

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 3 August 2015

PRESENT

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

Officers in attendance: Gemma Smith, Kim Smith, Catherine Tetlow, Hannah Wiseman and Simon Wright

16 MINUTES

RESOLVED: That, the Minutes of the meeting of the Sub-Committee held on 6 July 2015 be confirmed as a correct record and signed by the Chairman.

17 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

The Chief Executive reported the following temporary appointment:-

Mr W D Robinson attended for Mr T J Morris

18 DECLARATIONS OF INTEREST

Mr Cotterill and Mr Owen declared a pecuniary interest in Application 15/00166/OUT by virtue of their membership of the Burford School Foundation. Mr Beaney declared a pecuniary interest in Application 15/00166/OUT by virtue of his membership of the Burford School Foundation and further indicated that he was a teacher at Burford School and his fiancée worked at Burford Primary School.

All three councillors indicated that they would leave the meeting during consideration of the application.

19 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:-
15/00166/OUT and 15/01297/FUL.

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

3 15/00166/OUT Land West Of Shilton Road, Burford

The Senior Planner introduced the application and confirmed that it was an outline application with all matters reserved except means of access.

The revised comments of Oxfordshire County Council (OCC) contained in the report of additional representations were highlighted together with additional correspondence received from the applicants and landowners. Mr Haine then read out a further letter received from Mr Shute (Burford Shilton Road Residents Association).

Mr Richard Shute representing Burford Shilton Road Residents Association and 'Help Preserve Burford' campaign and Mr Glen Sheldrake representing Burford Garden Centre addressed the sub-committee in objection to the application. A summary of their submissions are attached to the original copy of these minutes as Appendices A and B.

Mr David Cohen, representing Burford Town Council, addressed the sub-committee in support of the application. A summary of the submission is attached as Appendix C to the original copy of these minutes.

Mr Nicholas Duckworth, Director of Hallam Land Management, made a submission to the meeting in support of their application. A summary is attached as Appendix D to the original copy of these minutes.

The Senior Planner then presented the application in detail and outlined the indicative layout of the proposed development. The visual intrusion of the scheme was highlighted and whilst it was acknowledged that there had been revisions to landscaping and the removal of the coach park it was still considered unacceptable.

The Senior Planner advised that the site was removed from the town centre and the council's Strategic Housing Land Availability Assessment (SHLAA) had deemed the site as unsuitable due to its remoteness. It was noted that there were no technical objections from highways but there was continued concern about the sustainability of the site. The Senior Planner referred to paragraph 5.37 of the report which highlighted that some of the financial contributions requested by OCC could no longer be secured through Section 106 monies.

The Senior Planner concluded by advising that any benefits of the scheme did not outweigh concerns about the location and therefore the recommendation was for refusal for the reasons contained in the report.

Mr Robinson indicated that development had previously been resisted on this side of the A40 as it was detached from the town centre. Mr Robinson

suggested the application was clearly contrary to the current and draft local plans as well as national planning policies.

In respect of land supply Mr Robinson clarified that the council had confirmed the availability of a five year supply and reiterated that the SHLAA had indicated the site was unsuitable for development.

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

Mr Graham acknowledged the benefits the application could offer in respect of affordable housing and care home provision but suggested that the proposed site had many issues that made it unsuitable. Mr Graham highlighted that it was not policy compliant, was unsustainable and created access and transport problems.

Dr Poskitt concurred and sought clarification as to whether the primary school could expand. Dr Poskitt suggested that the location was particularly unsuitable for elderly people wishing to access the town centre. The Senior Planner advised that the school could not be enlarged on the current site but contributions for provision were requested by OCC.

Mr Bishop indicated that care provision was needed in the area but this site was not suitable. Mr Saul referred to the Bradwell Grove development and problems with it being remote to Burford with no facilities and suggested the proposed site had similar issues.

Mr Saul sought clarification regarding the OCC position in respect of Section 106 funding and the Community Infrastructure Levy (CIL). The Senior Planner advised that as OCC had adopted a CIL Charging Schedule some of the required contributions could no longer be secured through Section 106.

Mr Simcox highlighted the need for care home space and affordable housing in Burford and questioned whether there were other suitable sites. Mr Simcox indicated that the negatives of the proposed site outweighed any benefits and he would be supporting the proposal for refusal.

Mr Colston suggested that there may be other sites in the area that were more suitable for such developments.

On being put to the vote the proposition was carried.

Refused

(Mr Beaney, Mr Cotterill and Mr Owen left the meeting during consideration of the foregoing application and took no part in the discussion or voting thereon.)

(At this juncture Mr Saul declared an interest by virtue of the applicant being known to him and left the meeting during consideration of the application.)

The Planning Officer introduced the application and outlined the location, layout and design of the proposal. It was clarified that additional information and business plan had been received and this provided justification for the development.

Mr Colston expressed concern at the break up of agricultural land in to smaller parcels and the associated sporadic development that could occur. Mr Colston highlighted the planning history of the site including refusals and appeals that had been dismissed. Mr Colston indicated that barns had previously been refused on other sites.

Mr Colston proposed refusal on the basis that the application was contrary to Policy OS4 of the emerging Local Plan. Mr Cottrell-Dormer seconded the proposal.

Mr Cottrell-Dormer asked about the position regarding the existing barn in light of recent changes that made conversion to residential easier. The Planning Officer confirmed that the barn on the site would not meet the criteria and could not be converted.

The Senior Planner explained the current site layout, confirmed that livestock were kept on site and it was suggested that if the application was approved Condition 4 should be amended to agricultural purposes rather than just storage which was too restrictive.

Mr Haine reiterated that the applicant had provided financial reports and a business plan which were acceptable. In response to Mr Graham it was clarified that the new barn would not include office space as this would be in the existing building and the applicant was seeking to separate aspects of the business. Dr Poskitt questioned if a new barn was needed or whether the existing building could be extended further.

On being put to the vote the proposition was lost.

Mr Robinson then proposed the officer recommendation including the revision to Condition 4 relating to the barn being used for agricultural purposes. Mr Cotterill seconded the proposal.

On being put to the vote the proposition was carried.

Permitted, subject to the following amended condition:

- 4 The agricultural building hereby permitted shall be used for agricultural purposes only, and for no other purposes.

REASON: To protect the visual amenity and character of the local landscape and to protect residential amenities of neighbouring dwellings. (Policies BE2 and NE1 of the West Oxfordshire Local Plan 2011).

25 15/01297/FUL 8 Marlborough Crescent, Woodstock

The Planning Officer introduced the application and highlighted issues raised at the site visit. The site location, parking layout, fenestration changes and floor plans were outlined.

Mr Scott 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 Brian Yoxall, representing Woodstock Town Council, addressed the sub-committee in objection to the application. A summary is attached at Appendix F to the original copy of these minutes.

Mr Richard Bennett, the applicant, made a submission to the sub-committee in support of the application. A summary is attached at Appendix G to the original copy of these minutes.

The Planning Officer continued the presentation of the application and advised that the principle of development was considered acceptable in policy terms. An appeal decision allowing a similar development nearby was highlighted.

The Planning Officer advised that there had been changes made to the materials to be used, there was no harm to the street scene and it was confirmed that OCC had no highway objections and parking was to standard. It was confirmed that separation distances to neighbouring properties were acceptable and there was no development proposed on the grass verge.

In conclusion the Planning Officer confirmed that the recommendation was one of approval subject to conditions.

Dr Poskitt indicated that the proposal was unpopular and appeared cramped on the site. Dr Poskitt acknowledged that the issue of the covenant was not a planning issue but the intention of the restriction had been to retain the open layout of the estate.

Dr Poskitt suggested that the house would be very small and would not necessarily be affordable. Dr Poskitt referred to the Westland Way site that had been mentioned and advised that the proposed development would be much smaller than that house and the garden would be compromised.

Dr Poskitt acknowledged the parking provision but expressed concern that the garage would not be used and cars would be parked on the grass verge.

Dr Poskitt then proposed that the application be refused on the grounds that it was contrary to policies OS4, H2(3), BE2 and BE3 and national planning policies. The proposal failed to attract a seconder.

Mr Cottrell-Dormer sought further information regarding the appeal decision at Westland Way that had been referred to in the public participation. A copy was provided for Mr Cottrell-Dormer.

Mr Robinson then proposed the officer recommendation of approval. Mr Cotterill seconded the proposal and indicated that the development was within the curtilage of the host property and a refusal would be difficult to defend at appeal,

Mr Beaney asked if there was any merit in strengthening conditions in respect of the garage and parking. The Senior Planner advised that it would be difficult particularly as parking was unrestricted in the vicinity and there was nothing to preclude vehicles parking on the road.

Mr Cottrell-Dormer suggested that all the issues of concern had been covered in the report. Dr Poskitt asked about the removal of permitted development rights and in response it was confirmed that this was covered in the conditions.

On being put to the vote the proposition was carried.

Permitted

34 15/02448/S73

Land at Former Churchill House, Hailey Road, Chipping Norton

The Principal Planner introduced the application and advised that it had been submitted as a result of an enforcement investigation following reports that the scheme was not being implemented in accordance with the approved plans.

The Principal Planner showed the layout and approved site plans and outlined the changes that were being sought to the original development. It was confirmed that the developers had stopped work and made the application as soon as issues had been raised about the construction to date.

The recommendation was one of approval subject to the applicant entering in to a legal agreement relating to the retention of affordable housing in perpetuity and amendment to conditions to reflect aspects of the development that had already been constructed and to ensure that materials were approved before construction recommenced.

Mr Saul suggested that the developers had built a scheme that had been previously refused, albeit with a few tweaks, and this may not be acceptable. Mr Saul however acknowledged that the site delivered much needed affordable housing and there had been no change in the scale or siting of the units and therefore it was a difficult application to determine.

Mr Haine referred to the original application and a site visit had been held where members did not like the certain aspects of the scheme. Mr Haine indicated that the current application was a combination of the refused and approved schemes.

The Principal Planner gave more details of the scheme and a major change was that cladding was replaced by a mix of render and stone. It was acknowledged that the application was a hybrid of the other proposals but the council architect was happy with the scheme and was recommending approval.

Mr Saul suggested that some of the architectural interest contained in the approved scheme had been lost in the new application. Mr Graham indicated that it was unfortunate that this situation had arisen and asked if the trees fronting the site would be retained.

Mr Robinson explained that the original applicants had been Cottsway Housing but when they had been unable to construct the development it had been passed to Greensquare who had unfortunately used the wrong plans. The Principal Planner reiterated that the developer had acknowledged the error, stopped work immediately and was seeking to regularise the situation. Mr Robinson suggested that members needed to assess the proposals as if it was a new application.

Mr Robinson indicated that he could find no reason to refuse the application and accordingly proposed the officer recommendation. Mr Cottrell-Dormer seconded the proposal and in particular expressed support for the use of stone and render to replace wooden cladding.

Mr Colston suggested that it was important that the render was appropriate for the location. The Principal Planner confirmed that a sample panel would need to be approved.

Mr Beaney expressed the hope that the single storey element could be retained for cycle storage and that it would be preferable to have the dormers retained. In response to Mr Cotterill it was confirmed that there was no loss in room space within the units.

On being put to the vote the proposition was carried.

Delegated to approve, subject to the applicant entering in to a legal agreement and the following amended conditions:

3. Those parts of the external walls to be constructed of artificial stone together with those external walls already erected shall be constructed of artificial stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before the commencement of further development on the site and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.

4. Those parts of the external walls to be constructed of render shall be constructed of render of a Cotswold stone colour in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are faced with render and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.

20 APPLICATIONS DETERMINED UNDER DELEGATED POWERS

Mr Beaney referred to a site at Shepherds Dean Farm and asked why the removal of an agricultural occupancy condition had been approved.

The Senior Planner explained that it was a Certificate of Lawful Use and the applicant had completed a statutory declaration that the property had been used for in excess of ten years in breach of the condition and therefore a certificate had to be issued. The Principal Planner advised that a database of properties with similar restrictions was being collated so that they could be closely monitored.

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

21 MATTERS ARISING

Mr Cottrell-Dormer referred to a recent decision regarding a solar farm near Charlbury and suggested that it was not clear who would be responsible for clearing the site at the end of the approved operation of the site and was something that needed to be borne in mind on any similar applications in the future.

Members discussed the implications of the applicants not being responsible and whether it should fall on the landowner to clear the site of infrastructure.

The Senior Planner undertook to get further advice on the matter and would report back to members accordingly.

The meeting closed at 3.55pm.

CHAIRMAN