

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 2 November 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 J Morris, T N Owen, Dr E M E Poskitt, G Saul and T B Simcox

Officers in attendance: Abby Fettes, Michael Kemp, Joanna Lishman, Phil Shaw, Kim Smith and Simon Wright

34 MINUTES

RESOLVED: That the Minutes of the meeting of the Sub-Committee held on 5 October 2015 be confirmed as a correct record and signed by the Chairman.

35 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

An apology for absence was received from Mr W D Robinson.

36 DECLARATIONS OF INTEREST

Mr Beaney declared a prejudicial interest in Application Nos. 15/01910/S73 and 15/02077/S73 and indicated he would leave the meeting during consideration of those applications.

37 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:- 15/03128/OUT, 15/03099/FUL, 15/03303/FUL and 15/01910/S73)

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

3 15/01910/S73 Bruern Stable Yard, Bruern

The Principal Planner introduced the application, together with application 15/02077/S73, and showed location plans detailing the conditions it was proposed to remove.

Mr Mike Taylor, representing the applicants, addressed the sub-committee in support of this application and application no. 15/02077/S73. A summary of the submission is attached as Appendix A to the original copy of these minutes.

The Principal Planner continued her presentation and highlighted the relevant policies for consideration. It was clarified that it had to be demonstrated that the holiday lets were not viable and a marketing exercise had not been undertaken.

The Principal Planner reported that non-viability of the holiday lets had not been demonstrated and the submitted occupancy rates were considered to be good. Notwithstanding the applicants intention to let the dwellings the subject of the application as holiday lets, it was clarified that if the conditions were removed this meant the properties could be sold/let as residential units with no requirement to use as holiday lets. Therefore the recommendation on each application was for refusal.

Mr Simcox questioned why removal of the conditions was necessary and what the applicant was trying to achieve. The Principal Planner indicated that removal of the conditions would allow units to be rented for a longer period of time than the 8 week holiday let restriction. Mr Cotterill queried why so many staff were needed and asked if the tourism team had been consulted on the potential loss of holiday accommodation. The Principal Planner advised that the Business Development Officer had submitted views.

Mr Colston suggested a 60% occupancy rate was acceptable and if the conditions were removed then they could never be regained. Mr Morris acknowledged the applicants desire for more flexibility but concurred with others that it needed to be demonstrated that the current use should be changed.

Mr Morris proposed the officer recommendation of refusal and this was seconded by Mr Cotterill.

Mr Graham sought clarification of the criteria for assessing viability. In response it was confirmed that viability needed to be demonstrated by way of a robust marketing exercise or it had been shown that an alternative business model would not work.

On being put to the vote the proposition was carried.

Refused

8 15/02077/S73 Bruern Stable Yard, Bruern

Mr Morris proposed the officer recommendation of refusal and this was seconded by Mr Cotterill and on being put to the vote was carried.

Refused

(Mr Beaney left the meeting during the foregoing applications)

13 15/02786/HHD Rosebank, 31 Brook Hill, Woodstock

The Planning Officer outlined the application and referred to the site visit that had been held. The sub-committee was shown plans, site layout and drawings of the elevations.

Dr Ivor Lloyd addressed the sub-committee in objection to the application. A summary of the submission is attached as Appendix B to the original copy of these minutes. Dr Lloyd, in response to Dr Poskitt, confirmed that the heights he quoted referred to the tarmac levels and the development would be higher. Dr Lloyd further clarified the layout of driveways in the vicinity of the site.

The Planning Officer continued his presentation and indicated that the proposal was considered to be in an appropriate location, was of an acceptable size, was not out of keeping in the street scene and did not have a detrimental impact on neighbour amenity.

Dr Poskitt referred to the site visit and that this had demonstrated that the building was high and resembled a garage rather than a car port in design. Dr Poskitt suggested that the design was not attractive and there were no similar buildings nearby.

Dr Poskitt proposed that the application be refused on the grounds of design, scale and negative impact on the neighbouring property. Mr Graham seconded the proposal.

Mr Graham sought clarification regarding the drainage on site. The Development Manager advised that as the driveway was already hard surfaced there would be no additional flooding risk so a refusal on those grounds was not recommended.

Mr Cottrell-Dormer indicated that the site visit had demonstrated that the development was too high and it would be better if the building was configured the other way round. Mr Colston suggested that there would be a significant impact on neighbours.

On being put to the vote the proposition was carried.

Refused for the following reason:

The proposed development would be of an inappropriate design and of an overbearing scale which would be detrimental to the appearance of the surrounding area and would impact negatively on the amenity of the adjoining dwelling 32 Brook Hill. The proposals do not represent sustainable development and would be contrary to existing West Oxfordshire Local Plan Policies BE2 and H2, Emerging Local Plan Policies OS1 and H6 and Paragraphs 14 and 64 of the NPPF.

17 15/02852/HHD 16 High Street, Shipton Under Wychwood

The Planning Officer introduced the application and reported receipt of additional correspondence from the applicant's architect. It was confirmed that the site was in the Conservation Area and buildings were listed. The sub-committee was shown plans and photographs of the site.

Mr Simon Gregson 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 Mark Hamilton, agent for the applicant, 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 Planning Officer continued the presentation and acknowledged that it was fairly large in scale but every effort had been made to ensure that the extension was subservient to the host building. It was indicated that the proposal was a significant improvement on the originally submitted application.

The Planning Officer advised that the materials were considered acceptable and were in keeping and there would not be substantial harm to the listed buildings. In addition it would not be detrimental to the Conservation Area. The Planning Officer acknowledged there was a direct impact on the neighbouring property but this was not unacceptable.

The Planning Officer confirmed that the recommendation was for approval.

Mr Haine reported receipt of an email from a neighbour who was unable to attend the meeting objecting to the application.

Mr Simcox thanked the officers for producing such a comprehensive report and suggested that the application was an improvement on what had previously been submitted. Mr Simcox indicated that he was aware of the concerns from neighbours and proposed that a site visit be held to allow members to properly assess the proposal and potential impact. Mr Cotterill seconded the proposal and suggested that it would be useful if the size and height of the extension could be marked out on site.

On being put to the vote the proposition was carried.

Deferred for a site visit to be held on Thursday 26 November 2015 commencing at 9.30am.

23 15/03099/FUL Land South of Forest Road, Charlbury

The Development Manager introduced the application and reported receipt of two additional representations and confirmed that the applicants' agent had agreed Heads of Terms for the legal agreement.

The proposed layout of the site was shown and amendments to the previously submitted scheme were outlined. In particular it was noted that there was a smaller number of units and the layout on site changed.

Mr Rod Evans 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. In response to Mr Beaney, Mr Evans clarified that he had not said there could be no development in the AONB but that the presumption in favour of sustainable development did not apply to the AONB, as was clear from para 14 of the NPPF..

Councillor Liz Leffman, local ward member, 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. Mr Cotterill asked Ms Leffman if she considered the site suitable for dementia care. Ms Leffman indicated that the facility would provide support and help for residents and would be well managed.

Mr Jeremy Smalley, agent for the applicant, addressed the sub-committee in support of the application. A summary of the submission is attached as Appendix G to the original copy of these minutes.

The Development Manager continued his presentation and advised that the main issues for consideration were principle, precedent, siting design and form, landscape impact, highways, amenities, archaeology, benefits and S106 contributions.

The sub-committee noted there was an element of self-build in the application and that the development was considered sustainable in the proposed location. It was acknowledged that it was an on balance decision relating to aspects of sustainability.

The Development Manager concluded by recognising there was a range of views both for and against the proposal. It was highlighted that the scheme was being locally led and the amendments to the previous scheme were an improvement and acceptable in their own right. The Development Manager suggested that the benefits accruing from the development outweighed the harm when the relevant policy and other tests were applied and as such an on balance approval could be recommended.

The Development Manager advised that consultation responses were still awaited from Oxfordshire County Council in respect of highways and archaeology. The recommendation was therefore for approval subject to clarification of the legal agreement and the receipt of responses in respect of highways and archaeology. It was confirmed that if the outstanding responses raised objection then it would be referred back to members.

Mr Graham highlighted concerns about the previous application but acknowledged the considerable amount of consultation since then. Mr Graham suggested that it was still a difficult decision.

Mr Graham acknowledged that the development was on the edge of Charlbury and the changes that had been made to reduce the impact on the AONB. Mr Graham advised that, on balance, the development was acceptable and the increased buffer zone would help reduce the impact.

Mr Graham then proposed the officer recommendation and this was seconded by Mr Owen.

Mr Owen indicated that the scheme had been developed over some time and was a local project that showed innovation and vision and was well designed.

The Development Manager, in response to Mr Cotterill, confirmed that the road within the site would predominantly remain private.

Mr Colston expressed concern that the houses were an adjunct to the main development and probably would not be acceptable on their own. Mr Colston suggested the dementia unit was some distance from the town and sought clarification on whether there would be time limits on construction of the self-build units.

The Development Manager indicated that there was a waiting list of people wanting to construct their own homes and whilst there were some legal options it was likely that applicants would have a financial imperative to complete as soon as possible.

Dr Poskitt indicated concern at the location of the footpath and access to Charlbury. Dr Poskitt advised that it was important that the archaeology situation was clarified on site and asked about the moving of the speed limit on the road. The Development Manager reiterated that if there were any issues relating to archaeology then the application may need to be referred back to the sub-committee. The Senior Planner advised that it was proposed to move the speed limit further away from the access.

Mr Saul, in supporting the proposal, asked if the footpath would also access the railway station. The Senior Planner indicated that this could not be confirmed.

Mr Cottrell-Dormer suggested the scheme was too remote from Charlbury and it was wrong for dementia patients to be placed that close to a river and railway line. The Development Manager reminded members that residents safety was primarily an issue for the operators of the home and they had a management plan in place.

On being put to the vote the proposition was carried.

Permitted, subject to a legal agreement, conditions and no objection being raised in respect of highways and archaeology.

45 15/03128/OUT Land South of High Street, Milton Under Wychwood

The Senior Planner introduced the application and reported receipt of additional representations from Milton Under Wychwood Action Group (MUWAG) and Milton Under Wychwood Parish Council.

The Senior Planner outlined the plans and highlighted the amendments to the previous application including a reduction in the number of units, relocation of the access and additional landscaping.

Mr Oliver Chapple, on behalf of MUWAG, addressed the sub-committee in objection to the application. A summary of the submission is attached as Appendix H to the original copy of these minutes.

Mrs Edna Naish, Chair of Milton Under Wychwood Parish Council, addressed the sub-committee in support of the application. A summary of the submission is attached as Appendix I to the original copy of these minutes.

Mrs Kathryn Ventham, agent for the applicant, addressed the sub-committee in support of the application. A summary of the submission is attached as Appendix J to the original copy of these minutes.

The Senior Planner reminded members that the previous application had been refused on three grounds and that decision was subject to an appeal. The policy context in respect of the current and emerging Local Plans and the National Planning Policy Framework (NPPF) was outlined together with the position in respect of housing land supply.

The sub-committee was advised that the main considerations were principle of development, landscape impact, highways, residential amenity and other matters including drainage, ecology and S106 contributions. The Senior Planner indicated that the changes had overcome the previous refusal reasons and the recommendation was therefore for approval.

Mr Haine read out a letter from the Cotswold Nature Conservation Board in respect of protecting the Area of Outstanding Natural Beauty (AONB). A further letter from Brandon Lewis, Minister in the Department for

Communities and Local Government (DCLG), regarding protection of landscape character and the role of the NPPF was also reported.

Mr Haine suggested that the application was not exceptional and should not be supported on this site within the AONB. Mr Haine highlighted the five year land supply within the district and whilst acknowledging that seeking to bolster numbers further was positive there was no urgency to do that.

Mr Haine highlighted the strong local representation in objection and that the council was delivering well on housing numbers so it was not necessary to build in the AONB. It was suggested that other sites such as previously developed land or sites closer to transport links would be preferable.

Mr Haine emphasised the limited employment in the village and inadequate bus services. In respect of facilities it was suggested that these were again limited and the site would be remote from those and be unsustainable.

In respect of landscape impact Mr Haine advised that it was important to preserve and not harm it. Mr Haine accepted that there was local housing need but this site was not suitable. Mr Haine referred to the site visit and that the site was one of the higher points of the village and was higher than neighbouring developed land.

Mr Haine advised that in 2010 the site had been identified as a potential rural exception site for a much smaller scheme but officers had not supported it. In acknowledging that there were no technical highway objections Mr Haine expressed concern that the development would be car dependent and the access was still not acceptable due to light and noise problems.

In respect of drainage suggested the attenuation pond was out of character but accepted that the ecology and S106 issues had been addressed.

Mr Haine then proposed that the application should be refused as the scale and position would be detrimental to the landscape character and approach to the village. In addition there would be loss of residential amenity for the occupiers of The Cottage by reason of noise and light disturbance from the access road and a suitable mitigation package was still absent.

Mr Haine stated that this was contrary to policies contained in the West Oxfordshire Local Plan 2011, National Planning Policy Framework and Draft West Oxfordshire Local Plan 2031.

Mr Owen seconded the proposal and concurred with the views expressed by Mr Haine.

Mr Cotterill expressed support for refusal and highlighted the lack of public transport as a particular concern. Mr Cotterill referred to a recently refused application at Burford and that this proposal would be very intrusive.

Mr Beaney suggested that the sub-committee needed to consider whether the previous reasons for refusal had been overcome and highlighted other recent decisions where development had been allowed in the AONB at Kingham and Chipping Norton. Mr Beaney highlighted that shops had shut in Milton Under Wychwood as they were not well used.

Mr Beaney advised that he was unable to support refusal and he supported officers that the applicants had satisfactorily addressed previous reasons for refusal.

The Development Manager emphasised the need to look at the previous refusal reasons and issues associated with introducing new reasons. It was reiterated that officer considered the changes to the scheme to be acceptable.

The Development Manager referred to comments that had been made regarding the five year land supply. It was clarified that the council was asserting this on the basis of the submitted figure of 525 per annum which was lower than that in the Strategic Housing Market Assessment (SHMA).

The Development Manager acknowledged the potential for smaller developments delivering the housing numbers but reminded members that this would not attract developer contributions to finance infrastructure and facilities.

In respect of landscape impact it was suggested that a balance needed to be struck between harm and planning policy. The Development Manager acknowledged there were conflicting views on this issue but the reality was that development would be required in the AONB. This was reflected in the decisions at Kingham and Chipping Norton.

The Development Manager referred to previous consideration of the site and that a judgement had been made based on a lower target in the previous local plan.

Mr Haine indicated that further applications would be forthcoming in Milton Under Wychwood and it was important any development was in the right location. Mr Colston suggested that the development would have a considerable landscape impact and the reduction in the number of units would not mitigate that. Mr Colston indicated that the council was delivering a lot of housing and he would be supporting the proposal of refusal.

In response to Mr Cottrell-Dormer it was confirmed that the applicants owned all the land marked within the blue line but any development beyond the red line would need a separate application. Mr Cottrell-Dormer sought clarification of the previous refusal reasons and advised that he would be supporting refusal.

Mr Saul referred to the previous refusal and that they were very specific. Mr Saul indicated that it would be difficult to refuse the current scheme as the

issues had been addressed. Mr Saul particularly highlighted that affordable housing would be delivered and the housing would go some way to meeting housing numbers for the sub-area.

Mr Cotterill indicated that the scheme would stand out in the landscape and Mr Owen concurred and suggested that additional landscaping was only needed as the development was so harmful.

Mr Bishop noted the amount of opposition to the application but acknowledged that there was also some support in the village. Mr Bishop suggested the views of the community were important and he would be voting for refusal.

Mr Beaney indicated that the decision should be made on policy grounds only. Mr Simcox questioned whether there was a majority against the application as there were some 1300 electors and some would be supportive or not have an objection.

The Development Manager reminded the sub-committee that they needed to take account of all opinions and representations but volume of objection was not a consideration and policy grounds were paramount.

Mr Beaney suggested that previous developments had not been detrimental to the village.

On being put to the vote the proposition was carried.

Refused for the following reasons:

1. That notwithstanding the amendments following the earlier refusal, 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, H2 (a) and (f), NE1, NE3 and NE4 and emerging local plan policies OS2, H2, EH1 and BC1.
2. That notwithstanding the relocation of the access the proposal would nonetheless 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 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.

62 15/03303/FUL Sunnyside, Ditchley Road, Charlbury

The Planning Officer introduced the application and reported receipt of additional representations from Charlbury Town Council and Charlbury Conservation Area Committee.

The Planning Officer showed the location and layout of the site.

Councillor Liz Leffman, local ward member, addressed the sub-committee in objection to the application. A summary of the submission is attached as Appendix K to the original copy of these minutes.

Ms Dawn Brodie, agent for the applicant, addressed the sub-committee in support of the application. A summary of the submission is attached as Appendix L to the original copy of these minutes. Mr Beaney asked if the site was in the same ownership as the neighbouring land on which permission had previously been granted. Ms Brodie confirmed that it was separate ownership.

The Planning Officer continued her presentation and advised that the key considerations were principle, siting & design, impact on character of the area, residential amenities, highways and trees, landscaping and ecology. Details of the development were outlined and it was confirmed that there were no highway objections. A passing bay on Ditchley Road had been agreed with OCC as part of the recently approved scheme.

The Planning Officer confirmed that the proposal was considered acceptable and the recommendation was therefore for approval.

Mr Graham expressed concern at the use of blue slates and suggested that a mix of roofing tiles would be preferable. Mr Graham, in acknowledging there was no highway objection, indicated that the road was narrow and an increase in the number of vehicles using it would be detrimental.

Mr Graham expressed disappointment that the development did not trigger any affordable housing and did not contribute any other benefits due to its size. Mr Haine acknowledged the concern about cumulative development but reiterated the sites were in different ownership which was unfortunate.

The Planning Officer advised that the proposed materials mirrored the neighbouring development and this was considered acceptable. It was confirmed that sample materials would need to be produced. The Planning Officer confirmed that OCC highways had no objection and had stated that the potential increase in traffic would not be harmful.

Mr Cotterill proposed the officer recommendation of approval and this was seconded by Mr Cottrell-Dormer.

Dr Poskitt asked about access for larger vehicles such as refuse lorries. The Planning Officer reiterated that OCC had not objected and were happy with the turning areas. Ms Brodie advised that bin storage areas were provided from which waste could be collected.

The Development Manager informed members that, whilst not applicable in this case, the emerging local plan sought to address under-development of sites to avoid developer contributions.

On being put to the vote the proposition was carried.

Permitted

38 APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

Mr Beaney expressed concern that some applications were being left off the weekly list that was produced for members meaning that it was difficult for applications to be called in for consideration. The Development Manager acknowledged the concern and reminded the sub-committee that an alert process was available within the new computer system but there may be a training need.

In respect of the printed weekly list it was explained that there was an issue where if an application was not registered in the same week it was received then it did not appear. The sub-committee noted that a review of the system was to be presented to the Development Control Committee in due course.

Mr Colston highlighted an application in Salford whereby a dwelling was being created whilst still retaining the pub.

The schedule of applications determined under delegated powers, together with appeal decisions, was then received and noted.

39 SIX MONTHLY UPDATE ON HOUSING APPROVALS

The report of the Head of Planning and Strategic Housing enabling the Sub-Committee to keep track of the numbers of houses approved in the previous six month period (1/4/15 to 6/10/15) was received.

The Development Manager introduced the report and reiterated the current position with the five year housing land supply. It was highlighted that housing delivery was broadly similar across the two sub-committee areas but there was a need for more sites to be identified on an on-going basis.

The Development Manager advised that the Lowlands Sub-Committee had requested more profiling of the figures by sub-area, information backdated to 2011 and aggregation of development by settlement in future reports. The sub-committee concurred that this would be useful.

Mr Cotterill asked if levels of affordable housing could be shown. The Development Manager indicated that the information could be provided but was not directly relevant and the sub-committee was reminded that the relevant scrutiny committee received details of affordable housing on a regular basis.

Mr Haine asked about delivery of housing, across the county, by building very large developments that were essentially new towns. The Development Manager explained that the Oxfordshire Growth Board was considering the housing numbers for the county and issues such as lack of space in Oxford and the potential impact on neighbouring districts were being considered. In respect of West Oxfordshire if a higher housing number was set by the inspector then new sites would need to be identified.

RESOLVED: That the report be noted.

40 TREE PRESERVATION ORDER NO. 2/2015 – FOXFIELD, CHIPPING NORTON

The sub-committee considered the report of the Head of Planning and Strategic Housing in respect of the making of a provisional tree preservation order on groups of trees at Foxfield, Chipping Norton.

RESOLVED: That the making of provisional TPO No. 2/2015 be noted.

The meeting closed at 5.40pm.

CHAIRMAN