

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 October 2016

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, A H K Postan and G Saul.

Officers in attendance: Phil Shaw, Kim Smith, Joanna Lishman, Michael Kemp and Paul Cracknell

29 MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 5 September 2016, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

30 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for Absence were received from Mr T B Simcox

31 DECLARATIONS OF INTEREST

Whilst not a disclosable interest, with regard to application No. 16/01776/OUT, Mr Beaney advised that he was Chair of Governors of Enstone Primary School.

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

32 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:-

Agenda Item No. 6; 16/01776/OUT; 16/01866/FUL; 16/02740/HHD; 16/02682/FUL; 16/02405/FUL and 16/02504/S73.

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

3 16/01776/OUT Land East of the Drive, Enstone

The Planning Officer introduced the application and reported receipt of the observations of the Enstone Parish Council indicating that it would prefer to see and any developer contributions secured used to fund traffic calming measures than support bus service provision.

Professor Lee Sweetlove 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 Simon Joyce of Strutt and Parker, the applicant's agent, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

The Planning Officer presented his report containing a recommendation of refusal. In response to the suggestion made by Mr Joyce, he advised that the County Council had indicated that it would not favour the re-routeing of the footpath.

Mr Beaney expressed his support for the Officer recommendation and concurred with the Parish Council with regard to the application of any developer funding. Mr Beaney indicated that Enstone had increased in size by some 20% over the last 12 years and proposed the Officer recommendation of refusal. The proposition was seconded by Mr Colston.

Mr Postan expressed his support for the recommendation, indicating that the type of dwellings proposed did not address local need and suggesting that, given local employment opportunities, a scheme of a higher density would be more appropriate in this location. Mr Graham acknowledged that there was a shortfall in housing provision but agreed with Mr Postan that the need in this location was for smaller properties than those proposed and for affordable housing.

Mr Cottrell-Dormer indicated that he considered this site to be inappropriate for development in any form.

In response to a question from Dr Poskitt, the Area Planning Manager explained that the Council's requirement for the provision of affordable housing had been framed before more recent Government edicts which specified that no affordable housing provision was required in developments of 10 units or less. This anomaly would have to be addressed in the emerging Local Plan.

Mr Haine suggested that the refusal reason could be amended to reflect concerns expressed with regard to the potential coalescence of the

settlements of Church Enstone and Neat Enstone. Mr Beaney and Mr Colston agreed to incorporate this suggestion in their proposal.

On being put to the vote the amended proposition was carried.

Refused for the following amended Reason:-

- I. The development as proposed would visibly urbanise an important and highly sensitive, attractive and rural open edge of settlement space which contributes significantly to the character of the settlement of Enstone and would result in a visible coalescence of the distinct settlement areas of Neat Enstone and Church Enstone. The development would result in visual harm to the character of the immediate landscape setting, in particular how this is experienced from the existing public right of way. The development as proposed would be contrary to Policies BE2, BE4, NE1, NE3 and H2 of the Existing West Oxfordshire Local Plan; Policies OS2, OS4, H2, and EH1 of the Emerging West Oxfordshire Local Plan 2031 and Paragraphs 58 and 109 of the NPPF.

21 16/01866/FUL Thornycroft, Woodstock Road, Charlbury

The Planning Officer introduced the application.

Mr Martin Armstrong addressed the meeting on behalf of Mr & Mrs Kirk who resided in the neighbouring property, Whitson. in opposition to the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

Mr Huw Mellor of Kemp and Kemp, 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.

In response to a question from Mr Colston, Mr Mellor advised that the proposed dwelling had been moved one metre further from the neighbouring property but pointed out that the original location had been considered acceptable by the Council's Officers.

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

Mr Graham welcomed the efforts made by the applicants to address the concerns raised which, whilst individually small, were significant in their cumulative impact. He noted that Charlbury benefited from a wide range of styles and designs and concurred with the Officers assessment that the proposed development would not have an adverse impact upon the conservation area. Mr Graham noted that the Charlbury Conservation Area Advisory Committee had welcomed the imaginative design and, whilst this was a large development, it was situated on a large plot. Mr Graham

considered the access to be acceptable and, on balance, proposed the Officer recommendation of conditional approval.

The proposition was seconded by Mr Saul.

Whilst questioning the location of the garage, Mr Postan expressed his support for the application, considering it to exhibit high quality design. Mr Cotterill, Mr Colston and Mr Cottrell-Dormer begged to differ.

Mr Bishop acknowledged their concerns but indicated that there was a wide variety of property in the vicinity. Dr Poskitt noted that the design had responded to the constraints imposed by terrain but questioned whether visibility at the access was satisfactory. In response, the Planning Officer advised that the County Council had raised no objection to the access and was satisfied that visibility splays were adequate. She also explained that the garage had been located away from the property in response to the topography of the site and the need to protect the existing tree.

Mr Beaney questioned whether the conditions proposed offered sufficient protection for the tree. The Planning Officer advised that the Council's landscape Officer was satisfied with the conditions as drafted as the site was within a Conservation Area hence consent would be required for any works.

Mr Owen expressed his support for the application and, in response to a question from Mr Graham, the Planning Officer advised that natural materials were to be used in construction.

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

Permitted

34 16/02405/FUL 4 Churchill Close, Woodstock

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

Dr Poskitt proposed that the application be refused for the reasons proffered by the Woodstock Town Council. The proposition failed to attract a seconder.

It was then proposed by Mr Cotterill and seconded by Mr Postan that the application be approved subject to the inclusion of an additional condition requiring the submission and approval of a construction plan. On being put to the vote the recommendation was carried.

Permitted subject to the following additional conditions:-

7. Deliveries to the site relating to the construction of the annexe shall not take place outside 8:30am hours to 6pm hours Mondays to

Fridays and 9am hours to 6pm hours on Saturdays and shall not take place at any time on Sundays and Bank Holidays.

Reason: To safeguard living conditions in nearby properties.

8. Demolition and construction works shall not take place outside 8:30am hours to 6pm hours Mondays to Fridays and 9am hours to 6pm hours on Saturdays and shall not take place at any time on Sundays and Bank Holidays.

Reason: To safeguard living conditions in nearby properties.

40 16/02504/S73 Chipping Norton Baptist Church, New Street, Chipping Norton

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

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

Permitted

45 16/02740/HHD Rosebank, 31 Brook Hill, Woodstock

The Planning Officer introduced the application.

Dr Ivor Lloyd 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 Planning Officer then presented his report containing a recommendation of conditional approval.

In response to concerns expressed by Dr Lloyd, the Planning Officer advised that the applicants would be required to construct the proposed car port in accordance with any consent.

Dr Poskitt considered that the proposed structure would have an over-dominant impact upon the adjacent property and Mr Postan suggested that this could be reduced by excavating the site.

It was proposed by Mr Postan and seconded by Dr Poskitt that the application be refused as being contrary to policies H2 and BE2 of the West Oxfordshire Local Plan.

The Development Manager cautioned against seeking to refuse the application based upon a loss of outlook from the adjoining property as this was a private view, the loss of which was not sufficient to warrant refusal.

Mr Cottrell-Dormer considered that the car port was of a poor design and, as such, would have a detrimental impact upon the street scene.

Mr Bishop indicated that, whilst he did not like the proposal, he did not see that there were sufficient grounds upon which to refuse consent. Mr Beaney concurred and questioned whether the external finish, treatment or colour of the timber to be used in the construction could be specified by condition. The Planning Officer advised that this requirement could be incorporated within the proposed materials condition.

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

The Officer recommendation of conditional approval, amended to incorporate the requirement to approve the external finish, treatment or colour of the timber to be used in the construction, was proposed by Mr Cottrell and seconded by Mr Bishop and on being put to the vote was carried.

Permitted, condition 3 being amended to read as follows:-

3. The external walls of the car port; shall be constructed with timber, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences. The proposed sample should include any external finish, treatment or colour.
Reason: To safeguard the character and appearance of the area.

(Mr A M Graham left the meeting at this juncture)

50 16/02682/FUL Land South West of the Hare, High Street, Milton under Wychwood

The Planning Officer introduced the application and reported receipt of further observations from the Highway Authority confirming that they raised no objection to the development..

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

The Planning Officer presented his report.

Mr Haine advised that the public house was now operating primarily as a dining pub and that the land the subject of the application was still in use for car parking associated with the premises. He suggested that the seven car parking spaces proposed were insufficient to serve the public house.

Mr Haine made reference to the email sent by Mr Longworth to Members and took issue with his assessment of the situation. Mr Haine considered that, regardless of the change in ownership, the application site remained integral to the operation of the pub and should have been transferred as to

allow its continued use for car parking as part of the sale. Mr Haine made extensive reference to parking difficulties experienced in the vicinity and to the decisions made by the Planning Inspectorate in relation to previous applications, the rationale for which he considered to be unchanged.

Mr Haine considered the application to be contrary to policies BE2, BE3, H2 (c) and (e) and TLC12 of the West Oxfordshire Local Plan, paragraphs 21, 28 and 69 of the National Planning Policy Framework and policies OZ2, E1, E5 and T4 of the emerging Local Plan and proposed that the application be deferred.

The proposition was seconded by Mr Owen.

Mr Colston acknowledged the current parking difficulties experienced and expressed the opinion that these would be exacerbated should the development be permitted.

Mr Postan suggested that the report highlighted the strengths and weaknesses in the planning system whereby the Council's Officers were obliged to make recommendations based upon responses received from statutory consultees. The observations of the Highway Authority had to be given due weight unless the Council sought to provide an evidential basis upon which to reach a different conclusion. Members were aware that there were parking problems in the vicinity but this could only be evidenced by commissioning an independent parking survey. He suggested that consideration of the application be deferred whilst the Council sought further evidence of the need to expand parking provision.

The Development Manager explained that, whilst Officers were aware of the previous appeal decisions, there were two critical considerations to be taken into account. The appeals had been heard whilst the public house was not trading and the Council had maintained that a reduction in available parking provision would be detrimental to the viability of the business. However, the pub had been sold and was trading successfully. The purchaser had concluded that the seven parking spaces included in the sale were sufficient and, taking account of the current circumstances, it would be difficult for the Council to contend that the business was not viable.

Secondly, in terms of highway safety, whilst the parking standards quoted were maxima not minima, the access had been widened and a pedestrian footway proposed. Both lines of sight and access to spaces had been improved and County Council Officers had visited the site on three separate locations and had confirmed that they were of the opinion that the development would not give rise to significant harm.

Mr Saul accepted that, if the current owners of the public house considered the parking arrangements to be adequate for the business it was difficult for the Council to question its viability. In consequence, he questioned whether the Council could defend a refusal.

Mr Beaney sought clarification of the site area and Mr Cotterill asked how many covers the premises could support. He drew a comparison with the recent decision in relation to the Carpenters Arms in Fulbrook and suggested that the application should be deferred.

Dr Poskitt questioned whether the garden area of the proposed properties could be reduced to provide additional parking and Mr Postan suggested that the Highway Authority should be requested to provide further information as to when site visits had been carried out and invited to attend a future meeting. Mr Cottrell Dormer concurred.

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

Refused for the following reasons:-

1. The development as proposed would result in the loss of an area of land presently used as parking for The Hare public house and as such the development would adversely impact on the future viability of the public house as a business and community asset. The development would therefore be contrary to the aims of Policy TLC12 of the Existing West Oxfordshire Local Plan 2011; Policies E1 and E5 of the Emerging West Oxfordshire Local Plan 2031 and Paragraphs 21, 28 and 69 of the NPPF.
2. The loss of parking resulting from the proposed development would result in pressure upon on-street parking within the immediate vicinity of the development which would adversely impact on the convenience of the adjacent public highway and would compromise the safe movement of traffic contrary to the aims of Policies BE2, BE3 and H2 of the Existing West Oxfordshire Plan 2011; Policies OS2 and T4 of the Emerging Local Plan 2031 and the relevant provisions of the NPPF.

61 16/02833/FUL Land at the Limes, High Street, Shipton under Wychwood

It was noted that this application had been withdrawn at the request of the applicant.

33 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.

34 FORMATION OF UNAUTHORISED LAKE, LAND EAST OF THE DRIVE, ENSTONE

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 authorise enforcement action to reinstate an area of land to the East of The Drive, Enstone formerly consisting of marshland that had been excavated to form a lake to its former condition.

RESOLVED: That no further action be taken in relation to the unauthorised development.

The meeting closed at 5:40pm.

CHAIRMAN