

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of a Meeting of the
LOWLANDS AREA PLANNING SUB-COMMITTEE
Held in Committee Room I, Council Offices, Woodgreen, Witney, Oxon
At 2.00 pm on Monday 18 April 2016

PRESENT

Councillors: W D Robinson (Chairman); Mrs M J Crossland (Vice-Chairman) M A Barrett;
H B Eaglestone; D S T Enright; Mrs E H N Fenton; S J Good; P J Handley; J Haine;
P D Kelland; Mr R A Langridge; A H K Postan and Sir Barry Norton

Officers in attendance: Kim Smith, Miranda Clark, Sarah De La Coze, Phil Shaw and
Paul Cracknell

72. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 21 March 2016, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman. Mr Handley thanked Members and Officers for their good wishes.

73. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Mr P J Handley extended apologies for his late arrival to the meeting and the Chief Executive reported receipt of the following resignation and temporary appointment:-

Mr A H K Postan for Mr H J Howard

74. DECLARATIONS OF INTEREST

Mrs Crossland advised that a family member hoped to purchase a property in the vicinity of Linden House, Kilkenny Lane (Application No: 16/00385/OUT). As this did not constitute a disclosable interest it would not preclude her from taking part in the determination of the application.

Subsequently, Sir Barry Norton recognised that his sister was the former owner of 12 Fieldmere Close (Application No: 16/00398/FUL) and indicated that he would leave the meeting during consideration of the application.

75. APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Head of Planning and Strategic Housing giving details of applications for development, copies of which had been circulated. A schedule outlining additional observations received following the production of the agenda was circulated at the meeting, a copy of which is included within the Minute Book.

RESOLVED: that the decisions on the following applications be as indicated, the reasons for refusal or conditions related to a permission to be as recommended in the report of the Head of Planning and Strategic Housing, subject to any amendments as detailed below:-

(In order to assist members of the public, the Sub-Committee considered the applications in which those present had indicated a particular interest in the following order:-

16/00460/FUL; 16/00463/LBC; Agenda Item No. 7 (Mason Cottage, Station Road, South Leigh); 16/00385/OUT; 16/00398/FUL; 16/00408/FUL; 16/00409/LBC; 16/00386/S73; 16/00001/S73; 16/00404/FUL; 16/00476/OUT and 16/00513/FUL

The results of the Sub-Committee's deliberations follow in the order in which they appeared on the printed agenda).

3 16/00001/S73 Skippett Cottage, Mount Skippett, Ramsden

The Planning Officer presented the report containing a recommendation of conditional approval.

The Officer recommendation was proposed by Mr Haine and seconded by Mr Postan.

Mrs Crossland expressed her disquiet at the applicant's decision to carry out the development using materials other than those specified by condition in the original consent and requested that this view be made known to the applicant. Mrs Crossland also suggested that the applicant be urged to fund appropriate planting on the boundary of the neighbouring property to screen the extension. The Development Manager advised that, whilst the Council could not require the applicant to carry out planting on land outside her ownership, he would raise the concerns expressed with her and endeavour to secure agreement to provide appropriate planting if possible.

On being put to the vote the recommendation was carried.

Permitted

(Mrs M J Crossland and Mr S J Good requested that their votes against the foregoing application be so recorded)

7 16/00385/OUT Linden House, Kilkenny Lane, Brize Norton

The Development Manager introduced the application.

Mr Jayne Norris, the applicant's agent, addressed the meeting in objection to the application. A summary of her submission is attached as Appendix A to the original copy of these minutes.

The Development Manager then presented his report containing a recommendation of refusal.

The Officer recommendation was proposed by Mrs Crossland and seconded by Mr Postan.

In response to questions from Sir Barry, the Development Manager advised that it appeared from the outline application that adequate parking provision could be made on the site. He also indicated that the site was located close to the spine route and, accordingly, access to public transport was achievable. However, following the County Council's decision to cease subsidising bus routes, it was uncertain whether services would be provided commercially.

Mr Postan suggested that on-street parking would restrict buses and other large vehicles negotiating the estate and expressed concern at the potential increase in traffic using the B4020.

On being put to the vote the Officer recommendation of refusal was carried.

Refused

18 16/00386/S73 The Old Great Barn, Goodfellows Yard, Filkins

The Planning Officer presented her report containing a recommendation of conditional approval. She advised that amended plans had been submitted deleting the proposed solar panels and revised her recommendation accordingly.

The revised Officer recommendation was proposed by Mr Haine and seconded by Mr Langridge and on being put to the vote was carried.

Permitted subject to condition 2 making reference to the revised plans referred to above.

24 16/00398/FUL 12 Fieldmere Close, Witney

The Planning Officer introduced the application.

Mr Alan Williams addressed the meeting in opposition to the application.

He expressed his surprise that the application had been recommended for approval as previous applications for a conservatory and an extension to the existing property had been refused in the past. He expressed his concern that parking difficulties in the vicinity would be exacerbated by the development, restricting access for refuse collection and emergency vehicles. In conclusion, Mr Williams expressed concern that the proposed development would over-shadow his property and obscure the view.

(At this juncture Sir Barry Norton realised that his sister was the former owner of 12 Fieldmere Close and withdrew from the meeting during consideration of the application).

The Planning Officer then presented her report containing a recommendation of conditional approval.

Whilst acknowledging the concerns expressed by Mr Williams, Mr Langridge indicated that he did not see any grounds upon which the application could be refused and proposed the Officer recommendation. The recommendation was seconded by Mrs Crossland.

Mr Enright accepted that there was nothing the Council could do to address concerns over parking in the absence of objection from the County Council. In response to a question from Mr Good, the Development Manager advised that the previous applications referred to by Mr Williams had been refused in the past against a very different national planning landscape.

On being put to the vote the recommendation of conditional approval was carried.

Permitted

29 16/00404/FUL 64 Acre End Street, Eynsham

The Planning Officer presented her report containing a recommendation of conditional approval.

The Officer recommendation was proposed by Mr Kelland and seconded by Mr Langridge and on being put to the vote was carried.

Permitted

33 16/00460/FUL Mason Cottage, Station Road, South Leigh

The Planning Officer introduced the application. She made reference to the further observations set out in the report of additional representations, copies of which had been circulated, and to an email sent to Members by a Mr Ellis. The Planning Officer also made reference to correspondence between the Development Manager and the Chairman of the South Leigh Parish Council.

Mrs Nicky Brooks, the Chairman of the South Leigh Parish Council, addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix B to the original copy of these minutes.

The applicant, Mr Paul Rodger, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

The Development Manager then presented the report. In response to issues raised during public participation he acknowledged that there was a physical link between the two elements of the buildings and explained that

the plan that appeared in the schedule of applications was computer generated and did not show this link. He explained that, as the dwelling the subject of the application enjoyed independent facilities and was capable of occupation separate from the public house, it was considered in planning terms to be a house rather than an annex. However, as a house it was tied to the public house hence the current application was for the division of the premises, not the creation of a new dwelling.

The application before Members did not relate to the public house, nor would its approval preclude the public house from trading.

There had been criticism of the role of Officers in dealing with the application and variety of other issues had been raised that were not matters that could properly be taken into account when determining a planning application. Matters such as the volume of opposition, the lack of local support for the application, the fact that the application had been submitted retrospectively, the fact that no action had been taken in relation to unauthorised use in the past, the applicant's motives or assumed future intentions were not matters relevant to the determination of the application.

The Development Manager confirmed that there had been extensive dialogue between the Council's Officers and both the Parish Council and the applicants and emphasised that the Officers' recommendations were made, considered and determined in public and were fully explained and reflective of both local and National Planning Policy. In respect of the enforcement report that appeared as Agenda Item No: 7, he explained that reference to the Human Rights Act was not cited as a reason not to take action but as an issue that had to be taken into account when considering the harm that arose from any breach of planning control.

The Development Manager stressed that, in common with the Parish Council and local residents, it was the Council's objective to secure the retention of the public house.

He went on to suggest that the current occupation of the application site provided a degree of passive surveillance of the empty public house and, should the Sub-Committee decide to refuse the application, it would be preferable to refrain from taking immediate enforcement action as any Enforcement Notice would run with the land as a whole and could be seen as a significant disincentive to any prospective purchaser wishing to re-open the business.

The Development Manager then made reference to an email sent to Members of the Sub-Committee by Mr Dick Pears. Whilst Mr Pears had requested that elements of his email be read out in full at the meeting. The Development Manager noted that comments made in the email had been reported elsewhere and that to read this latest correspondence in full would set a precedent that could delay the conduct of business. He also indicated that the Officers' report had been in the public domain long

enough to offer objectors the opportunity to comment in good time. Accordingly, the Development Manager advised that, in accordance with the Council's usual practice, it was his intention to summarise the key points raised.

In response to the observations contained in the email, the Development Manager confirmed that Officers had acted in accordance with the Council's Enforcement Policy. He noted that an individual had the right to retain or dispose of their property as they wished and that Officers were of the opinion that it would be more likely to achieve a sale of the public house in the reduced form than as the current single planning unit. The question of enforcement action had been considered in previous reports and was again referred to in a further report on the current agenda in which Officer's views were explained. Whilst the residential element had always been associated with the public house, as it did not rely upon use of facilities within the pub, it was as a tied dwelling, not an annex.

In conclusion, the Development Manager indicated that Officers had always sought to convey the concerns expressed by local residents to the best of their ability and those issues which were considered errors by Mr Pears were differences of opinion.

The Planning Officer then presented the report assessing the planning merits of the application in detail.

The Development Manager stressed that it was the role of Officers to advise on planning merits and the Chairman reminded Members that the application was to be determined on these grounds alone.

Sir Barry opened the debate by emphasising that he had every confidence in the Council's Officers and the manner in which this application had been handled. He had requested the Development Manager to liaise with the Parish Council to clarify their position and was pleased that every effort had been made to do so. Sir Barry noted that the Local Plan policies sought to resist the loss of a public house when it was the last such facility in the settlement and stressed that it was the Council's wish to see the pub retained if at all possible. However, he was not sure if approving the current application would support or prejudice this objective.

On Balance, Sir Barry concluded that it would be preferable to retain the site as a single planning unit so as to maximise the potential of the business enabling it to become a destination pub rather than simply a village local. Accordingly, he proposed that the application be refused. The proposition was seconded by Mr Kelland who considered that the business needed both elements of the site to remain viable.

Mr Enright questioned the viability of the business if the site was divided and suggested that the proximity of the public house could be detrimental to the residential amenity of an independent dwelling. He also noted that the proposed access arrangements appeared to be somewhat convoluted.

In response, the Development Manager advised that the Council's Environmental Health service had been consulted and had raised no objection to the application on the grounds of amenity. Equally, the Highway Authority had raised no objection to the access.

Mr Haine concurred with Sir Barry, indicating that he viewed the application site as part of a single commercial unit. In response, the Development Manager acknowledged that the unit was not a private dwelling house and that its use had always been ancillary to the public house. However, that use had been as a dwelling house, albeit tied to the commercial operation. Mr Good also expressed his support for the recommendation to refuse.

Mrs Crossland expressed her support for the Officer's recommendation having concluded that, whilst the retention of the residential element may be desirable, it was not essential to the viability of the venture.

(Mr P J Handley joined the meeting at this juncture)

Mr Postan considered that the community was capable of taking on the premises and operating the public house successfully and expressed the hope that they would have the opportunity to enter into dialogue with the owners and develop plans to do so.

Mr Langridge indicated that this had been a difficult application and expressed his confidence in the manner in which it had been dealt with by the Council's Officers whose objective had always been the retention of the public house. On reflection, he considered the residential element to be a linked and intrinsic part of the commercial premises.

The Development Manager reminded Members that there would be no compulsion on the owners to return the properties to a single ownership. The public house had adequate facilities to operate independently and its failure to do so appeared to be the result of the asking price rather than any other encumbrance. The whole site had been designated as an asset of community value simply because the residential element was ancillary to the public house.

Officers considered that approving the application and splitting the site offered the best opportunity for the public house to operate successfully in the future by reducing the purchase price of that element. The Development Manager also reminded Members of the presumption in favour of development and the need to show harm to evidence reasons for refusal.

Mr Good suggested that the surfacing of the proposed access would be detrimental to the rural nature of the area and the setting of the listed building and Mr Haine suggested that the application was contrary to Policies H10, TLC12, E6, BE8 and BE9 of the adopted West Oxfordshire

Local Plan, OS2, H2, E5, E1 and EH 7 of the emerging Local Plan 2031 and the relevant paragraphs in the NPPF.

The recommendation of refusal was then put to the vote and was carried.

Refused for the following reasons:-

1. By reason of the sites location within a 'small village' the unfettered use of the ancillary pub accommodation is tantamount to the creation of an unjustified dwelling in a location where one would not normally be approved and as such does not meet the exceptional circumstances of policy H10 of the adopted West Oxfordshire Local Plan nor does it satisfy policies OS2 and H2 of the emerging Local Plan 2031 and nor does it achieve sustainable development in accordance with the relevant paragraphs in the NPPF.
2. The Local Planning Authority consider that the loss of the ancillary pub accommodation and adjacent outbuildings and land will unacceptably harm the viability of the Community facility as both a local facility and a tourist attraction and result in the loss of local employment opportunities .The application has failed to demonstrate that the proposal complies with the requirements of policies TLC12 and E6 of the adopted West Oxfordshire Local Plan, E5 and E1 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF , particularly 28 and 69-70.
3. By reason of the creation of a new access to serve the dwelling, the physical subdivision of the site by the erection of a fenced enclosure, the erection of an air source heat pump and the severing of the buildings and land located to the rear that have historically been associated with The Mason Arms to provide a separate residential planning unit, the historic context of the site and the semi -rural open setting of the Grade II listed building is considered to be harmed. In light of the fact that this identified harm is not outweighed by any public benefit the proposal is considered contrary to policies BE8 and BE9 of the adopted Local Plan, EH7 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF.

63 16/00463/LBC Mason Cottage, Station Road, South Leigh

Refused for the following reason:-

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the physical works to the listed building together with the erection of an air source heat pump, the detailed design of which is not known, will not result in harm to the architectural integrity and historic character of the Grade II listed building. As such, the development is considered contrary to policy BE7 of the adopted Local Plan, EH7 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF.

The Development Manager introduced the application and reported receipt of representations submitted by Ms Julia Sinclair since the preparation of the agenda and report of additional representations.

The applicant, Mr Anil Dhahani, addressed the meeting in support of the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

In response to a question from Mrs Crossland, Mr Dhahani confirmed that the proposed extension was to the annex, not the original listed building.

In presenting his report, the Development Manager emphasised that the recommendation for refusal was based upon planning grounds alone and should not be taken as any criticism of the standard of care provided at the facility.

The Officer recommendation of refusal was proposed by Mr Kelland and seconded by Mr Barrett.

Sir Barry questioned whether it would be possible to provide the additional units required in some other form. In response, the Development Manager advised that, whilst he could not provide a definitive response without further detailed consideration, Officers would be happy to explore alternative proposals with the applicants.

Mr Good expressed the hope that every effort would be made to secure the future of the home. Whilst expressing her concern over the current design, Mrs Crossland concurred but wished to see a revised application.

In response to a question from Mrs Fenton, the Development Manager advised that the roof lanterns to the rear boundary of the site were intended to serve a corridor whilst the windows of the habitable rooms would face towards the courtyard.

Mr Handley suggested that consideration of the application be deferred to enable the applicants to consider the submission of a revised scheme. The Development Manager advised that any significant revision to the scheme would require re-advertisement.

Mr Langridge proposed an amendment that consideration of the application be deferred to enable a site visit to be held. The proposition was seconded by Mr Good and on being put to the vote was carried. On becoming the substantive motion the recommendation of deferral was then put to the vote and carried.

Deferred to enable a site visit to be held.

70 16/00409/LBC Merryfield Nursing Home, 33 New Yatt Road, Witney

Deferred to enable a site visit to be held.

(Mr H B Eaglestone left the meeting at this juncture)

72 16/00476/OUT 16 Black Bourton Road, Carterton

The Planning Officer presented her report containing a recommendation of conditional approval.

The Officer recommendation was proposed by Mr Langridge and seconded by Mr Enright and on being put to the vote was carried.

Permitted

(Mr P J Handley requested that his vote against the foregoing application be so recorded)

78 16/00513/FUL The Old Bull Inn, Filkins

The Planning Officer presented her report and advised that the observations of Oxfordshire County Council had yet to be received. Accordingly, she revised the recommendation set out in her report and recommended that the Head of Planning and Strategic Housing be authorised to approve the application subject to the conditions set out in the report, to the amendment of condition 11, the addition of a further condition regarding arrangements for surface water drainage, to informatives advising the applicants that, given the site constraints it is unlikely that the ancillary use of the converted buildings could be superseded by alternative uses and warning of the implications of the potential curtilage listing and to no adverse observations being received from the County Council.

The revised Officer recommendation was proposed by Sir Barry Norton and seconded by Mr Enright and on being put to the vote was carried.

RESOLVED: that the Head of Planning and Strategic Housing be authorised to approve the application subject to the conditions set out in the report, to the amendment of condition 11 as set out below, to the addition of the following additional condition regarding arrangements for surface water drainage and informatives and to no adverse observations being received from the County Council:-

11. The residential conversions hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be sold, let or leased separately from the Old Bull Inn.
Reason: In the interests of highway safety and neighbour amenity.

14. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 30% CC event has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance)

Informatives:

1. Given the site constraints it is unlikely that the ancillary use of the converted buildings could be superseded by alternative uses e.g. unfettered residential, holiday or commercial uses.
2. The Old Bull Inn is a Grade II listed building. Outbuildings similar to those the subject of this planning application may be curtilage listed if they are in close proximity to the Grade II listed building, within the same ownership and have been functionally related to the listed building. If these three tests apply in respect of the buildings the subject of the application, a separate listed building consent will be required for the works hereby approved.

76. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined by the Head of Planning and Strategic Housing under delegated powers together with planning appeal decisions was received and noted.

77. FOOTPATH DIVERSION APPLICATION - CORAL SPRINGS, WITNEY

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing regarding an application for the diversion of a footpath at Coral Springs, Witney, under section 119 of the Highways Act 1980.

The recommendation was proposed by Mr Langridge and seconded by Mrs Crossland and on being put to the vote was carried.

RESOLVED: That the Head of Planning and Strategic Housing be authorised make the Public Path Diversion Order and carry out public consultation consistent with the draft appended to the report.

78. UNAUTHORISED CHANGE OF USE FROM ANCILLARY PUB ACCOMMODATION TO USE AS AN INDEPENDENT ONE BED DWELLING – MASON COTTAGE, SOUTH LEIGH

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing regarding the unauthorised change of use from ancillary pub accommodation to use as an independent one bed dwelling at Mason Cottage, South Leigh.

It was proposed by Mr Haine and seconded by Mr Langridge that consideration of this matter be deferred to the July meeting of the Sub-Committee. On being put to the vote the recommendation was carried.

RESOLVED: That that consideration of this matter be deferred to the July meeting of the Sub-Committee.

79. CHAIRMAN'S REMARKS

The Chairman reminded Members that this was the last meeting of the Municipal Year and thanked them for their support over the course of the year Mr Robinson noted that Sir Barry Norton had decided not to stand for re-election in the forthcoming elections in May and paid tribute to the contribution Sir Barry had made to the work of the Sub-Committee during his period of office. Mr Robinson also expressed his personal appreciation of Sir Barry's counsel over the years.

In conclusion, the Chairman wished those seeking re-election well.

The meeting closed at 5.45pm.

CHAIRMAN