CEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

14. Notwithstanding the information submitted, prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the biodiversity opportunities at the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall not be carried out other than in accordance with the approved details including the timeframes set out therein and shall be retained as such thereafter.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Drainage

15. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first occupation of any building to which the scheme relates the scheme shall be implemented.

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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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: