

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 4 August 2014

PRESENT

Councillors: J Haine (Chairman), R J M Bishop, N G Colston, J C Cooper,
C Cottrell-Dormer, T J Morris, T N Owen, Dr E M E Poskitt, W D Robinson, G Saul
and T B Simcox

Officers in attendance: Nick Dalby, Abby Fettes, Cheryl Morley, Clive Salisbury, Kim Smith and
Simon Wright

18. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

An apology for absence was received from Mr A C Beaney.

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

Mr W D Robinson attended for Mr D A Cotterill

19. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 7 July 2014
were confirmed as a correct record and signed by the Chairman.

20. DECLARATIONS OF INTEREST

Mr Haine declared a personal prejudicial interest in application I4/0986/P/FP by virtue of
being the applicant. Mr Haine advised that he would leave the meeting during consideration
of that application.

21. ELECTION OF VICE-CHAIRMAN

Mr Haine advised that due to the absence of Mr Cotterill it would be necessary to elect a
Vice-Chairman for the meeting.

Mr Haine proposed that Mr Robinson be appointed Vice-Chairman and this was seconded
by Mr Cooper. There being no other nominations it was:

RESOLVED: That Mr W D Robinson be elected Vice-Chairman of the Sub-Committee
for the meeting.

22. 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:- I4/0897/P/FP; I4/0754/P/FP; I4/0833/P/FP; I4/0969/P/FP; I4/0788/P/FP and I4/0927/P/FP.

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

3 I4/0754/P/FP Penhurst School, New Street, Chipping Norton

The Senior Planner introduced the application and highlighted the information contained in the additional representations report. The site location and layout was clarified.

Mr Williams and Mr Souter addressed the sub-committee in objection to the application. A summary of the submission is attached as Appendix A to the original copy of these minutes.

Mr Thompson, Beechcroft Developments, then addressed the sub-committee in support of the application. A summary of the submission is attached as Appendix B to the original copy of these minutes.

The Senior Planner presented the report in detail and indicated that the main considerations related to principle, design/siting, setting and impact on neighbouring properties. It was clarified that the proposed use was C2 which was the same as existing on the site.

The Senior Planner clarified the boundary of the site in relation to Diston's Lane and it was emphasised that the proposed development would be cut in to the ground to reduce the impact. It was advised that the height was similar to the existing sports hall and the eaves levels and separation distances were outlined.

The Senior Planner responded to concerns that the application had not been referred to English Heritage for comment. It was acknowledged that there was a Grade I listed church in the vicinity but referral to English Heritage was not compulsory and in this case the Conservation Officer had not considered it necessary.

The Sub-Committee was advised that the recommendation was one of approval subject to a legal agreement and conditions to be agreed in consultation with the Chairman of the Sub-Committee.

Mr Saul, whilst acknowledging the application had many benefits, expressed concern at the scale of the care home element. Mr Saul indicated that the primary concern related to the three storey element of the care home which was much higher than what was currently on site. It was suggested that there could be a detrimental impact on properties in Diston's Lane and there was also a negative impact on the views of the nearby church.

Mr Saul suggested that the development needed to be sympathetic to the Conservation Area and setting of the surrounding area. Mr Saul indicated that a two storey development would be acceptable but he was unable to support the three storey element.

Mr Saul then proposed refusal of the application on the grounds that it was contrary to Policy BE2 of the West Oxfordshire Local Plan. The proposal was seconded by Dr Poskitt.

The Senior Planner clarified that there was a separation distance of 50 metres from the three storey element to neighbouring properties and this part of the development had been placed in the middle of the site to reduce impact. It was outlined that the roof line reduced across the site to reduce the visual impact.

The Senior Planner advised that the proposal was considered to enhance the area and that it was a town centre site. In response to Mr Haine it was clarified that the development was set back from the boundary and so any loss of light was minimal and not considered detrimental.

Dr Poskitt sought further information regarding the third storey of the care home. In response it was confirmed that it was for staff facilities and there were no windows. Mr Cooper asked if height details had been submitted with the application. The Senior Planner confirmed that information had been provided and reiterated that the development was being lowered in the site.

Mr Cottrell-Dormer asked what was in the elevation facing Diston's Lane. The Senior Planner confirmed that it was secondary windows so there was no detrimental impact.

Mr Robinson acknowledged the concerns that had been raised but suggested that the developer had done a good job in addressing the issues and a refusal may not be defensible at appeal.

On being put to the vote the proposition was lost.

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

Delegated to permit subject to the applicant entering in to a Legal Agreement and conditions to be agreed in consultation with the Chairman of the Sub-Committee.

Post Committee Note: The following conditions were agreed in consultation with the Chairman of the Sub-Committee:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. REASON: To comply with the requirements of the Town and Country Planning Act 1990.
2. That the development be carried out in accordance with plan No(s) specified on BHP Harwood drawing schedules dated 4th August 2014. REASON: For the avoidance of doubt as to what is permitted.
3. The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before development commences and thereafter retained until the development is completed. REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
4. The roof(s) of the building(s) shall be covered with stone and natural slates, samples of which shall be submitted to and approved in writing by the Local Planning Authority before development commences. REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
5. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority. REASON: To ensure the architectural detailing of the building reflects the established character of the locality. (Policy BE of the adopted West Oxfordshire Local Plan 2011)
6. Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery (including dormer windows and roof lights) at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. 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. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

7. Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences. REASON: To safeguard and enhance biodiversity. (Policy NE13 of the adopted West Oxfordshire Local Plan 2011).
8. A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include the retention of any existing trees and shrubs and planting of additional trees and shrubs; proposed finished levels or contours; all ground surface treatments and materials; means of enclosure; other vehicle and pedestrian access and circulation areas; and 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 safeguard the character and landscape of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
9. No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2005: "Trees in Relation to Construction" and has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area. REASON: To safeguard features that contribute to the character and landscape of the area. (Policy NE6 of the adopted West Oxfordshire Local Plan 2011)
10. The car parking areas (including 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)
11. No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced in accordance with plans and specifications that have been submitted to and approved in writing by the Local Planning Authority. REASON: In the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

12. Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have been submitted to and approved in writing by the Local Planning Authority before development commences. REASON: To safeguard the safety of occupiers of the proposed dwellings. (Policy BE1 of the adopted West Oxfordshire Local Plan 2011)
13. No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority. REASON: To safeguard the character and appearance of the area. (Policies BE2 and BE21 of the adopted West Oxfordshire Local Plan 2011)
14. No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details. REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
15. The mitigation measures for the protection of bats in Monks Dene shall be carried out in accordance with the details set out in Lockhart Garratt Bat Survey Report April 2014. REASON: In the interests of the protection of protected species

12 14/0788/P/FP Westward Lodge, 21 Shilton Road, Burford

The Senior Planner presented the application and advised that the proposal was not considered to be in accordance with policy as it was to the rear of the building line in the area. The Sub-Committee was advised that a similar application at the front of the property had previously been refused under delegated powers.

The Senior Planner indicated that the recommendation was one of refusal.

The officer recommendation was proposed by Mr Robinson and seconded by Mr Owen and on being put to the vote was carried.

Refused

16 14/0816/P/AC Golden Pheasant Hotel, 91 High Street, Burford

The Planning Officer presented the applications and advised that the applicant had amended the plans to remove the 'Greene King' sign from the façade of the building and also to reduce the number of floodlights to four.

Mr Owen expressed his support for the views of the town council which had now been addressed by the amendments.

Mr Robinson proposed the officer recommendation of approval and this was seconded by Mr Colston. On being put to the vote the proposition was carried.

Granted, Advertisement Consent

19 14/0817/P/LB Golden Pheasant Hotel, 91 High Street, Burford

The officer recommendation was proposed and duly seconded and on being put to the vote was carried.

Granted, Listed Building Consent

22 14/0819/P/FP Land adj. Banbury Road, Wootton Balk, Tackley

The Senior Planner presented the application and advised that the key consideration was impact on the landscape and footpaths in the area. It was acknowledged that the site was not in the AONB but the visual impact from the footpaths and wider landscape was considered detrimental.

The Senior Planner acknowledged the benefits of alternative energy schemes and confirmed that there were no objections on ecological grounds.

Mr Cottrell-Dormer proposed the officer recommendation of refusal and this was seconded by Mr Colston.

Mr Cooper indicated that he was supportive of such schemes in the right location but this site did not appear to be suitable. Mr Morris concurred that the impact at this location was not acceptable.

Mr Haine highlighted that a number of solar schemes had been approved or constructed in the district which were in much better locations. In response to Dr Poskitt it was confirmed that 2.4m high columns for security cameras were proposed.

On being put to the vote the proposition was carried.

Refused

28 14/0833/P/FP Reeves Barn, Pound Hill, Charlbury

The Senior Planner introduced the application and advised that there was no objection from the highway authority subject to submission of a revised parking plan.

Mr Ker addressed the sub-committee in objection to the application. A summary of the submission is attached as Appendix C to the original copy of these minutes.

Mr Burton, the applicant's agent, addressed the sub-committee in support of the application. A summary of the submission is attached as Appendix D to the original copy of these minutes.

The Senior Planner highlighted that the main considerations related to principle, design and highways. It was advised that residential development was considered acceptable on the site.

The Senior Planner reported that a previous application had been withdrawn and the matters of concern had been addressed in the new application. The changes in level on the site, screening of the balcony and impact on neighbouring properties were outlined.

The recommendation was therefore one of approval subject to conditions.

Mr Robinson suggested it was a complex application and it would be beneficial if members looked at the site before making a decision.

Mr Robinson proposed that a site visit be held and this was seconded by Mr Cottrell-Dormer.

On being put to the vote the proposition was carried.

Deferred for a site visit to be held on Thursday 28 August 2014 commencing at 9.30am.

33 14/0897/P/FP Leafield Technical Centre, Langley

The Principal Planner introduced the application and clarified that a noise assessment report had been submitted.

Mr Warren addressed the sub-committee in objection to the application. A summary of the submission is attached as Appendix E to the original copy of these minutes.

Mr Warren in response to Mr Owen clarified that his property was closest to the single unit on the southern elevation of the building.

The Principal Planner presented the report in detail and clarified that the extraction plant was required as part of the fabrication process in the building. It was confirmed that the main consideration related to noise impact of the proposals.

The Principal Planner confirmed that the noise impact assessment had indicated that mitigation was needed and details of how the reduction could be achieved had been submitted. The Sub-Committee was advised that this consisted of an acoustic barrier on the southern elevation and improved ducting arrangements and enclosures on the southern elevation.

The Principal Planner outlined that the recommendation was one of approval subject to conditions.

The Senior Environmental Health Officer outlined the works required and advised that a reduction of 15-19db for each piece of equipment was needed and the background noise levels were clarified.

Mr Robinson outlined the long planning history on the site and indicated that the application was welcome as the operation of the units had been continuing for some time with no mitigation in place. Mr Robinson highlighted that the site had B1 use and there was an opportunity to have some control over activity on the site.

Mr Robinson then proposed the officer recommendation subject to Condition 2 being amended so that the hours of operation were 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and no use on Sundays or Bank Holidays. Mr Owen seconded the proposal.

The Principal Planner, in acknowledging the reason for the amended condition, reiterated that the mitigation works should ensure a reduction in noise. It was suggested that the operation of the business had to be borne in mind and it was considered that the hours originally proposed in the report were acceptable.

The Senior Environmental Health Officer reminded members that the proposed noise levels were low and it was a challenging but achievable condition.

Mr Bishop acknowledged the mitigation proposed but highlighted the planning history on the site and there needed to be confidence that the changes would be implemented within two months. The Senior Environmental Health Officer advised that there was a requirement to undertake works within two months and the site would be monitored to ensure compliance.

Mr Cottrell-Dormer suggested that the amended condition proposed was sensible and if the mitigation measures were successful the applicant could apply for extended hours at a future date. Mr Cooper highlighted the rural nature of the surrounding area and that it was right that very low noise levels were being set.

In response to Mr Simcox it was acknowledged that the noise figures could only be predicted and compliance would need to be proved. Dr Poskitt agreed that initially approving reduced hours gave the applicant a chance to prove themselves. Dr Poskitt sought clarification regarding working patterns at the site. Then Senior Environmental Health Officer advised that there were two shifts covering the hours 06:00 to 22:00.

On being put to the vote the proposition was carried.

Permitted, subject to the following amended condition:

2. The three items of air filtration plant hereby approved shall not be used outside the hours of 08:00 to 18:00 on Monday to Friday inclusive, 08:00 to 13:00 on Saturdays or at any time on Sundays and Bank Holidays. REASON: In the interests of residential amenity.

39 14/0911/P/FP 74 Church Road, Long Hanborough

The Senior Planner outlined the application and clarified that it was not in the Conservation Area or AONB but did border a Site of Special Scientific Interest.

It was advised that there had been initial concerns about the development but the proposed scheme, on balance, was considered acceptable. Confirmation was given that there was no objection on highway grounds.

Mr Morris expressed support for the recommendation and the development was acceptable on the site.

Mr Cottrell-Dormer proposed the officer recommendation and this was seconded by Mr Bishop.

Mr Bishop suggested that the development would not be out of character with surrounding properties.

On being put to the vote the proposition was carried.

Permitted.

The Senior Planner introduced the report and explained that the development was in accordance with Policy H10. It was clarified that a previous application for residential had been refused but the sequential test meant that a holiday let was considered acceptable.

The Senior Planner advised that the development was considered appropriate in the AONB and an alternative nest box for barn owls could be provided close to the site.

Mr Haine indicated that he disagreed with the officer assessment and suggested that the proposal did not accord with Paragraphs 109 and 115 of the National Planning Policy Framework (NPPF). Mr Haine further indicated that the site was unsustainable and there was substantial works needed to convert the barn which was again against policy. Finally Mr Haine suggested that there had been no financial appraisal provided to demonstrate that a holiday let was viable.

Mr Morris proposed refusal on the grounds outlined by Mr Haine and this was seconded by Mr Cottrell-Dormer.

Mr Cottrell-Dormer indicated that not all barns were suitable for conversion and this was the case on this site.

Dr Poskitt indicated that the alternative provision for barn owls was not acceptable and asked how it could be ensured that the property was only used as holiday accommodation. The Senior Planner advised that this would be controlled by a legal agreement.

The Senior Planner confirmed that no response had been received from the parish council or Oxfordshire County Council.

On being put to the vote the proposition was carried.

Refused for the following reason:

By reason of its unsustainable location in the Cotswolds Area of Outstanding Natural Beauty and the substantial works needed to convert the barn, the proposal is considered contrary to National Planning Policy Framework paragraph 109 "protecting and enhancing valued landscapes" and paragraph 115 "Conserving landscape and scenic beauty in...Areas of Outstanding Natural Beauty" and policy H10 (c) of the West Oxfordshire Local Plan 2011 in that it is not capable of accommodating residential use without major reconstruction. Furthermore, it has not been demonstrated that a holiday let in this remote location would be financially viable and would therefore be tantamount to a new dwelling in the countryside, contrary to policy H4 of the West Oxfordshire Local Plan 2011

The Planning Officer introduced the report and advised that an additional representation had been received expressing concern at the placing of a caravan on the site and supporting the objections of Chipping Norton Town Council.

Mr Bushnell, the applicant, addressed the sub-committee in support of the application. A summary of the submission is attached as Appendix F to the original copy of these minutes.

In response to Dr Poskitt the location and name of the property was clarified. Mr Cooper expressed concern that there had been an indication that there was a political angle to the consideration of the application.

Mr Bushnell, in response to Mr Robinson, confirmed that he would be managing the build himself.

The Planning Officer clarified that that the building was an outbuilding, the proposal was considered acceptable in planning terms and outlined proposed conditions. It was noted that condition 1 was proposed to be amended to reflect the ancillary use of the outbuilding.

Mr Saul noted that the outbuilding was used as a studio/office and that the permission was temporary until development of the main building had been completed.

Mr Saul then proposed the officer recommendation and this was seconded by Mr Robinson.

In response to Mr Cottrell-Dormer it was confirmed that the outbuilding was permitted development and would revert to its current use once the permission lapsed or the redevelopment had finished whichever was sooner.

On being put to the vote the proposition was carried.

Permitted, subject to the following amended condition:

1. The temporary living accommodation hereby permitted shall only be occupied by members of the family at the dwelling house known as Oldner House Bungalow for 2 years from the date of this permission or on completion of the dwelling permitted under application 13/0632/P/FP (whichever is sooner). At that point the use hereby permitted shall be discontinued and the building restored to its former ancillary use. REASON: The use is only justified by the special and temporary need for the development.

Village Hall, Shipton Road, Milton Under Wychwood

The Planning Officer introduced the application and reported that an additional representation had been received expressing concern at the potential for increased noise and disturbance.

The Planning Officer advised that the extension would have no adverse impact and suitable landscaping was in place. The recommendation was one of approval subject to conditions.

Mr Owen proposed the officer recommendation and this was seconded by Mr Cooper and on being put to the vote was carried.

Permitted, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
2. That the development be carried out in accordance with the plans and details accompanying the application. REASON: For the avoidance of doubt as to what is permitted.
3. The development shall be constructed with the materials specified in the application. REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011).
4. The car parking areas (including 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)

(Mr Haine left the meeting and Mr Robinson took the chair during consideration of the foregoing application)

23. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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

24. TREE PRESERVATION ORDER NO.3/94 – APPLICATION TO FELL A HORSE CHESTNUT TREE AND AN ASH TREE AT 71 WORTON ROAD MIDDLE BARTON, OX7 7EF

Consideration was given to the report of the Head of Planning and Strategic Housing regarding an application to fell a horse chestnut tree and an ash tree growing at 71 Worton Road, Middle Barton, which were included in Tree Preservation Order No. 3/94.

Mr Cottrell-Dormer in noting that the ash tree had a double trunk asked if there was any way of splitting the tree to reduce the impact. The Forestry and Landscape Officer advised that whilst this was possible it was not considered necessary and felling of the tree could be supported.

Mr Simcox referred to ash dieback and whether this needed to be taken in to consideration. The Forestry and Landscape Officer acknowledged the concern and advised that dieback was not an issue in Oxfordshire as yet.

Mr Cottrell-Dormer proposed the officer recommendation and this was seconded by Mr Robinson. On being put to the vote the proposition was carried.

RESOLVED:

- (a) That the application to fell the horse chestnut tree be refused; and
- (b) That permission is granted to fell the ash tree to ground level.

The meeting closed at 4.25pm.

CHAIRMAN