

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the Meeting of the
LOWLANDS AREA PLANNING SUB-COMMITTEE
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon
at 2:00 pm on Monday 9 October 2017

PRESENT

Councillors: Mrs M J Crossland (Chairman), S J Good (Vice-Chairman), M A Barrett, H B Eaglestone, Mr P Emery, D S T Enright, Mrs E H N Fenton, Mr E J Fenton, J Haine, H J Howard, R A Langridge and A H K Postan

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

31. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 11 September, 2017, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

32. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr P D Kelland and Mr K J Mullins and from Mrs J C Baker.

Mr A H K Postan attended for Mr P D Kelland

33. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers in matters to be considered at the meeting.

34. 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:-

3 17/01245/FUL Greensleves, Blackditch, Stanton Harcourt

The Planning Officer introduced the application.

Mr Mark Thomson of Porta Planning, the applicant's agents, addressed the meeting in support of this and the following application (17/01247/FUL).

A summary of his submission is attached as Appendix A to the original copy of these minutes.

The Planning Officer then presented her reports on both this and the following application, both containing recommendations of refusal.

She made reference to the report of additional representations setting out revised refusal reasons.

Mr Langridge indicated that he found both applications finely balanced but, whilst recognising the importance of the open space in the Conservation Area, he considered the provision of a purpose built local shop to be a positive step which had the support of a considerable number of local residents.

He considered small developments in villages to be acceptable in order to bring in new residents provided that they did not give rise to harm. On balance, whilst he could not support the second of the two applications, Mr Langridge considered that the provision of a local shop to outweigh the harm caused by the development. However, given that the applicant's agent had spoken of amendments to the proposal, he expressed the hope that such revisions could address the concerns raised by Officers.

Accordingly, he proposed that consideration of Application No. 17/01245/FUL be deferred to enable further discussion to take place and that Application No. 17/01247/FUL be refused.

In seconding the propositions Mr Emery indicated that, had the application been for a shop only, it would have had his support. However, he considered it appropriate to defer the first application in order to see if the harm could be mitigated by relocating those buildings closest to the road.

Mr Howard concurred indicating that harms were subjective and the application should be considered in the round. He suggested that the impact could be mitigated by landscaping or the use of appropriate building materials sympathetic to existing buildings. He expressed concern that refusal of the first application could be difficult to sustain at appeal and would prefer to see the application deferred for further negotiations as he believed that there was potential for an approval on the site.

Mrs Crossland disagreed, reminding Members that the site had been the subject of previous appeals and indicating that she considered it to be an inappropriate location for further development.

The Development Manager reminded Members that there were already extant permissions for shops in the vicinity at the Harcourt Arms and as part of the approved scheme on land adjacent to the site. Given this provision, Officers had doubts as to the viability of the current proposal.

He reminded Members that, in determining the recent application on the adjoining site, considerable efforts had been made to push back the line of development so as to preserve the wedge of green open space within the settlement. To foreshorten that view now could render the remainder of that land liable to development.

Mr Postan noted that the proposed reason for refusal was reliant upon the site's Conservation Area status and enquired whether it remained sustainable. The Development Manager advised that, to warrant consent, any harm occasioned had to be outweighed by some public benefit. The proposed shop could be construed as such but there were doubts as to its long term viability.

No business plan had been provided to evidence viability and Mr Postan considered the conservation principle of the retention of meadows within Cotswold villages to be crucial. The construction of three residential properties did not provide any benefit and Mr Postan expressed his support for the Officer recommendations of refusal in respect of both applications.

Mr Haine concurred, advocating the importance of this green open space and reminding Members that the Council had successfully defended appeals on the site in the past. Any development would have an adverse impact upon the Conservation Area and should be resisted.

Mr Fenton questioned whether the provision of a shop incorporated in the scheme of development recently approved on the adjacent site was likely to proceed as it appeared that the current proposal was ready to go. In response, the Development Manager advised that, whilst it could not be guaranteed, as it was part of a larger residential scheme, he would be surprised if it did not come forward.

Mr Good indicated that, as the Ward representative and long term resident, he knew the site well and welcomed the proposed deferral. He also suggested that the Council could have difficulty in defending an appeal as, although it had done so in the past, the planning landscape had changed. He questioned whether it was appropriate for the Council to consider viability as he believed in free competition in which market forces would decide. It was not for the planning regime to judge the relative viability of alternate enterprises.

In order to enable Members to assess the potential impact he suggested that a site visit should be held. Mr Langridge and Mr Emery agreed to incorporate this within their proposition of deferral.

Mrs Crossland indicated that she found these applications difficult as, whilst she believed that the site was capable of development, there were still aspects that she found uncomfortable. She believed that there was scope for the construction of three dwellings but not in the form currently proposed.

Mrs Crossland also indicated that she did not believe that another shop would be viable and suggested that the appearance of an empty unit would be unsightly. Accordingly, she felt unable to support the first application.

Mr Enright suggested that it would be preferable to defer both applications for a site visit and further negotiations.

Whilst he stressed the need for some public benefit to outweigh the harm, Mr Langridge agreed to amend his proposition to one of deferral of both applications.

Mr Postan stated that he did not believe that a site visit was necessary.

The proposal to defer application No. 17/01245/FUL to enable a site visit to be held was then put to the vote and was lost.

The Officer recommendation of refusal was then proposed by Mr Haine and seconded by Mr Postan and on being put to the vote was carried.

Refused for the revised reason set out in the report of additional representations.

(Mr Good requested that his abstention from voting on the foregoing proposition be so recorded)

12 17/01247/FUL Greensleves, Blackditch, Stanton Harcourt

Having determined the previous application, the Sub-Committee considered the proposal to defer application No. 17/01247/FUL to enable a site visit to be held which, on being put to the vote, was carried.

Deferred to enable a site visit to be held.

Mr Good enquired whether it would remain open to the applicants to submit revisions to the application prior to its consideration at the next meeting. The Development Manager advised that, whilst it remained open to the applicants to submit revisions, should they be significant, the application would require further consultation and would not be able to be brought before the next meeting.

20 17/02330//FUL Land at Mount Pleasant Farm, Chapel Lane, Northmoor

The Principal Planner introduced the application and made reference to the report of additional representations

Dr Gregory Sharp-Dent addressed the meeting in opposition to the development. A summary of his submission is attached as Appendix B to the original copy of these minutes.

The Principal Planner then presented her report. She advised **that**, whilst there had been no response from the County Council regarding the impact on the minerals area, it had been requested that an additional reason for refusal be incorporated in relation to the applicant's failure to assess the flood risk and to demonstrate how any flood risk could be avoided, managed or mitigated.

Mrs Fenton indicated that she would like Members to have the opportunity of visiting the site before determining the application. In response, the Principal Planner advised that the recommendation of refusal was based upon policy grounds, **as well as** the question of visual amenity.

Mr Haine stated that, as the recommendation was, **in part**, policy based, he could see no reason for a site visit and proposed the Officer recommendation of refusal. The proposition was seconded by Mr Postan who noted that the applicant had failed to take steps to ameliorate the flood risk.

Whilst supporting the recommendation of refusal, Mr Good expressed some concern that the Sub-Committee was not receiving the full picture. He advised that the applicant had lived on the site on an occasional basis in the past and noted that there was consent for a workshop on the site. The applicant worked on high value agricultural machinery and there could be occasions when it was necessary for him to remain on site for security purposes.

Mr Good suggested that there might be potential for occasional accommodation to be created within the existing workshop building and, whilst supporting the recommendation to refuse the current application, he requested that Officers explore the possibility of devising some acceptable alternative.

Mr Howard questioned whether the application could be deferred to consider potential alternative provision and enquired which flood zone the site was located within. Officers advised that the site of the caravan itself was within flood zone 1 but that part of the land was within flood zone 2 as was a section of the access serving the land access and the danger was that the residential unit could become cut off by flooding, putting unnecessary pressure on the emergency services.

Mr Howard questioned whether the Council could assist this local businessman by granting a personal consent and asked Officers to engage with the applicant to establish a way forward.

The Development Manager advised that various activities were being undertaken on the site without the benefit of planning permission and suggested that it would be inappropriate to permit a residential use to support unauthorised development. He acknowledged that there could be occasions when a short –term presence was required on-site to provide security for expensive equipment but this ought not to be in the form of a separate residential unit.

Whilst recognising the need for security, there was also a responsibility on the site owner to take care of his property rather than store it in a remote and unsupervised location.

The Development Manager advised that a degree of work was required to establish exactly what lawful uses existed on the site before addressing the question of a supporting residential use. Officers would work with the applicant but he had also to engage with the planning process and help himself.

Although the applicant had failed to demonstrate an operational need, Mr Langridge questioned the extent of the harm caused by the caravan. However, on balance, he agreed that the application should be refused.

Mr Enright stated that his primary concern was one of precedent.

Mr Emery indicated that he found the policy argument to be powerful and enquired as to the applicant's options going forward. In response, the Development Manager advised that the applicant could appeal against the refusal of planning permission and any subsequent enforcement notice that might be issued.

The refusal of consent would not render the applicant immediately homeless but it was important for the Council to take steps in respect of unauthorised uses before the relevant statutory time limits precluded further action. He suggested that the refusal of permission at this juncture would help concentrate ongoing discussions.

In response to a question from Mr Fenton, the Development Manager advised that he could not guarantee that the action he proposed would result in improvements to the appearance of the site but it was important that further discussions went forward with full knowledge of the fall-back position.

Mr Postan reminded Members that the personal consent referred to by Mr Howard had related to a member of the travelling community to whom differing constraints applied.

Mr Haine reiterated that the application was contrary to policy and would set an undesirable precedent

The revised Officer recommendation was then put to the vote and was carried.

Refused for the following additional reason:-

3. The Given the fact that part of the site surrounding the caravan and part of the access road to the site is within Flood Zone 2 and the vulnerable nature of the development together with the lack of a Flood Risk Assessment as part of the application submission, the applicant has failed to assess the flood risk and failed to demonstrate how any flood risk can be avoided, managed or mitigated. As such the development is considered contrary to policy NE8 of the adopted Local Plan, EH5 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF.

26 17/02342/FUL Ham Court, Weald, Bampton

The Development Manager presented his report and reported receipt of the observations of the County Archaeologist requesting the inclusion of additional conditions, together with those of the Council's Conservation Architect.

Mr Barrett indicated that he considered this to be a well thought out, sympathetic scheme. He did not consider that the proposed tower would detract from views of the church and was pleased to see the proposals to recover the layout and footprint of the original building.

Mr Barrett proposed the revised Officer recommendation which was seconded by Mr Fenton.

Mr Emery was pleased to see an application in which considerable effort had been taken to produce a scheme that would be admired for generations.

Mr Enright agreed that the tower would not interfere with views of the church and indicated that he would like to be able to view the finished development.

Mr Howard expressed his support for the application and commended the applicant and the Council's Officers for devising a scheme of such merit. He noted that, whilst it might initially appear stark, natural stone would soon weather.

Mr Good questioned whether salvaged materials would be used and whether a flagpole was to be erected on the tower as this could make it more prominent. The Development Manager clarified the materials to be used and suggested that it would be appropriate to remove permitted development rights in relation to flags and flagpoles.

Mrs Crossland proposed an amendment that consideration of the application be deferred to enable a site visit to be held for Members to assess the potential impact of the tower. The amendment was seconded by Mr Good.

Mr Postan stated that the tower would not conflict with views of the church and noted that the original Norman tower would have pre-dated the construction of churches with spires and would have had a flagpole as a matter of course. He considered a site visit unnecessary.

The amendment was put to the vote and was lost.

The substantive motion of conditional approval was then put to the vote and was carried.

Permitted subject to the following additional conditions, the applicants being advised that the display of flags may need to be the subject of separate consents and for the avoidance of doubt no such consent is given by way of this permission:-

4. Before development commences, details of the provision of boxes for birds and bats shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed as approved before first use or occupation of the building and so retained thereafter.
Reason: To safeguard and enhance biodiversity during development and thereafter.
5. That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
Reason: To ensure the safeguarding of the character and landscape of the area during and post development.

6. An archaeological watching brief shall be maintained during the period of construction/during any ground works taking place on the site in accordance with a written specification that has been first submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the recording and inspection of matters of archaeological importance on site.
7. Following the approval of the written scheme of investigation referred to in the preceding condition, no development shall be undertaken on site without the appointed archaeologist being present and once completed all findings of the Written Scheme of Investigation shall be reported to the LPA including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.
Reason: To afford the opportunity for archaeological investigations during the development and safeguard the recording of archaeological remains.

33 17/02343/LBC Ham Court, Weald, Bampton

Listed Building Consent be granted subject to the following additional conditions:-

5. The roof(s) shall be covered with tiles and slates a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
Reason: To safeguard the character and appearance of the area.
6. Once the materials have been agreed under the terms of the preceding conditions sample panels of the natural stone walling, render, brick walling and timber cladding shall be erected on site, agreed in writing by the LPA before that material is used in the new development and retained as a reference until such time as development is completed.
Reason: to ensure the materials and the way that they are used respects the sensitivity of the location
7. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors, cupolas and balustrades to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
Reason: To ensure the architectural detailing of the buildings reflects the established character of the area.

35 17/02498/FUL 65 Mayfield Close, Carterton

The Planning Officer presented her report containing a recommendation of refusal.

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

Refused.

35. 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 appeal decisions was received and noted.

36. UNAUTHORISED SITING OF A RESIDENTIAL CARAVAN AT MOUNT PLEASANT FARM, CHAPEL LANE, NORTHMOOR

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing regarding the unauthorised siting of a residential caravan at Mount Pleasant Farm, Chapel Lane, Northmoor.

It was noted that, in considering the associated application for planning permission earlier in the meeting, an additional reason for refusal had been incorporated in relation to the applicant's failure to assess the flood risk and to demonstrate how any flood risk could be avoided, managed or mitigated. Accordingly, this gave rise to a further reason for taking formal enforcement action.

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

RESOLVED: That Officers be authorised to issue of an enforcement notice to require cessation of the residential use and removal of the caravan/mobile home from the land within 6 months of the notice taking effect. Further, if compliance with the notice is not secured, to institute further actions to secure compliance.

The meeting closed at 4:05pm.

CHAIRMAN