

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 5 September 2016

PRESENT

Councillors: J Haine (Chairman), D A Cotterill (Vice-Chairman), A C Beaney, N G Colston, C Cottrell-Dormer, A M Graham, Dr E M E Poskitt, A H K Postan and G Saul.

Officers in attendance: Phil Shaw, Abby Fettes, Michael Kemp and Paul Cracknell

23 MINUTES

**RESOLVED:** that the Minutes of the meeting of the Sub-Committee held on 1 August 2016, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

24 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr R J M Bishop, Mr T N Owen, Mr W D Robinson and Mr T B Simcox.

25 DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers relating to matters to be considered at the meeting.

26 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:-

16/02347/S73; 16/00342/RES; 16/02425/FUL; 16/02055/FUL; 16/02563/FUL; 16/02564/LBC; 16/02407/FUL.

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

The Planning Officer introduced the application.

Mr Jeremy Burton addressed the meeting. A summary of his submission is attached as Appendix A to the original copy of these minutes.

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

Mr Beaney indicated that the success of the proposed drainage improvement measures was reliant upon work to be undertaken on land outside the site boundary and, whilst proposing the Officer recommendation, requested that approval of the surface water drainage scheme required under condition Nos. 9 and 10 be reserved to the Sub-Committee and not determined by Officers under delegated powers.

Mr Colston indicated that the proposed headwall would require regular maintenance to ensure that the scheme continued to operate effectively. Mr Cottrell Dormer suggested that an appropriate condition to this effect be imposed and, in response, the Development Manager advised that condition 10 could be amended to require submission and approval of a maintenance plan for the drainage scheme.

Mr Colston also questioned whether the removal of the existing property could be required by condition. In response, the Development Manager indicated that such a condition would be inappropriate to a reserved matters application and the Planning Officer advised that the existing property would have to be demolished to enable the implementation of the proposed landscaping scheme.

Mr Beaney agreed to the revisions outlined above and, having been duly seconded, the revised proposition was put to the vote and was carried.

Permitted subject to the following amended conditions, the applicants being advised that Members required that the details submitted under planning conditions 9 and 10, which relate to the provision of surface water drainage details and flood mitigation measures are approved by the Sub-Committee and not by Officers under delegated powers:-

9. Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The submitted drainage scheme shall include details of flood mitigation measures to be contained within the area of the site outlined in blue. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. The development shall be carried out in accordance with the approved

details prior to the first occupation of the development hereby approved.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

10. Prior to the commencement of development details of a comprehensive drainage plan, including all proposed works to be carried out within both the red line and blue line site areas shall be submitted to the Local Planning Authority for approval. The proposals shall include a working method statement relating to the implementation of the proposed drainage and scheme any proposed works to connect any proposed drainage to the existing culvert shall be agreed with Oxfordshire County Council and the Local Planning Authority, prior to the commencement of development. The details shall include a maintenance scheme for the proposed works. Reason: To ensure the development does not exacerbate the existing issues of flooding on site and flooding of the adjacent properties.

13 16/02055/FUL 3 Westland Way, Woodstock

The Planning Officer presented her report and made reference to the further observations set out in the report of additional representations.

Mr Postan sought clarification of the proposed parking arrangements and, having concluded that these were unsatisfactory, proposed that the application be refused by reason of inadequate provision of both car parking and amenity space and the scale of the development being inappropriate.

The proposition was seconded by Mr Graham.

Whilst acknowledging the concerns, Mr Cottrell Dormer indicated that he could not support a recommendation of refusal as similar forms of development had been allowed elsewhere in the District on appeal. Mr Saul and Mr Beaney concurred and Mr Beaney questioned whether it was proposed to retain the boundary fence along the northern boundary.

The Planning Officer advised that there was no indication that the fencing was to be removed.

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

It was proposed by Mr Cotterill and seconded by Mr Cottrell Dormer that the application be permitted subject to an additional condition requiring the retention of the fencing to the northern boundary of the site.

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

Permitted subject to the following additional condition:-

8. The boundary fence on the northern boundary shall be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a reasonable standard of privacy for occupants of the adjacent property.

20 16/02347/S73 10 Sandford Park, Charlbury

The Development Manager introduced the application.

Mr Mark Luntley 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.

Mr Simon Sharp, the applicant's agent, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

In response to a question from Mr Cotterill, Mr Sharp confirmed that his clients had chosen to purchase this property as it suited their future requirements as a whole.

The Development Manager then presented the report.

Mr Graham sought clarification of the proposed internal changes and questioned why the application had been made retrospectively. In response, the Development Manager advised that retrospective applications had to be determined on the same basis as those submitted prior to the commencement of works. The fact that an application had been submitted retrospectively was not a reason for refusal and the presumption on favour of development was such that an application could not be refused in the absence of demonstrable harm.

Mr Graham suggested that the development failed to reflect the character and nature of the estate as a whole. In response, the Development Manager reminded Members that the principle of development had already been accepted by approval of the previous application.

Mr Graham expressed concern over the possibility that the development could be used as an independent dwelling. The Development Manager advised that the internal layout of the property did not fall under planning control and its external appearance only differed marginally from the plans as previously approved. He noted that it was recommended that a condition be imposed restricting the use of the garage and studio as ancillary to the existing dwelling and suggested that any future application seeking relaxation of this condition would be unlikely to receive favourable consideration as the independent use would be unacceptable in terms of privacy of both the existing dwelling and the garage/studio.

Mr Postan suggested that the internal alterations required to provide a bathroom were such as to render the development unusable as a garage. In response, the Development Manager indicated that, even if this was the case, adequate alternative parking provision was available to serve the existing property.

Mr Cotterill noted that it was intended to monitor the future use and sought confirmation that use of the garage/studio by a paid nurse or similar would be considered as ancillary. The Development Manager responded in the affirmative.

The Officer recommendation of conditional approval was proposed by Mr Cotterill and seconded by Mr Cottrell-Dormer.

Whilst expressing his support for the recommendation, Mr Beaney questioned arrangements for the disposal of foul water from the development. The Development Manager advised that this was a matter for Building Control and confirmed that he would raise the issue with that service.

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

Permitted

27 16/02407/FUL The Grange, Woodstock Road, Charlbury

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

Whilst proposing the Officer recommendation, Mr Graham made reference to concerns expressed with regard to highway safety and visibility from the access to the site. Dr Poskitt concurred with the concerns raised.

The Planning Officer suggested that condition 6 be revised to incorporate the requirement for adequate vision splays. Mr Cottrell-Dormer suggested a further revision requiring their future maintenance.

The revisions were accepted by Mr Graham and, having been duly seconded, the recommendation was put to the vote and was carried.

Permitted subject to the amendment of condition 6 to read as follows:-

6. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

Visibility splays should meet a minimum standard of 2.4 v 43 metres and should be maintained to this standard thereafter.

Reason: To ensure a safe and adequate access.

35 16/02425/FUL Tansley Farm, Shilton Road, Burford

The Planning Officer introduced the application.

Mr Peter Morgan, the applicant's agent, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

The Planning Officer then presented his report containing a recommendation of refusal, commenting on the balancing exercise to be undertaken between the lack of a current 5 year housing land supply, the need to ensure sustainable development in the context of the tilted balance of paragraph 14 of the NPPF and having regard to the provisions of paragraph 55 of the NPPF.

The Officer recommendation was proposed by Mr Cotterill and seconded by Mr Cottrell-Dormer.

Mr Postan expressed his opposition to the development and Mr Beaney questioned whether the suggested reason for refusal should also make reference to Policies T1 and T3 of the Emerging West Oxfordshire Local Plan 2031.

Mr Graham questioned whether approval of this application would give rise to concerns over precedent and the Development Manager advised that such concern related to establishing the principle of allowing the further subdivision of properties in the open countryside. Mr Graham also questioned whether the site could reasonably be considered as isolated and unsustainable. In response, the Development Manager confirmed that Officers considered the site to be such in terms of paragraph 55 of the National Planning Policy Framework.

The Chairman explained that, whilst the original dwelling had been subject to an agricultural occupancy condition, this had been set aside by way of a certificate of lawful use.

The Officer recommendation of refusal was proposed by Mr Cotterill and seconded by Mr Postan, subject to inclusion of reference to Policies T1 and T3 of the Emerging West Oxfordshire Local Plan 2031. On being put to the vote the recommendation was carried.

Refused for the following amended reason:-

- I. The development as proposed relates to the erection of two residential dwellings within an isolated location in the open countryside, which is remote in relation to neighbouring settlements,

services and facilities and public transport links and represents an unsustainable location for residential development contrary to the provisions of Policy H4 of the Existing West Oxfordshire Local Plan; Policies H2, T1 and T3 of the Emerging West Oxfordshire Local Plan 2031 and Paragraph 55 of the NPPF.

41 16/02563/FUL Chipping Norton Baptist Church, New Street, Chipping Norton

The Development Manager presented the report containing a recommendation of conditional approval and responded to questions of clarification from Members.

The Officer recommendation was proposed by Mr Saul and seconded by Mr Cotterill and on being put to the vote was carried.

Permitted

48 16/02564/LBC Chipping Norton Baptist Church, New Street, Chipping Norton

Listed Building Consent be granted

27 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.

28 LAND TO REAR OF 15 AND 16 WOODSTOCK ROAD, CHARLBURY – APPLICATION NO. 16/02306/FUL

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing seeking consideration as to whether it would be expedient to undertake a formal site visit prior to the likely consideration of this application on Monday 3 October 2016.

**RESOLVED:** That a site visit be held on Thursday 29 September 2016.

The meeting closed at 4:15pm.

CHAIRMAN