

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 1 June 2015

PRESENT

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

Officers in attendance: Phil Shaw, Catherine Tetlow, Abby Fetes, Gemma Smith and Paul Cracknell

4 CHAIRMAN'S REMARKS

The Chairman welcomed Mr Graham to the Sub-Committee and outlined the order of business to those members of the public present.

5 MINUTES

RESOLVED: that the Minutes of the meeting of the meetings of the Sub-Committee held on 27 April and 20 May 2015 be confirmed as correct records and signed by the Chairman.

6 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr A C Beaney and the Chief Executive reported the following resignation and temporary appointment:-

Mr W D Robinson for Mr T B Simcox

7 DECLARATIONS OF INTEREST

Mr Saul declared an interest in application No. 15/01334/FUL (Priory Barn, Churchill Road, Chipping Norton), the applicant being known to him.

8 SITE VISITS

The Chairman suggested that, in order to enable Members to assess the potential impact of the proposed developments on the respective sites, site visits be held in respect of three forthcoming applications.

RESOLVED: that arrangements be made for site visits to be held at Castle View, Chipping Norton (Application No. 15/01183/FUL) Land north of Ditchley Road, Charlbury (Application No.15/01563/FUL) and Land West Of Fawler Road, Charlbury (Application No. 15/01523/FUL)

9 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:-
15/00197/OUT; 15/00561/OUT; 15/00564/FUL; 15/00606/FUL; 15/00836/FUL;
15/00914/FUL; 15/01095/FUL; 15/1198/FUL; 15/00448/HHD; 15/00784/S73 and
15/01334/FUL

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

3 15/00197/OUT Land South of High Street, Milton under Wychwood

The Planning Officer introduced the application and made reference to additional representations sent by Mr M Barson and Mrs C Brown and by the applicant's agents to Members.

Mr Oliver Chapple, the Chairman of the Milton Under Wychwood Action Group, then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

Mr P Rawlins, the Vice-Chairman of the Milton under Wychwood Parish Council, then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

Ms Kathleen Ventham, the applicant's agent, then addressed the meeting in support of the application. A summary of her submission is attached as Appendix C to the original copy of these minutes.

In response to comments made by Ms Ventham, the Area Planning Manager advised that 40 recently approved units were already counted in the Council's five year land supply. Whilst recognised as one of the less sustainable sub-areas, the Burford-Charlbury sub-area was expected to accommodate some 800 units and Milton under Wychwood would have to accommodate a certain level of development.

The Planning Officer then presented her report and noted that the contribution sought by the Parish Council towards the provision of play

equipment as referenced at paragraph 1.14 of the report had been considered alongside the District Council's requirements.

In proposing the Officer recommendation of refusal, Mr Haine emphasised the impact the development would have on the Evenlode valley given the site's location on rising ground. He stressed the importance of tourism to the economy of West Oxfordshire and the need to protect the Area of Outstanding Natural Beauty for future generations. He suggested that the reasons for refusal should be amended to make reference to paragraphs 109, 115 and 116 of the NPPF, adopted local plan policies BE2 (e) and (f), BE4, NE1, NE3 and NE4 and emerging local plan policies OS2, H2, EH1 and BC1.

Mr Owen seconded the recommendation, revised as detailed above, indicating that he considered the proposed development to represent an alien and incongruous intrusion in the AONB.

The proposition was then put to the vote and was carried.

Refused for the following reasons:-

1. The proposal, by reason of its scale and position, would result in a detrimental impact on the landscape character and approach to the village which is part of the Cotswolds AONB where conservation of the landscape is to be given great weight. The proposals would cause harms at an immediate local level and from medium distances, contrary to the provisions of paragraphs 109, 115 and 116 of the NPPF, adopted local plan policies BE2 (e) and (f), BE4, NE1, NE3 and NE4 and emerging local plan policies OS2, H2, EH1 and BC1.
2. The proposal would result in an unacceptable loss of amenity to the occupiers of The Cottage by reason of disturbance from noise and light by users of the access road immediately opposite. This is contrary to the relevant provisions of the NPPF, policies BE2 and H2 of the adopted plan and policies OS4 and H2 of the emerging local plan.
3. In the absence of an agreed mitigation package it has not been demonstrated to the satisfaction of the Local Planning Authority that the development will mitigate its impact and provide the requisite affordable housing and other community benefits contrary to the provisions of the NPPF, policy BE1 of the adopted local plan and OS5 of the emerging local plan.

24 15/00848/HHD 37 High Street, Finstock

The Planning Officer presented her report and the recommendation of conditional approval was duly proposed and seconded.

Permitted

The Planning Officer introduced the application and made reference to the observations set out in the report of additional representations. She reported receipt of further representations from Mrs N Chapple of St Johns Road and Mrs S Proffitt of Balliol Close and made reference to representations sent directly to Members.

Mr John Perkins then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

Mr Neil Goldsmith then addressed the meeting in support of the application.

The Planning Officer presented her report containing a recommendation of conditional approval subject to the applicants entering into a legal agreement.

Mr Cottrell-Dormer expressed his opposition to the application and proposed refusal on its impact upon the Area of Outstanding Natural Beauty and the suggested density of development. The proposition was seconded by Mr Bishop.

In response to the concerns raised by Mr Cottrell-Dormer, the Planning Officer advised that Thames Water recognised that there were drainage problems associated with the site and that works would be required. This could be addressed through appropriate conditions. She explained that the suggested density of 15 units in the SHLAA was indicative only a full assessment of the site's potential indicated that the greater number of units could be accommodated on the site. The Planning Officer advised that specific sites were not identified in the emerging Local Plan and indicated that additional car parking could be provided within the site. Finally, with regard to traffic generation, she reminded Members that the Highway Authority had raised no objection to the application.

In response to Mr Bishop's suggestion that consideration of the application be deferred to enable this and the Balliol Farm proposal to be considered together, the Planning Officer advised that each application should be considered on its own merits.

In response to questions from Mr Cotterill, she confirmed that residents would be able to walk to the station from the site. She advised that, whilst the loss of some trees would be necessary to create an integrated frontage to the site, those to be removed were not particularly good specimens worthy of retention. Planting at the corners of the site would be retained and enhanced and management arrangements put in place. Finally, she advised that the site was private land with no public right of access and noted that there were other areas of public open space within the village.

Mr Robinson expressed support for the officer recommendation, indicating that the emerging Local Plan placed reliance upon sites identified in the SHLAA coming forward.

Dr Poskitt questioned the adequacy of the suggested archaeological evaluation conditions.

Whilst recognising that the Council had to accept development on sites identified in the SHLAA, he suggested that 26 units was over-intensive. He also questioned the Highway Authority's assessment of the likely traffic generation and consequent impact.

The Area Planning Manager advised that the suggested density of 15 units as indicated in the SHLAA was a conservative estimate. The application, in outline only, was for up to 26 units. Actual numbers would depend on site specific constraints. In the event that Members were to refuse consent on a site identified in the SHLAA it would be necessary to increase windfall rates and become more difficult to defend appeals. The Area Planning Manager also reiterated that each application had to be determined on its own merits and advised that, should the application be deferred, the applicants would have a right of appeal against non-determination.

Mr Haine indicated that he considered the site to be an infill site and was satisfied that concern over sewage treatment could be addressed by condition. Whilst the outline application was for up to 26 units, he expected that this number would be reduced by the need to provide adequate landscaping and parking provision.

In response to a question from Mr Cotterill, the Planning Officer confirmed that she was satisfied that the standard form of drainage conditions proposed would be adequate to address this issue.

Mr Saul queried whether a reduction in the number of units at the reserved matters stage would reduce the proportion of affordable housing. In response, the Planning Officer advised that any reduction would need to be supported by viability information.

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

The Officer recommendation of conditional approval was proposed by Mr Robinson and seconded by Mr Saul and on being put to the vote was carried.

Permitted subject to the conditions set out in the report and to the applicants entering into a legal agreement to secure the provision of affordable housing and the financial contributions detailed in the report.

45 15/00564/FUL Land South of Forest Road, Charlbury

The Planning Officer introduced the application and made reference to the further observations set out in the report of additional representations. She

advised Members that the application was not before the Sub-Committee for determination but had brought forward to enable Members to offer a preliminary view on the application.

Mr Rod Evans then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

The local representative, Councillor Ms Leffman then addressed the meeting. She acknowledged that this was a difficult application and advised that opinion within Charlbury was equally divided between opposition and support. She indicated that the intention behind the project was worthwhile; the development was ecologically friendly and would provide the opportunity for self-build schemes and affordable housing in addition to the young dementia facility. However, she acknowledged that there were genuine concerns that the site lay outside the natural envelope of the settlement and the application would need careful consideration to achieve a balance between the worthwhile objectives of the project and concerns with regard to its location. Some assurance was necessary to assuage concerns that permitting the application would set a precedent for further development in the vicinity of the site.

The applicants, Mr Ian Cox and Ms Jane Norman, then addressed the meeting in support of the application. A summary of their submission is attached as Appendix F to the original copy of these minutes.

In response to concerns raised by Dr Poskitt regarding the safety and security of those living with dementia it was explained residents would be assessed and those able to do so would be encouraged to venture outside the complex.

The Planning Officer then presented her report and the Chairman reminded Members that the application was not before Members for determination.

Mr Owen indicated that he believed the project was worthwhile and was generally in favour of the application. He acknowledged that there were concerns over its location but did not consider these to warrant refusal.

Mr Graham recognised that there was a balance to be achieved and advised that he would need reassurance that approval would not set a precedent for further development outside the town.

The Area Planning Manager acknowledged these concerns, indicating that they would be addressed fully in any subsequent report.

Mr Robinson noted that the application was contrary to policy in both the existing and emerging Local Plans and the NPPF in that it constituted new development in the open countryside and the AONB. It was a commendable project in the wrong location and the applicants would be better advised to identify a better location within a strategic or policy acceptable site.

Mr Haine and Mr Colston concurred, both recognising the intention of the scheme but retaining concern as to the location. Mr Cotterill agreed, expressing concern over potential precedent, location and the safety of future residents. Mr Morris and Dr Poskitt concurred.

Mr Saul expressed his support for the self-build and young dementia elements of the scheme and indicated that he would be happy to consider a full application.

Deferred

61 15/00606/FUL The Heyes, Churchill Road, Kingham

The Planning Officer introduced the application.

Mr Philip Holt addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix G to the original copy of these minutes.

Mr John Dewar addressed the meeting on behalf of the Kingham Parish Council. A summary of his submission is attached as Appendix H to the original copy of these minutes.

Mrs Jayne Norris, the applicant's agent, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix I to the original copy of these minutes.

The Planning Officer then presented her report containing a recommendation of conditional approval. She emphasised that the application was for a touring caravan site, not a travellers/permanent site as suggested in some observations received.

Mr Owen expressed concern over the application and Mr Colston suggested that, located in the open countryside, it was contrary to policies BE2, NE1 NE4 and NE5 of the Local Plan. Mr Graham expressed concerns over traffic generation and the over-intensification of the site.

Mr Cotterill suggested that, regardless of a restriction on the period of use, the development would be obtrusive by reason of the ancillary construction on the site and Dr Poskitt questioned whether there was any risk of flooding.

Mr Robinson indicated that the Council could not defend a refusal on highway grounds without the support of the highway authority and the application was policy compliant in all other respects. Accordingly, he proposed the officer recommendation. The proposition was seconded by Mr Saul.

The Area Planning Manager reminded Members that all applications had to be considered on their own merits based on the use, not the user. He

advised that conditions applied to the previous residential consent were not relevant to the current application and noted that the question of the viability of the proposal was not a relevant consideration in planning terms. The applicant had offered a voluntary legal agreement to regulate the use of the site and, whilst its location within the AONB was a relevant consideration, it was not in itself a bar to development, emerging policy specifically allowing such development within the AONB.

Mr Cottrell-Dormer expressed concern with regard to the location of the site and highway visibility and questioned why a four week maximum stay had been suggested. In response, the Planning Officer advised that eight weeks was the generally accepted limit but that four weeks had been thought appropriate in this instance. In terms of access, she advised that condition 6 would give control over the layout of the highway access.

Mr Cotterill indicated that he remained concerned over the impact of the ancillary construction on the site when not in use. In response to a question from Mr Graham, the Planning Officer advised that the visual impact of the development would be mitigated by landscaping controlled by the suggested condition 5.

The officer recommendation of conditional approval was then put to the vote and was lost.

It was then proposed by Mr Cottrell-Dormer and seconded by Mr Colston that the application be refused as being contrary to policies BE2 (e) and (f), BE21, NE1, NE3, NE4, TLC1 and TLC4 of the Adopted Local Plan, OS2 EH1, EH6 and E4 of the Emerging Local Plan and paragraphs 14, 109, 115 and 116 of the NPPF.

On being put to the vote the recommendation was carried.

Refused for the following reason:-

1. That the proposal, by reason of its siting, would result in an incongruous feature in an Area of Outstanding Natural Beauty, out of character with and failing to preserve the special landscape quality, contrary to policies BE2 (e) and (f), BE21, NE1, NE3, NE4, TLC1 and TLC4 of the Adopted Local Plan, OS2 EH1, EH6 and E4 of the Emerging Local Plan and paragraphs 14, 109, 115 and 116 of the NPPF.

77 15/00836/FUL Land North of Chaucers House, 28 Park Street, Woodstock

The Planning Officer introduced the application.

Mrs Jill Dunsmore and Mr Peter Morgan addressed the meeting in opposition to the application. A summary of their submission is attached as Appendix J to the original copy of these minutes.

Mr Hugh Mellor of Kemp and Kemp, the applicant's agents, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix K to the original copy of these minutes.

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

Members expressed concern over the impact of the access on the occupiers of 3 Chaucers Lane and the impact of the proposed development upon the setting of the listed building and the Woodstock Conservation Area.

It was proposed by Dr Poskitt and seconded by Mr Robinson that the application be refused and on being put to the vote the recommendation of refusal was carried.

Refused for the following reasons:-

1. The proposal, by reason of the proximity of the access to the neighbouring property, would result in unacceptable living conditions for the occupier of no. 3 Chaucer's Lane, contrary to policies BE2 and H2 of the Adopted Local Plan and policies OS2 and H2 of the Emerging Local Plan and paragraph 109 of the NPPF.
2. The proposal, by reason of its design and siting, and due to the loss of trees, would be an incongruous and alien feature, detrimental to the setting of a Grade II listed building and would fail to preserve or enhance the Woodstock Conservation Area, contrary to policies BE2, BE5 and BE8 of the Adopted Local Plan and policy EH7 of the Emerging Local Plan and paragraph 132 of the NPPF.

87 15/00784/S73 3 Manor Farm Barns, Upper End, Fulbrook

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

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

Permitted

91 15/00914/FUL Unit 4, Spendlove Centre, Charlbury

The Planning Officer introduced the application.

Mr Peter Kenrick, the Chairman of the Charlbury Town Council, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix L to the original copy of these minutes.

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

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

Permitted

99 15/01334/FUL Priory Barn, Oxford Road, Southcombe

The Planning Officer presented her report. She made reference to the observations set out in the report of additional representations. In the absence of the additional information sought from the applicant, the Planning Officer recommended that the application be deferred.

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

Deferred

(Mr G Saul left the meeting during consideration of the foregoing application. Mr Robinson left the meeting at this juncture)

104 15/01095/FUL Boulters Barn Farm, Churchill Road, Chipping Norton

The Planning Officer introduced the application.

Mr Sweeting then addressed the meeting in opposition to the application. He indicated that the existing farm buildings were adequate and that the proposed building was unnecessary. There had been no accidents involving vehicles using the existing access but the new access would require vehicles travelling from the east to negotiate a 140° turn crossing both lanes of the highway. He expressed concern over the loss of agricultural land to development and suggested that the existing buildings should be used in preference to a new facility that would set a precedent for further development in the future.

It was proposed by Mr Cottrell-Dormer and seconded by Mr Colston that consideration of the application be deferred to enable a site visit to be held. On being put to the vote the proposition was carried.

Deferred to enable a site visit to be held

108 15/01198/FUL Land East of Tyne Lodge, Brook Lane, Stonesfield

The Planning Officer introduced the application. Mr Jon Gordon addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix M to the original copy of these minutes.

Mr Simon Handy of Strut and Parker, the applicant's agents, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix N to the original copy of these minutes.

The Planning Officer then presented her report.

Mr Bishop indicated that he had held concerns over the decision to allow the previous application and the undertaking given by the applicant not to develop further. In response the Planning Officer reminded Members that each application had to be considered on its own merits. The policy position had changed in the emerging Local Plan since the previous application had been considered and the current application was considered to be acceptable.

It was proposed by Mr Bishop and seconded by Mr Cottrell-Dormer that the application be refused as being contrary to policies H2 BE3 and NE4 of the Adopted Local Plan and policy EH7 of the Emerging Local Plan.

Whilst expressing sympathy with their position, Mr Graham indicated that he could not see a reason for refusal on planning policy grounds.

The recommendation of refusal was put to the vote and was lost. The officer recommendation was proposed by Mr Robinson and seconded by Mr Cotterill and on being put to the vote was carried.

In response to a question from Dr Poskitt, the Planning Officer confirmed that condition 6 called for the removal of the leylandii hedge to the north boundary and controlled the replacement species to be planted.

Permitted

10 APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined under delegated powers together with appeal decisions was received and noted.

The meeting closed at 6:10pm.

CHAIRMAN