

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 2 December 2021 at 4.00 pm

#### Present:

Councillor George Reynolds (Chairman)  
Councillor David Hughes (Vice-Chairman)  
Councillor Maurice Billington  
Councillor Andrew Beere  
Councillor John Broad  
Councillor Colin Clarke  
Councillor Patrick Clarke  
Councillor Simon Holland  
Councillor Mike Kerford-Byrnes  
Councillor Cassi Perry  
Councillor Lynn Pratt  
Councillor Les Sibley  
Councillor Dorothy Walker  
Councillor Sean Woodcock

#### Substitute Members:

Councillor Richard Mould (In place of Councillor Hugo Brown)  
Councillor Adam Nell (In place of Councillor Tony Mepham)

#### Also Present:

Councillor Ian Middleton (addressing the Committee as Ward member on item 8)

#### Apologies for absence:

Councillor Hugo Brown  
Councillor Ian Corkin  
Councillor Sandy Dallimore  
Councillor Tony Mepham

#### Officers:

David Peckford, Assistant Director: Planning and Development  
Alex Chrusciak, Senior Manager - Development Management  
Nat Stock, Minors Team Leader  
John Gale, Planning Officer  
James Kirkham, Principal Planning Officer  
Gemma Magnuson, Senior Planning Officer  
Lewis Knox, Planning Officer  
Karen Jordan, Deputy Principal Solicitor

Aaron Hetherington, Democratic and Elections Team Leader  
Lesley Farrell, Democratic and Elections Officer

97 **Declarations of Interest**

**8. Development Brief for Local Plan Partial Review Site PR9 - Land West of the A44.**

Councillor Dorothy Walker, Non Statutory Interest, as she had opposed to the application and would address the committee as local Ward Councillor and not participate in the debate or vote on the application as a Planning Committee member

**14. 35 Bridge Street, Banbury, OX16 5PN.**

Councillor Andrew Beere, 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 the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Richard Mould, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

98 **Requests to Address the Meeting**

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

99 **Minutes**

The Minutes of the meeting held on 4 November 2021 were agreed as a correct record and signed by the Chairman.

100 **Chairman's Announcements**

There were no Chairman's announcements.

101 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

103

**Development Brief for Local Plan Partial Review Site PR9 - Land West of the A44**

The Committee considered a report from the Assistant Director, Planning and Development for a Development Brief for the Local Plan Partial Review Site PR9 – Land West of the A44 to seek the Planning Committee’s approval of the Development Brief for Local Plan Part 1 Review allocated site PR9 – Land West of the A44.

David Thornhill, Yarnton Flood Defence, addressed the committee in objection to the development brief.

In reaching its decision the Committee considered the officer’s report and presentation, the written updates and the address of the public speaker.

**Resolved**

- (1) That the Development Brief for site PR9 (Land West of the A44) of the Cherwell Local Plan 2011-2031 Partial Review (Annex to the Minutes as set out in the Minute Book) be approved.
- (2) That the Assistant Director - Planning and Development, in consultation with the Chairman of Planning Committee, be authorised to publish the Development Brief subject to any necessary presentational or other minor corrections.

104

**Development Brief for Local Plan Partial Review site PR7b – Land at Stratfield Farm**

The Committee considered a report from the Assistant Director - Planning and Development for the Development Brief for Local Plan Partial Review site PR7b – Land at Stratfield Farm to seek the Planning Committee’s approval of the Development Brief for Local Plan Part 1 Review allocated site PR7b – Land at Stratfield Farm.

Councillor Ian Middleton, Local Ward member, addressed the committee in objection to the Development Brief.

In reaching its decision the Committee considered the officer’s report and presentation, the written updates and address of the Local Ward member.

**Resolved**

- (1) That the Development Brief for site PR7b (Land at Stratfield Farm) of the Cherwell Local Plan 2011-2031 Partial Review (Annex to the Minutes as set out in the Minute Book) be approved.
- (2) That the Assistant Director - Planning and Development in consultation with the Chairman of Planning Committee be authorised to publish the Development Brief subject to any necessary presentational or other minor corrections.

105 **Hatch End, Old Poultry Farm, Steeple Aston Road, Middle Aston, Bicester, OX25 5QL**

The Committee considered application 21/01123/F for the demolition of existing buildings. Construction of replacement business units (buildings 2, 3, 4,5 and 6 as use classes E(g) (i), E(g) ii and E (g) iii and Building 1 under Class B8) and associated external works. at Hatch End Old Poultry Farm Steeple Aston Road Middle Aston Bicester OX25 5QL for Middle Aston Limited. This application was a re-submission of application 20/01127/F

Edward Dowler, Chair of Middle Aston Parish Meeting addressed the committee in objection to the application.

It was proposed by Councillor Kerford-Byrnes and seconded by Councillor Holland that item 21/01123/F be refused based on highways grounds.

On being put to the vote the proposal was lost and the motion subsequently fell.

It was proposed by Councillor Colin Clarke and seconded by Councillor Woodcock that item 21/01123/F be approved as per the officer's recommendation.

On being put to the vote the proposal was lost and the motion subsequently fell.

It was proposed by Councillor Kerford-Byrnes and seconded by Councillor Billington that application 21/01123/F be deferred to allow engagement with the applicant into highway issues and the scale of the proposals. The indicative time period before the application was expected to be returned to the committee was 3 months.

In reaching its decision the Committee considered the officer's report and presentation, the written updates and address of the public speaker.

**Resolved**

- (1) That application 21/01123/F be deferred to allow engagement with the applicant into highway issues and the scale of the proposals. The indicative time period before the application is expected to be returned to the committee is 3 months.

106 **94 The Moors, Kidlington, OX5 2AG**

The Chairman advised that the application had been withdrawn by the applicant.

107 **The Ben Jonson Inn, Northampton Road, Weston on the Green, OX25 3RA**

The Committee considered application 21/02472/F for the erection of a two-bedroom bungalow to the rear of the existing public house (Sui Generis), utilising existing access and associated parking and landscaping, and the small breakthrough in the boundary wall to facilitate a pedestrian entrance. (resubmission of 21/01022/F) at The Ben Jonson Inn, Northampton Road, Weston on the Green, OX25 3RA for Punch Partnerships (PML) Limited.

Susan Daenke, on behalf of Weston on the Green Parish Council addressed the committee in objection to the application. The address also covered the subsequent application 21/02473/LB.

Jake Russell, agent for the applicant addressed the Committee in support of the application. The address also covered the subsequent application 21/02473/LB.

It was proposed by Councillor Holland and seconded by Councillor Hughes that application 21/02472/F be refused on the grounds of the proposal was an inappropriate and incongruous form of development that would fail to be sympathetic or compatible with the character of the dwelling. The design and siting of the proposed new dwelling would fail to relate appropriately to the Grade II listed Ben Jonson Public House. The access arrangements for the new dwelling proposed would require access and egress for the parking to serve the dwelling to be taken from the existing Public House car park and that the proposal to develop part of the pub garden would detrimentally impact upon the offering of the Public House.

In reaching its decision the Committee considered the officer's report and presentation, the written updates and the address of the public speakers.

## **Resolved**

- (1) That application 21/02472/F be refused, contrary to officer recommendation for the following reasons:
  1. The proposed new dwelling by virtue of its utilitarian design would result in an inappropriate and incongruous form of development that would fail to be sympathetic or compatible with the character and fail to reinforce the local distinctiveness of the surrounding area which sits within the designated Weston-on-the-Green Conservation Area. The proposal would thus be contrary to Policies C4 and H4 of the Weston on the Green Neighbourhood Plan, saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.
  2. The design and siting of the proposed new dwelling would fail to relate appropriately to the Grade II listed Ben Jonson Public House. It would remove space that provides an important element of its historic and still well-defined curtilage impacting on the setting of the Listed Building, together with the loss of the trees and a proportion of the boundary wall

that would cause harm to the character and appearance of the Weston-on-the Green Conservation Area. The less than substantial harm identified would not be outweighed by any public benefits of the scheme. The proposal is therefore contrary to the provisions and aims of Policies C4 and H4 of the Weston on the Green Neighbourhood Plan, saved Policies C23, C28, C30 and C33 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

3. The access arrangements for the new dwelling proposed would require access and egress for the parking to serve the dwelling to be taken from the existing Public House car park. This would likely lead to issues with the shared space being used both by the residents of the dwelling and their visitors, and the customers of the Public House. The proposal is therefore contrary to Policies T1 and T3 of the Weston on the Green Neighbourhood Plan, and Policy ESD15 of the Cherwell Local Plan 2031 Part 1.
4. The proposal to develop part of the pub garden would detrimentally impact upon the offering of the Public House. This detrimental impact of the facilities it can offer would undermine its viability which would threaten the loss of a valued village service. The proposal is therefore contrary to Policy C1 of the Weston on the Green Neighbourhood Plan, saved Policy S29 of the Cherwell Local Plan 1996, Policies ESD 15 and BSC 12 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance and advice on supporting and building a strong, competitive economy and promoting healthy and safe communities contained within the National Planning Policy Framework.

108

**The Ben Jonson Inn, Northampton Road, Weston on the Green, OX25 3RA (LB)**

The Committee considered application 21/02473/LB, listed building consent, for the breakthrough in boundary wall to facilitate a pedestrian entrance (resubmission of 21/01023/LB) at The Ben Jonson Inn, Northampton Road, Weston on the Green, OX25 3RA for Punch Partnerships (PML) Limited.

Susan Daenke, on behalf of Weston on the Green Parish Council addressed the committee in objection to the application. The address also covered the previous application 21/02472/F.

Jake Russell, agent for the applicant addressed the Committee in support to the application. The address also covered the previous application 21/02472/F.

It was proposed by Councillor Holland and seconded by Councillor Mould that application 21/02473/LB be refused as the proposed demolition of a section of

the curtilage listed wall would adversely impact the established continuous boundary line resulting in less than substantial harm.

In reaching its decision the Committee considered the officer's report and presentation, the written updates and the address of the public speakers.

**Resolved**

- (1) That application 21/02473/LB be refused, contrary to officer recommendation for the following reason:
  1. The proposed demolition of a section of the curtilage listed wall would adversely impact the established continuous boundary line resulting in less than substantial harm. The public benefits of the proposal do not outweigh the identified harm. The scheme is therefore contrary to the provisions and aims of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996, Policy C4 of the Weston on the Green Neighbourhood Plan, and Government guidance contained within the National Planning Policy Framework.

109

**35 Bridge Street, Banbury, OX16 5PN**

The Committee considered application 21/03059/CLUP for a Certificate of Lawfulness of Proposed Development for an internal fit out to the ground and first floor of an existing unit, within Castle Quay Shopping Centre at 35 Bridge Street, Banbury, OX16 5PN for Cherwell District Council.

In reaching its decision the Committee considered the officer's report and presentation.

**Resolved**

- (1) That a Certificate of Lawfulness of the Specified Works be issued subject to the following schedules:

**First Schedule**

Change of Use from E(a) to E(cii) and internal refit of the unit (35 Bridge Street) within Castle Quay Shopping Centre in accordance with: Drawing No. 7002.100, 7002.102 and Application Form

**Second Schedule**

35 Bridge Street Banbury OX16 5PN

**Third Schedule**

Under the provisions of Article 3(1A) of the Town and Country Planning (Use Classes) Order 1987 (as amended), the proposed change of use from retail to professional services does not require planning permission and the associated internal refit does not constitute development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended).

## **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

### **Resolved**

- (1) That the position on planning appeals contained within the report be noted.

The meeting ended at 7.08 pm

Chairman:

Date: