

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 7 November 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, G Saul and T B Simcox

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

35 MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 3 October 2016, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

36 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for Absence were received from Mr A H K Postan.

37 DECLARATIONS OF INTEREST

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

38 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:-

16/02793/FUL; 16/02306/FUL; 16/02788/FUL; 16/02853/HHD and 16/02024/FUL.

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

3 16/02024/FUL The Brewhouse, The Old Brewery, Burford

The Planning Officer introduced the application and drew attention to the report of additional representations. Following receipt of an Ecology Survey and having regard to the extant planning permission on the site she recommended that proposed refusal reasons 3 and 4 be deleted.

The applicant's agent, Mr David Ramsay, addressed the meeting in support of the application. Mr Ramsay outlined the design philosophy underlying the application and reiterated the points referred to at paragraph 3 of the report

The Planning Officer then presented her report.

Mr Cotterill indicated that, given its method of construction and current state of repair, he believed the existing building to be unsuitable for commercial use. He considered that it was important that any development was designed in such a way as to protect the amenity of residents of the existing property, Barraca, and was satisfied that the current application would do so.

Mr Cotterill acknowledged that this was a tight site and recognised the concerns expressed by Officers but indicated that there were many other similarly restricted sites in the town where similar treatment of changes in levels had been employed successfully. Equally, there were many properties with limited or no amenity space.

Mr Cotterill indicated that he had requested that the scheme be brought before the Sub-Committee as he considered that Members should determine the application. He proposed that the application be approved.

In seconding the proposition, Mr Cottrell-Dormer indicated that he considered the current proposals to be preferable to the extant consent.

In response to questions from Mr Beaney, the Planning Officer clarified arrangements for storage of dustbins and bicycles and explained that, whilst the extant consent had triggered a financial contribution towards the provision of affordable housing, the current proposals fell below the relevant threshold. The 'loss' of funding from the approved scheme could not be considered in determining the current application as each had to be considered independently on their own individual merits.

Mr Graham indicated that he found the layout confusing and expressed concern over the massing of what he considered to be an over-intensive development. Mr Saul indicated that he considered the proposal to be contrived and over-intensive.

In response to a question from the Chairman, the Planning Officer advised that the distance between the proposed building and the adjacent listed building was 6 metres. The previously approved scheme had a separation distance of 6.9 metres.

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

The revised Officer recommendation was proposed by Mr Beaney and, having been duly seconded, was carried.

Refused, subject to the deletion of reasons 3 and 4.

14 16/02306/FUL Land to the Rear of 15 and 16 Woodstock Road, Charlbury

The Planning Officer introduced the application and drew attention to the observations set out in the report of additional representations.

Mr Peter Bennett 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.

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

Mr Graham advised that a group had been established a year or so ago with the intention of reinstating the play equipment previously removed from the site as a result of vandalism. He contended that the need for a play area remained as children living in the vicinity played on the road. Mr Graham also considered that the alternative sites identified in the report were too far away from the existing location.

Mr Graham acknowledged the need for affordable housing and recognised the need to strike a balance between this and the need to provide play facilities. Whilst Officers had concluded that the need for affordable housing outweighed the harm arising from the loss of the play area, Mr Graham cited Paragraph 74 of the National Planning Policy Framework which indicated that playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements and questioned whether such an assessment had been undertaken. He indicated that the land was still in use as a play area and proposed that the application be refused as being not in compliance with Paragraph 74 of the NPPF.

The Planning Officer advised that the land in question had once been owned by the District Council and used as a children's play area. However, it had been transferred to Cottsway housing on the Large Scale Voluntary Transfer of the Council's housing stock and was now effectively private land. Cottsway could preclude access to the site should it so wish. She accepted that there was a balance to be achieved and noted that the applicants had made some provision for a play area within the proposed development. In terms of the alternative sites, she advised that she had not passed an opinion on their suitability but had simply advised of their existence.

In response to a question from Mr Haine, she confirmed that the land was in the ownership of Cottsway Housing and that she considered the site to be a

play area, not playing fields. The site was not identified as a playing field in the Local Plan.

The Development Manager advised that Paragraph 74 of the NPPF allowed for development when the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The applicants had agreed to make some alternative provision and, whilst this was smaller than the original site, given that there was no requirement for this to remain available for public use, this could be seen as satisfying the requirements of Paragraph 74.

In response to a question from Mr Simcox, the Planning Officer advised that the Oxfordshire Playing Fields Association had been consulted at the request of Councillor Leffman as the site had been a play area.

Mr Cottrell-Dormer noted that the new play area proposed was only some 100 square metres and questioned whether this was adequate. In response, the Planning Officer advised that it was sufficient to meet the requirements of the new development.

Mr Bishop noted that the loss of the play area would be felt by both existing and future residents and questioned whether the replacement facilities offered were adequate compensation. However, he also recognised the importance of providing affordable housing.

Mr Cotterill questioned whether Policies TLC5 and EH 3 were applicable. In response, the Development Manager advised that policies from the previous and emerging Local Plans carried less weight at present.

In response to a question from Mr Saul, Mr Graham indicated that the play equipment had been removed from the site some three to five years previously. The Development Manager confirmed that the equipment did not appear on the 2011 aerial photograph. Given that Members had some concern over the status of the land and the date at which the equipment had been removed he suggested that consideration of the application could be deferred pending further investigation.

It was proposed by Mr Beaney and seconded by Mr Colston that consideration of the application be deferred.

On being put to the vote the recommendation of deferral was carried.

Deferred

Mr Graham contended that removal of the play equipment was not a material factor as the land was still in use. Mr Cottrell-Dormer questioned who would provide equipment and Mr Graham indicated that the working group previously established would be reinstated.

The Planning Officer introduced the application.

The applicant's agent, Mr Anthony Pettorino, 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.

In response to a question from Dr Poskitt, Mr Pettorino confirmed that, whilst the property was set back, the left hand side of the frontage came forward parallel to the neighbouring building.

The Planning Officer then presented his report.

Dr Poskitt agreed that the existing building needed to be replaced but questioned whether the current proposal was acceptable. She considered that the design of the new dwelling could be improved and proposed that the application be refused as being contrary to Paragraph 64 of the National Planning Policy Framework.

The proposition was seconded by Mr Colston.

Mr Cotterill expressed his support for the application, indicating that it would modernise the area. However, he emphasised that the success of the development would be dependent upon the use of top quality materials. Members noted that condition 3 required approval of sample panels of the natural stone to be used for the external walls prior to the commencement of construction. Mr Cotterill also suggested that environmentally friendly measures should be incorporated within the building.

Mr Beaney concurred and noted that there were other conditions relating to the approval of materials. He also drew attention to the apparent duplication of conditions 8 and 11.

Mr Owen indicated that he found the application drawings poor and difficult to decipher.

The Development Manager reminded Members that Paragraph 60 of the NPPF advised that Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Mr Simcox indicated that the juxtaposition of modern and historic buildings could work well provided that a high quality of design, construction and materials was maintained, citing the Thermae Spa in Bath as an example. In response to a further question, the Planning Officer clarified the relationship between the building at first floor level and the footway.

Mr Bishop concurred with Mr Cotterill, indicating that there were other modern buildings in the vicinity. He considered that the existing building ought to be demolished and that the proposed development would add interest to this area of the town.

Dr Poskitt advised that the modern buildings referred to by Mr Bishop were not that close to the current application site.

Mr Beaney suggested that, given the extent of glazing to the frontage, non-reflective glass should be used. The Planning Officer advised that this could be addressed through the materials conditions.

Mr Saul considered that the design sought to fit in with the street scene and expressed his support for the application.

In response to a question from Mr Cottrell-Dormer, the Planning Officer advised that Historic England was only consulted on applications that had an impact upon Grade II* or higher Listed Buildings or on applications in excess of 1,000 square metres.

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

The Officer recommendation of conditional approval was proposed by Mr Cotterill and seconded by Mr Simcox and, subject to the revision of materials conditions as outlined above, was carried.

Permitted subject to the following amended conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 03/10/2016;
Reason: The application details have been amended by the submission of revised details.
3. Notwithstanding details contained in the application, detailed specifications and drawings of all windows and doors, including a sample of glass to be used in the proposed windows; at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
Reason: To ensure the architectural detailing of the buildings reflects the established character of the area.

4. A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme.
Reason: To safeguard the character and landscape of the area.
5. The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling and for no other purposes.
Reason: In the interest of road safety and highway amenity and to prevent the proliferation of on street parking adjacent to and within the vicinity of the site.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.
Reason: To preserve the visual amenities of the area.
7. The external walls of the dwelling; proposed to be rendered shall be rendered, in accordance with a specification which shall be submitted to and approved in writing by the Local Planning Authority before any rendering commences.
Reason: To safeguard the character and appearance of the area.
8. Prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The plan 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. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 30% CC event has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

9. The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
Reason: To safeguard the character and appearance of the area.
10. The external walls of the dwelling to be clad in timber; 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.
Reason: To safeguard the character and appearance of the area.
11. The external walls to be constructed from Ashlar Stone shall be constructed of Ashlar stone 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 commenced and thereafter be retained until the development is completed.
Reason: To safeguard the character and appearance of the area.
12. The external walls to be constructed of coursed stone shall be constructed of coursed stone 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 commenced and thereafter be retained until the development is completed.
Reason: To safeguard the character and appearance of the area.

35 16/02793/FUL 18 Maple Way, Ascott Under Wychwood

The Planning Officer introduced the application.

Mr Kester Harvey addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

Mr Nigel Braithwaite, representing the Ascott Under Wychwood Parish Council 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.

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

Mr Simcox rehearsed a letter he had received from the Chairman of the Parish Council and indicated that he considered the proposed block of dwellings to be too close to No. 18 Maple Way.

He proposed that consideration of the application be deferred to enable a site visit to be held. The proposition was seconded by Mr Cotterill.

The Chairman reminded Members that it was not the role of the Sub-Committee to re-draw an application but to determine the application as submitted.

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

Deferred to enable a site visit to be held.

Members noted that a significant number of objections made reference to the lack of consultation by the applicants with local residents prior to the submission of the application. Given that such concerns had been raised in relation to other applications submitted by that applicant it was:-

RESOLVED: that concerns expressed regarding the lack of pre-application consultation carried out by Cottsway Housing be conveyed to the Company's Chief Executive and the Council's representative on the Cottsway Board.

50 16/02853/HHD Owls View, Shipton Road, Milton Under Wychwood

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

Mr Haine expressed his support for the application and the Officer recommendation was proposed by Mr Cotterill and seconded by Mr Beaney. In seconding the proposition, Mr Beaney questioned whether condition 4 would preclude the use of the building for storage of equipment associated with the applicant's adjacent equestrian concern.

In response, the Planning Officer confirmed that the proposed condition would preclude storage of items related to the adjacent commercial use.

In consequence, Mr Simcox questioned whether the doors to the adjoining land should be excluded from the application. In response, the Planning Officer advised that he considered the proposed condition to be sufficient.

Mr Cottrell-Dormer enquired whether the applicant was aware of this fact. The Development Manager advised that the application had been submitted as a householder application hence commercial use was excluded and any variation would have to be subject to a further application.

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

Permitted

39 APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL
DECISION

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

The meeting closed at 4:10pm.

CHAIRMAN