

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the Meeting of the
UPLANDS AREA PLANNING SUB-COMMITTEE
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon
at 2.00pm on Monday 30 March 2015

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, T N Owen, Dr E M E Poskitt, G Saul and T B Simcox

Officers in attendance: Bryan Martin, Cheryl Morley, Jonathan Noel, Phil Shaw, Catherine Tetlow and Simon Wright

70 MINUTES

Mr Haine indicated that the reference to six letters of objection being received in respect of applications 14/1102/P/OP and 14/1234/P/OP should both read 'six *further* letters of objection'.

Dr Poskitt suggested that the final paragraph of page 5 should read '... comments received from a Woodstock local councillor had been made in a personal capacity not on behalf of the Parish'.

The sub-committee agreed to the amendments as suggested.

RESOLVED: that the Minutes of the meeting, as amended, of the Sub-Committee held on 2 March 2015 be confirmed as a correct record and signed by the Chairman.

71 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr T Morris and Mr W D Robinson.

72 DECLARATIONS OF INTEREST

There were no Declarations of Interest from Members or Officers relating to items to be considered at the meeting.

73 CHAIRMANS ANNOUNCEMENTS

Site Visit

Mr Haine advised that a significant application in Tackley (15/00561/OUT refers) would be presented to the sub-committee in the near future. Mr Haine suggested it would be beneficial to hold a site visit in advance of considering the application.

The sub-committee agreed that a site visit be held.

RESOLVED: That a site visit be held on Thursday 23 April 2015 commencing at 9.30am.

Agenda Order

Mr Haine advised that he would be taking Item No. 6 – The Unicorn Public House, Great Rollright before Item No. 4.

74 THE UNICORN PUBLIC HOUSE, GREAT ROLLRIGHT

Consideration was given to the joint report of the Head of Planning and Strategic Housing and the Head of Legal and Property Services seeking authority to execute works necessary to ensure the preservation of the Unicorn Public House, Great Rollright, a Grade II Listed Building.

The Area Planning Manager introduced the report and outlined the history of the site, previous decisions in respect of the property and the structural engineer's report that had been prepared. The Area Planning Manager showed a number of photographs detailing the damage to the property and confirmed that no response had been received from the owner to enquiries that had been made. It was advised that the Conservation and Design Officer and Principal Solicitor were available if there were any specific questions.

The Area Planning Manager outlined the options and financial implications as shown in the report. When the report was prepared it had been hoped that the total cost of the urgent works would not exceed £10,000. However the quote received was significantly more than this. It was explained that further quotes for the urgent works were now required and these, with the sub committee's agreement, would be considered in consultation with the chairman. A further report would be bought back if a reasonable figure for the urgent works could not be agreed.

Mr Beaney thanked officers for the report and sought clarification regarding the duty of the owner to maintain the building. The Principal Solicitor confirmed that whilst there was no legal obligation to maintain a listed building in a good state of repair the council did have discretionary powers to take direct action.

Mr Beaney asked what level of works would be needed at this stage. The Area Planning Manager advised that the building needed extra structural support and to be made watertight. The Conservation and Design Officer detailed works that would be required to prop up the roof and prevent it spreading and causing further damage as well as works to prevent water ingress. It was advised that undertaking works inside the building may be difficult.

Mr Beaney asked whether this decision would impact on any future action. The Area Planning Manager reiterated that this was an interim act and did not preclude further action at a later stage. The Principal Solicitor advised that a further options report would be presented and any decision at this time would not prejudice that.

Mr Beaney sought clarification regarding timescales for the urgent works if it was agreed. The Principal Solicitor advised that the owner would be given at least 7 days written notice that unless the urgent works are carried out by a specified date the council would enter the land and carry out the urgent works. . Mr Cotterill and Mr Cooper emphasised the need to consider all options at a later stage including compulsory purchase and it was asked whether it would be advisable to put a time limit for the interim works to be

undertaken. The Area Planning Manager indicated that any works would need to be undertaken before winter.

Mr Cottrell-Dormer proposed the recommendation of delegation. Mr Cottrell-Dormer asked whether some internal works were possible. The Conservation and Design Officer advised that whilst it could be looked at it was anticipated that the works would need to be external.

Mr Haine advised that if the recommendation was agreed he would share the quotes received with the other members of the sub-committee. Mr Colston expressed his support for works to be undertaken and the need to instigate action as soon as possible.

Mr Cotterill then seconded the proposal and on being put to the vote it was carried.

RESOLVED:

- (a) That the Head of Planning and Strategic Housing be delegated to take action under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to execute the works identified in the Structural Reports prepared by F W Haywood and Associates as being urgently necessary to ensure the preservation of the building subject to a suitable quote for the works being agreed in consultation with the Chairman of the sub-committee; and
- (b) That, should the owner of the building fail to carry out the works within the timescale set out in the notice under section 54 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Head of Planning and Strategic Housing be authorised to commission the execution of the works directly and to seek to recover the Council's costs from the owner.

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:- 15/00169/FUL; 15/00210/HHD; 14/0759/FUL and 14/02014/HHD.

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

3 14/1759/FUL High Fields, Church Road, Milton under Wychwood

The Senior Planner presented the application and showed the site layout and revised plans that had been submitted. It was highlighted that a narrower road was proposed within the development and this should address concerns about access to the neighbouring field for potential future development.

Mr Haine suggested that the revised plans were a significant improvement with the alignment of houses and the separation distances being far more acceptable.

Mr Haine then proposed the officer recommendation and this was seconded by Mr Cotterill.

On being put to the vote the proposition was carried.

Permitted.

13 14/02014/HHD Redrobe House, 9 Church Street, Chipping Norton

The Planning Officer introduced the application and showed the location of the development and details of the elevations. It was advised that it was now proposed to raise the boundary treatment to 1.9m and it was considered this would address any privacy issues. The Planning Officer confirmed that the site was in the Conservation Area and Area of Outstanding Natural Beauty.

Mr Saul indicated there was significant concern regarding disturbance associated with the proposed swimming pool. Mr Saul suggested that the site visit had demonstrated that the development would be closer to neighbouring properties than the applicant's own house and this could have a detrimental impact. Mr Saul highlighted the difference in levels between neighbouring sites and that this could exacerbate problems.

Mr Saul acknowledged the reasons for the proposed location and that it could be built as permitted development closer to the applicant's property. Finally Mr Saul expressed concern regarding potential damage to walls on site as a result of construction works.

Mr Saul then proposed refusal on the grounds that it was contrary to Policy H2 (d). Mr Owen seconded the proposal.

Concern was expressed about the stability of boundary walls and the Senior Planner advised that ultimately the responsibility for ensuring a safe development as regards such issues rested with the developer with reference to the advice in the National Planning Policy Framework.

Mr Cottrell-Dormer expressed concern at the impact of raising the wall to 1.9m. The Planning Officer clarified that the additional height would be wooden trellis and not a solid wall. Mr Cottrell-Dormer echoed other members concerns regarding the proposed location of the swimming pool.

Mr Cotterill recognised concerns regarding damage to existing walls and suggested that if approval was given a suitable informative could be added.

Mr Bishop agreed with Mr Saul on the differing land levels in the vicinity of the site and highlighted the objections submitted by the town council.

Mr Beaney drew attention to the size of the proposed development and questioned whether there should be conditions included relating to noise from any mechanical plant on site. The Senior Planner agreed that noise limits could be conditioned if necessary.

Mr Cottrell-Dormer asked if there was any merit in undertaking further negotiations with the applicant. The Planning Officer advised that options had been discussed but the applicant wanted the application determined as submitted.

Mr Simcox advised that, in his experience, open air swimming pools were not used that often and disturbance tended to be fairly minimal. Mr Simcox acknowledged that the pool was relatively close to neighbouring properties but suggested that noise would not be excessive.

Mr Cooper referred to concerns that had been raised regarding disturbance to the local church. Mr Cooper suggested that the site visit had demonstrated that there was a significant separation distance. In respect of the walls on site this was essentially a building regulations matter.

The Planning Officer referred to discussions regarding the location of the development and advised that if it was moved closer to the house and built under permitted development rights it may have a greater impact on other neighbouring properties.

On being put to the vote the proposition was lost.

Mr Cotterill then proposed the officer recommendation together with the inclusion of a suitable condition limiting noise levels from any machinery plant and an informative relating to the potential for damage during construction.

Mr Simcox seconded the proposal and highlighted that encouraging a healthy lifestyle was a priority for the council.

On being put to the vote the proposition was carried.

Permitted, subject to the following additional condition and informative:

- 5 Notwithstanding the submitted details, a detailed specification for all plant and machinery to be used in connection with the development, and methods to control noise, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The specification shall include the type, location, and noise output for all plant and machinery to be installed, together with any noise mitigation measures to be employed. The plant and machinery shall be installed in accordance with the agreed specification, retained thereafter, and operated in accordance with the manufacturer's recommendations unless otherwise agreed in writing with the Local Planning Authority.

REASON: To safeguard the character of the area and living/working conditions in nearby properties. (Policies BE2 of the adopted West Oxfordshire Local Plan 2011).

INFORMATIVE:-

- 1 The applicant is reminded that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. This decision does not override the provisions of the Party Wall Act 1996.

17 14/00169/FUL 6 Ashford Close, Woodstock

The Senior Planner introduced the report and outlined the plans of the site and photographs showing the relationship of the building to the development in the area.

Mr MacFarlane, the applicant, then addressed the sub-committee in support of the application and a summary of his submission is attached as Appendix A to the original copy of these minutes.

The Senior Planner then continued her presentation and explained that the building could not be accessed externally and advised that the application was considered acceptable and the recommendation was one of approval.

Mr Cooper advised that the site had a long planning history and there had always been employment use. Mr Cooper questioned why solicitors acting for homebuyers had not picked up the restrictions placed on the building.

Mr Cooper indicated that on balance he was supportive of the application and that the key factor for many residents in the area was that the integrity of the building was maintained and this application did not have a detrimental impact. It was further suggested that it was positive that the extension could be used for homeworking which was sustainable.

Mr Cooper then proposed the officer recommendation.

Mr Haine clarified that the proposal was not a complete change of use and meant that there was some flexibility in how the space was used.

Dr Poskitt seconded the proposal and acknowledged that there was some concern regarding the proposal. Dr Poskitt suggested that the building could be accessed externally via a gate. Dr Poskitt indicated that there appeared to be some confusion regarding the use but overall it was considered acceptable.

Mr Beaney asked if the extension had the potential to be a separate dwelling. The Senior Planner advised that this was very unlikely and the conditions specified that any domestic use was ancillary.

On being put to the vote the proposition was carried.

Permitted

22 15/00210/HHD 6 Chapel Row, Chadlington

The Planning Officer introduced the application, outlined the plans and highlighted issues raised at the recent site visit.

Mrs Wigley addressed the sub-committee in objection to the application. A summary of her submission is attached at Appendix B to the original copy of these minutes.

The Planning Officer continued her presentation and advised that issues of access were a civil matter. The sub-committee was advised that the applicant had amended the location of the garage and it was considered that the proposals had no adverse impact on neighbouring properties. The recommendation was therefore one of approval.

Mr Owen, whilst acknowledging that some issues were civil matters, advised that he still had concern regarding the application. Mr Owen referred to the site visit and suggested a double garage on the site would increase traffic to an unacceptable level to the detriment of neighbouring properties.

Mr Owen proposed refusal on the grounds that the application was contrary to Policy BE2 (a) and (b). Mr Bishop seconded the proposal.

Mr Bishop indicated that he was content that the proposed extension to the house was acceptable but the location of the garage and the narrow access was unneighbourly.

Mr Cooper referred to the public participation and the inference that a sequential test was appropriate under the National Planning Policy Framework and sought clarification regarding this issue. The Senior Planner advised that it was not applicable on a householder application and this was used when assessing commercial developments.

Mr Cotterill asked about the workshop/store element of the application and sought clarification regarding use. The Planning Officer advised that no commercial use was proposed and the revised description was reflected in the condition contained in the late representations report.

Mr Cotterill highlighted that vehicles already parked in the vicinity of the proposed garage. Dr Poskitt emphasised that there used to be a garage in the same area.

Mr Cottrell-Dormer acknowledged the concerns that had been raised but reiterated that many were civil issues that could not be dealt with as part of the planning process. Mr Colston indicated that there seemed to be a consensus that the extension was acceptable but the garage was the contentious aspect.

Mr Saul concurred with other members that the garage replaced an existing structure and parking was possible there already.

On being put to the vote the proposition was lost.

Mr Cottrell-Dormer then proposed the officer recommendation, including the revised condition in the late representations report, and this was seconded by Mr Beaney.

On being put to the vote the proposition was carried.

Permitted, subject to the following amended condition:

4. The garage and workshop/store hereby approved shall be used for the parking of vehicles and workshop/store activities ancillary to the residential occupation of the dwelling and for no other purposes.

REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.

76 APPLICATIONS DETERMINED UNDER DELEGATED POWERS

Mr Cottrell-Dormer referred to an application for an agricultural building (Ref: 14/02322/PN56) and sought clarification of the suffix P3APP as this was not included in the index. The Senior Planner advised that this related to prior notifications and officers would look at how these were reported in future.

Mr Colston referred to an application that had been allowed for the siting of a mobile home in Cleveley (Ref: 14/02370/FUL) and sought further information as a previous application had been refused by committee. The Senior Planner undertook to clarify the situation and advise Mr Colston accordingly. It was agreed that details would also be sent to all sub-committee members for information.

In response to Mr Colston it was confirmed that an application for a grain store (Ref: 15/00088/FUL) had been refused due to the inappropriate siting and visual impact.

Members expressed concern regarding a decision to allow development at Church Enstone as a number of applications had been considered and refused by the sub-committee on the site. It was suggested that it would be beneficial if applications on the site were referred to committee. The Senior Planner cautioned against such an approach as it may be unfair on the applicant.

Mr Haine acknowledged that some applications on the site may be acceptable and Mr Cottrell-Dormer reminded members of the need to look carefully at the weekly list and refer applications to the sub-committee if necessary.

In response to Mr Cotterill it was confirmed that issues relating to the weekly list should now be rectified and an accurate list produced.

The report giving details of applications determined under delegated powers was then received and noted.

The meeting closed at 3.30pm.

CHAIRMAN