

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of a Meeting of the
UPLANDS AREA PLANNING SUB-COMMITTEE
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon
at 2.00pm on Monday 7 July 2014

PRESENT

Councillors: J Haine (Chairman), D A Cotterill (Vice-Chairman), A C Beaney, R J M Bishop, N G Colston, J C Cooper, C Cottrell-Dormer, C G Dingwall, T N Owen, Dr E M E Poskitt, G Saul and T B Simcox

Officers in attendance: Abby Fettes, Phil Shaw and Simon Wright

12. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr W D Robinson

The Chief Executive reported receipt of the following resignation and temporary appointment:-

Mr C G Dingwall attended for Mr T J Morris

13. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 9 June 2014 be confirmed as a correct record and signed by the Chairman.

14. DECLARATIONS OF INTEREST

There were no declarations of interest from members or officers.

15. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that an application would be coming forward at the next meeting relating to Penhurst School. Chipping Norton and officers had suggested that a site visit would be beneficial prior to consideration of the application.

RESOLVED: That a site visit be held on Thursday 31 July 2014 commencing at 9.30am.

16. 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:- 14/0609/P/FP; 14/0693/P/FP; 14/0694/P/FP; 14/0715/P/FP and 14/0729/P/FP.

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

3 14/0468/P/FP Cling Clang Farm, Hyne Jones Field, Church Enstone

The Area Planning Manager presented the application in detail and explained the layout of the proposed building, screening on site and access arrangements.

Mr Colston indicated that his view regarding the application had not changed and he still had concerns regarding impact on the landscape due to the location of the proposed building. Mr Colston suggested that associated equipment could be placed on the site and there would be the need for access and running water all of which could have an impact. It was reiterated that the barn would be visible from the footpath network. Mr Colston advised that whilst understanding the need for a building he was unable to support the development in this location.

The Area Planning Manager advised that agricultural buildings tended to be in open isolated areas. The building was not large and has an agricultural use and a refusal was not justifiable. The sub-committee was reminded that any other issues could be dealt with under planning legislation if necessary.

Mr Beaney indicated there were no planning reasons to refuse and the statement submitted by the applicant and contained in the report had been very useful. Mr Cottrell-Dormer suggested that the site was suitable but asked if it was possible to condition the roof colour. After discussion it was agreed that condition three could be amended to require a dark grey colour for the roof. The Area Planning Manager advised that landscaping was not required due to the location of the building on the site.

Mr Cotterill then proposed the officer recommendation subject to condition 3 being amended to include a note requesting the roof to be a dark grey colour.

Permitted subject to the following note being added to condition 3:

Note: Members indicated that a dark grey roofing material would be the appropriate roof colouration.

8 14/0522/P/OP Land at Rockhill Farm, London Road, Chipping Norton

The Senior Planner introduced the report and reminded the sub-committee that they were only considering the principle of development and the applicant had withdrawn the indicative plans showing building height and

proximity to the road. Therefore condition 3 was to be removed from the recommendation.

The Senior Planner advised that a condition requested by Thames Water should be included and that it would be useful if the sub-committee could give some guidance relating to what would be an acceptable layout on the site.

Mr Saul then proposed acceptance of the officer recommendation as amended.

Mr Saul highlighted that a reserved matters application would be forthcoming. Mr Saul suggested that the boundary wall should be no further forward than the neighbouring site, buildings should be set back from the road a similar distance and be no taller.

Mr Beaney expressed concern that Oxfordshire County Council had not requested education contributions as the school was an academy.

Mr Cooper then seconded the proposal.

Dr Poskitt expressed support for a consistent building line with neighbouring developments. The Senior Planner confirmed that a reserved matters application would be forthcoming, outlined that the main block on the site was likely to be similar as in the indicative plans and the application was for up to 16 dwellings so changes to site layout could mean that fewer were built.

Permitted, subject to the applicant first entering in to a legal agreement and the following additional condition and note to applicant:

11. Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

Note to Applicant:

The applicant is advised that at the reserved matters stage the Council will seek the continuation of the boundary wall along the frontage of the site, for the development to be set back the same distance from the carriageway as the properties to the south of the A44 and for the proposed development to reflect the character and scale of the residential properties immediately opposite the site.

The Area Planning Manager introduced the application.

Mr Shann then addressed the sub-committee in objection to the application. A summary of the points raised is attached as Appendix A to the original copy of these minutes.

The Area Planning Manager then presented the report in detail and outlined the objection from the Environmental Health team. It was indicated that the provision of the flue was acceptable in principle and consideration also needed to be given to guidance on supporting businesses.

The Area Planning Manager acknowledged that the applicant had come some way in trying to address the issues and the balance between business requirements and amenity needed to be assessed. The sub-committee was advised that an acceptable noise level of 53 decibels needed to be achieved and there were other breaches of control that needed to be investigated.

In conclusion it was advised that the recommendation was one of refusal for this application but a revised application was likely to come forward to try and address a number of the issues. It was further suggested that no enforcement action be taken within six months to give the applicants an opportunity to submit new applications. A note could be included on the refusal regarding current breaches on the site.

Mr Dingwall expressed his support for the suggested recommendation and highlighted the long history of issues associated with the site. Mr Dingwall proposed the officer recommendation and this was duly seconded.

Mr Cotterill sought clarification of the current noise levels. The Area Planning Manager confirmed that it was currently 63 decibels and there was a need to get it to 53 decibels.

Mr Cooper asked if the proposal meant that no enforcement action would be taken. In response it was clarified that this would be the case whilst a new application was submitted but action in the longer term was not being precluded.

Mr Beaney referred to the use classes and asked how it would be possible to take away the B2 use on the site. The Area Planning Manager acknowledged the concern and advised that the site would remain a B2 usage but the aim was to get a B1 impact through noise controls, opening hours etc.

Dr Poskitt asked about the relocation of the flue. The Area Planning Manager reported that it could be sited on a different façade of the building to reduce impact or vented through the roof. In response to Mr Cottrell-Dormer it was confirmed that the note to applicant would include reference to opening hours.

On being put to the vote the proposition was carried.

Refused as recommended and subject to the following note to applicant:

Note to Applicant

In refusing the application Members wished to give you the opportunity to remedy the issues before they gave consideration to enforcement action. They have therefore indicated that they would need an application for 'B2 use' that secured a maximum of 53dB(LAeq 1min) at a point 8m east of Unit 17 to be submitted and determined within 4 months and, if approved, implemented 2 months thereafter. In the interim no use outside the approved hours of operation should take place.

23 14/0686/P/FP Coppers End, Cleveley Road, Enstone

The Area Planning Manager presented the application and advised that the dwelling was designed to avoid overlooking and was considered to be appropriate infill.

Mr Colston advised that a similar development elsewhere in the village had been approved and there was sufficient parking on site.

Mr Colston proposed the officer recommendation of approval. The proposition was seconded by Mr Dingwall and on being put to the vote was carried.

Permitted

28 14/0693/P/FP Land at Tracey Farm, Great Tew

The Area Planning Manager introduced the application.

Mr Michael Ergatoudis, the applicant, addressed the meeting in support of the application. A summary of the points raised is attached as Appendix B to the original copy of the minutes.

The Area Planning Manager presented the application in detail. The sub-committee was advised that the Environment Agency had withdrawn their objection subject to conditions. Oxfordshire County Council (Ecology) had also raised no objection subject to conditions. The main changes were outlined to the sub-committee including the reorientation of some buildings and the construction of new buildings.

The Area Planning Manager advised that the retail aspects of the scheme were of a modest scale and the car parking was some distance away from the main development. The positioning of the function barn was in the central area of the development.

The recommendation was therefore one of approval subject to additional conditions relating to drainage and ecology.

Mr Beaney expressed concern regarding the proposed function barn and cookery school building, new access arrangements and the impact of additional car parking. The Area Planning Manager advised that a new exit was being created but this resulted in the minimal loss of trees on the site. Mr Beaney indicated that the farm shop and function barn could encourage additional traffic on to the site. In response it was advised that conditions three and four should cover the issues raised and the facilities were aimed at people staying on the site. It was agreed that the conditions could be made clearer to reflect this.

Mr Colston concurred that there was still concerns about the application and questioned the viability of facilities, particularly the shop, if it was for site users only.

The Area Planning Manager confirmed that the proposed car park capacity was 220 with waiting areas and charging points for electric vehicles that would transport people around the site being provided. With regard to viability it was advised that there was self-catering units on site and the shop would sell locally sourced items to those guests. In response to Dr Poskitt it was highlighted that a condition restricting the type of goods to be sold was included.

Mr Simcox suggested that there needed to be a clear definition of membership as this could impact on the level of demand for the facilities. The Area Planning Manager confirmed that this could be clearly defined in any conditions.

Mr Beaney suggested it may be preferable to defer the application to allow more detailed information to be provided.

In response to issues raised by the sub-committee it was confirmed that the extant permission already included a shop it was just a new location that was being considered. Confirmation was given that it was for people staying on site and not the general public. In respect of car parking the new arrangements would also give access for lorries delivering to the biomass boiler. Finally it was noted that the cookery school was for people staying on site and had been included in the original application.

Mr Cooper emphasised the need to keep as much control as possible over activities on the site.

Mr Cotterill then proposed the officer recommendation subject to additional conditions relating to drainage and ecology and clarification of the use of facilities to members only. The proposition was seconded by Mr Owen.

On being put to the vote the proposition was carried.

Permitted, subject to the following revised condition 3, additional condition and note to applicant:

3. The Farm Shop/Cookery School and Function Barn shall only be operated ancillary to the operation of the main hotel facility by members of the site and their guests and not separately therefrom and all parking and access associated with the operation of the said buildings shall be taken solely from the main access to the complex. REASON: The buildings have only been approved ancillary to the operation of the main business.

5. Prior to the commencement development hereby approved, including any demolition or works of site clearance, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The management aims and prescriptions are to be appropriate to the Glyme and Dorn Valleys CTA. Thereafter, the LEMP shall be carried out in accordance with the approved details. REASON: In the interest of biodiversity.

Note to Applicant

You are reminded of the ecological and drainage conditions on the enabling consent (as amended) as well as new condition 5 hereto.

32 14/0694/P/FP

Chipping Norton Baptist Church, New Street, Chipping Norton

The Senior Planner outlined the application.

Mr Joe Rice, representing the Baptist Church, spoke in support of the application. A summary of the points raised is attached as Appendix C to the original copy of these minutes.

The Senior Planner reminded members that there was an extant permission on the site so the principle of development had already been established. The key issues for consideration related to parking and neighbour amenity.

It was confirmed, as with the previous application, that there was no allocated parking but there was no objection from the highway authority as the current use was considered to generate more traffic. The Senior Planner advised that the location was considered to have sustainable transport links and it was considered that a refusal on parking grounds could not be justified.

The Senior Planner reported that the nearest properties were in Diston's Lane and it was acknowledged that the development could cause overlooking issues and therefore conditions requiring some obscure glazed or non-opening windows had been included.

Mr Saul indicated that there was a need, in Chipping Norton, for the type of housing proposed. It was noted that there was no highway objection but Mr Saul expressed concern that there could be excessive demand for the limited parking in the immediate area thus causing parking issues in other streets.

Dr Poskitt sought clarification of the layout of the flats. The Senior Planner outlined the orientation of the windows, confirmed that the flats were split level and identified the windows that were required to be obscure glazed.

Mr Colston highlighted that there was an extant permission on the site but parking was obviously a concern that needed to be borne in mind for future developments. Mr Colston then proposed the officer recommendation.

Mr Dingwall seconded the proposal and suggested that purchasers would be aware of the lack of parking and this would also most likely be reflected in the price of the property.

Mr Cotterill asked if the building was listed. In response it was clarified that there was an ecclesiastical exemption and any permission would not be issued until an exemption certificate was issued.

Mr Beaney asked if it was possible to secure developer contributions to address parking matters. The Area Planning Manager advised that commuted sums could be requested in areas where specific parking schemes were proposed but this was not the case in Chipping Norton. Mr Beaney asked about removing permitted development rights. In response it was confirmed that due to the building being listed and the development was flats there were no permitted development rights in any case.

On being put to the vote the proposition was carried.

Permitted

39 14/0715/P/FP

Blenheim Guest House and Tea Rooms, 17 Park Street, Woodstock

The Area Planning Manager reported receipt of additional information from the applicant regarding the marketing of the business. It was indicated that the business had been independently valued but the lack of owner accommodation and increased competition as a result of changes to entry arrangements at Blenheim Palace had impacted on viability. The business was therefore running at a loss.

The Area Planning Manager detailed the plans and outlined that alternative provision was considered to be available in the vicinity. It was clarified that Class A uses were interchangeable and the application was considered appropriate to preserve the listed building. In respect of parking the highway authority had indicated that demand would be less than for the existing use.

The Area Planning Manager referred to policy SH5 and indicated that a refusal on this would be difficult as there was nothing specific to prevent the loss of A3 (café/restaurant) uses and in any event the provision of suitable alternative facilities had been demonstrated. In addition policy SH3 encouraged residential properties in such town centre locations.

The recommendation was one of approval subject to conditions.

Mr Cooper referred to discussions at Woodstock Town Council and concerns that had been raised with regard to the application. Mr Cooper suggested that the possible loss of a town centre business would be unfortunate as this was the type of facility tourists used in the town. Mr Cooper indicated that if the property was residential parking problems would be exacerbated as there would not be the same turnover of vehicles.

Mr Cooper then proposed refusal on the grounds that the application was contrary to policy SH5. Mr Cooper acknowledged the difficult trading conditions and the impact of activity at Blenheim Palace on the business.

The Area Planning Manager indicated that SH5 was more relevant to shops and post offices and it was reiterated that alternative provision had been identified. It was further clarified that SH3 encouraged residential dwellings in Woodstock and Burford.

Dr Poskitt seconded the proposal for refusal and suggested that the argument that houses were preferable to retail in such areas could impact on the sustainability of town centres. Dr Poskitt indicated that there could be significant parking demands for a seven bedroom house as was proposed.

The Area Planning Manager reminded the sub-committee that even if it remained as an A3 premises there was no requirement for it to be operational. Mr Simcox suggested that if the business was not sustainable it would be preferable to have a house to an empty shop.

On being put to the vote the proposition was lost.

(Mr Cooper and Dr Poskitt requested that their votes in favour of the proposal be recorded)

Mr Cotterill then proposed the officer recommendation and this was seconded by Mr Cottrell-Dormer and on being put to the vote was carried.

Permitted.

42 14/0729/P/FP

Land Adj Evenlode Cottage, Horns Lane, Combe

The Area Planning Manager introduced the application and reported that amended plans relocating the garage had been received.

Mr Bishop indicated that he was content with the parking provision for the new dwelling but there was no parking for the existing property which appeared to have been divided in to separate units. Mr Bishop highlighted parking issues on the narrow road adjacent to the site.

The Area Planning Manager acknowledged the concern but advised that as the existing dwelling was not in the applicants control and therefore not part of the application this could not be considered. It was agreed that there could be issues if the existing building had been subdivided rather than being a house of multiple occupation and this would need to be investigated.

Dr Poskitt referred to the office above the garage and that there appeared to be French doors to the rear and suggested it was important to ensure that this was not converted to become a separate dwelling. Mr Beaney suggested that the conditions could be strengthened to prevent conversion.

Mr Cottrell-Dormer proposed the officer recommendation including a revised condition to prevent conversion. The proposition was seconded by Mr Cotterill.

On being put to the vote the proposition was carried.

Permitted, subject to the following amended condition:

- 13 The car parking areas (including the parking in the garage and where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose. REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

17. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined by the Strategic Director with responsibility for development under delegated powers together with appeal decisions was received and noted.

The meeting closed at 3.50pm.

CHAIRMAN