

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 16 June 2022 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)

Councillor Rebecca Biegel

Councillor John Broad

Councillor Ian Corkin

Councillor Ian Harwood

Councillor Fiona Mawson

Councillor Lynn Pratt

Councillor Les Sibley

Councillor Dorothy Walker

Councillor Amanda Watkins

Councillor Barry Wood

Councillor Sean Woodcock

Substitute Members:

Councillor David Hingley (In place of Councillor Jean Conway)

Apologies for absence:

Councillor Maurice Billington

Councillor Hugo Brown

Councillor Jean Conway

Councillor Simon Holland

Councillor Richard Mould

Officers:

Alex Chrusciak, Senior Manager - Development Management

Nat Stock, Minors Team Leader

Andy Bateson, Team Leader – Major Developments

Caroline Ford, Principal Planning Officer – Major Projects Planning Team

David Mytton, Solicitor

Aaron Hetherington, Democratic and Elections Team Leader

Lesley Farrell, Democratic and Elections Officer

18 **Declarations of Interest**

**9. Axis J9 Phase 3 Howes Lane Bicester.**

Councillor Les Sibley, Declaration, as a member of Bicester Town Council which had been consulted on the application and separate declaration and would leave the chamber for the duration of the duration of the item.

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

**12. Land Adjacent to the Oxford Canal Spiceball Park 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 meeting for the duration of the item.

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

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

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

19 **Requests to Address the Meeting**

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

20 **Minutes**

The Minutes of the meeting held on 19 May 2022 were agreed as a correct record and signed by the Chairman.

21 **Chairman's Announcements**

There were no Chairman's announcements.

22 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-Committee site visits.

24

**Development Brief for Local Plan Partial Review site PR7a - Land at South East Kidlington**

The Committee considered a report from the Assistant Director, Planning and Development for a Development Brief for the Local Plan Partial Review to seek the Planning Committee's approval of the Development Brief for Local Plan Part 1 Review allocated site PR7a – Land at South East Kidlington.

Councillor Middleton, addressed the committee in his capacity as Local Ward member.

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

**Resolved**

- (1) That the Development Brief for site PR7a (Land at South East Kidlington) 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 be authorised to publish the Development Brief subject to any necessary presentational or other minor corrections in consultation with the Chairman.

25

**Axis J9 Phase 3 Howes Lane Bicester**

The Committee considered application 21/03177/F for a full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works at Axis J9 Phase 3 Howes Lane Bicester for Albion Land.

Councillor Les Sibley, addressed the committee as Local Ward Member.

Marcus Heath, a local resident, addressed the committee in objection to the application.

Emma Lancaster, agent for the applicant, addressed the committee in support of the application.

It was proposed by Councillor Broad and seconded by Councillor Pratt that application 21/03177/F be refused, contrary to the officer recommendation as it would introduce unanticipated commercial uses onto a site identified for housing via the Masterplan included within the North West Bicester Supplementary Planning Document 2016.

In reaching its decision the committee considered the officers' report and presentation, the written updates and addresses of the local ward member and public speakers.

## **Resolved**

- (1) That application 21/03177/F be refused contrary to officer recommendation as it would introduce unanticipated commercial uses onto a site identified for housing via the Masterplan included within the North West Bicester Supplementary Planning Document 2016. The development proposed would be incompatible with the existing residential uses to the east of Howes Lane and would have a detrimental impact upon the residential amenity of those nearby residential occupiers. The exact reason for refusal will be set out on the refusal notice.

26

## **94 The Moors Kidlington Oxfordshire OX5 2AG**

The Committee considered application 22/00539/F for the demolition of existing dwellinghouse, garage and outbuilding. Erection of 2 x 5-bed detached dwellinghouses (Use Class C3). Car parking, and alterations to access and landscaping. (Resubmission of 21/03017/F) at 94 The Moors Kidlington Oxfordshire OX5 2AG for Henaud Developments.

Nik Lyzba, the applicant's agent, addressed the committee in support to the application.

In reaching its decision the committee considered the officers' report and presentation and the address of the public speaker.

## **Resolved**

That application 22/00539/F be approved, subject to the following 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 application form and the following plans and documents:
  - 21005-P01 - Site Location Plan
  - 21005-P05 - Proposed Site Plan
  - 21005-P06 - Floor Plans & Street Elevations
  - 21005-P07 - Elevations
  - Tree Survey Report, Impact Appraisal and Tree Protection Details

dated August 2021

Planning Design and Access Statement dated February 2022

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.

3. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved (Drawing No. 21005-P05 Site Plan) demarcated and constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason: In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the first occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development, the bin storage shall be provided on site in accordance with the approved drawing No. 21005-P05 Site Plan and shall be retained as such thereafter.

Reason: To encourage sustainable modes of transport, to ensure the satisfactory appearance of the completed development and to comply with Policies ESD1 and ESD 15 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.

6. Prior to the first occupation of the development hereby approved full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Such approved means of enclosure shall be erected prior to the first

occupation of the development and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area and the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the dwellings hereby permitted, the electric vehicle charging infrastructure shall be provided on site in accordance with the approved plan Drawing No. 21005-P05 Site Plan, and shall be retained as such thereafter.

Reason: To comply with policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

8. Notwithstanding the provisions of Schedule 2, Part 1, Classes A to E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted or any building or structure erected or placed within the curtilage of the dwelling(s) hereby permitted without the grant of further specific planning permission from the Local Planning Authority.

Reason: In order to safeguard the character and appearance of the area in accordance 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.

9. All impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding.

Soakage tests should be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water should be attenuated on site and discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required.

If the use of SuDS are not reasonably practical, the design of the surface water drainage system should be carried out in accordance with Approved Document H of the Building Regulations. The drainage system

should be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. The ditch located at the northern boundary of the site shall be retained and maintained as existing.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. A method statement for enhancing biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To provide a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

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### **Land North East Of Fringford Study Centre Adjoining Rectory Lane, Fringford**

The Committee considered application 22/00998/F for the erection of a 4 bedroom detached dwelling with garage and access at Land North East of Fringford Study Centre adjoining Rectory Lane, Fringford for Mr A Bradbury.

Maxine Slater, a local resident, addressed the committee in objection to the application.

Sam Peacock, agent for the applicant, addressed the committee in support of the application.

It was proposed by Councillor Wood and seconded by Councillor Corkin that application 22/00998/F be refused, contrary to the officer recommendation as it would have a detrimental impact on the character of the area and street scene, including the loss of the dwarf wall.

In reaching its decision the committee considered the officers' report and presentation, the written updates and addresses of the public speakers.

**Resolved**

- (1) That application 22/00998/F be refused contrary to officer recommendation, as it would have a detrimental impact on the character of the area and street scene, including the loss of the dwarf wall, with the exact wording of the reasons for refusal delegated to the Assistant Director for Planning and Development.

28 **Land Adjacent to the Oxford Canal Spiceball Park Road Banbury**

The Committee considered application 22/00584/DISC for the discharge of Condition 22 (Plot B only) - details of operational plant and mitigation of 16/02366/OUT at Land Adjacent to the Oxford Canal Spiceball Park Road Banbury for Cherwell District Council.

In reaching its decision the committee considered the officers' report and Presentation and the written updates.

**Resolved**

- (1) Approved that condition 22 to 16/02366/OUT (in respect to Block B only) be discharged in accordance with the supplementary cumulative noise impact report prepared by Sharps Redmore, dated 27 May 2022 (Ref: 2120140 – Banbury: The Light Cinema and Bowl)

29 **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 statement be accepted.

The meeting ended at 7.11 pm

Chairman:

Date: