

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 April 2017

PRESENT

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

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

65 MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 6 March 2017, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

66 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr T B Simcox and from Dr E M E Poskitt for her late arrival at the meeting and the Head of Paid Service reported receipt of the following resignation and temporary appointment:-

Mrs L C Carter for Mr G Saul

67 DECLARATIONS OF INTEREST

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

68 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:

3 16/03408/FUL 1 Four Winds, Wards Road, Chipping Norton

The Planning Officer presented his report containing a recommendation of refusal.

Mrs Carter expressed her support for the Officer recommendation as she considered the development to be overbearing and believed that it would have a detrimental impact upon the amenity and living conditions of the occupiers of the existing properties in Lodge Terrace.

Whilst welcoming the revised layout and acknowledging that there was no objection to the principle of development, Mr Graham concurred, indicating that the proposed dwellings were too high and too close to the existing properties. He considered the current proposals to be unacceptable by virtue of the impact upon the properties in Lodge Terrace and proposed the Officer recommendation of refusal.

In seconding the proposition, Mr Cotterill agreed that the proposed dwellings were too high and questioned whether the distance separating the new buildings from the bungalow to be retained was as great in reality as suggested by the plans. He considered that the proposed development appeared contrived and incongruous and suggested that a further reason for refusal to this effect should be imposed. Mr Graham agreed to incorporate this suggestion within his proposition.

The Planning Officer acknowledged that the proposed development presented a difficult arrangement to the retained building and Mr Haine indicated that it would have been preferable if the retained property had been incorporated into the development site. The Planning Officer concurred, indicating that he would have preferred to see a comprehensive redevelopment of the site but reminding Members that the Council had to consider the application as submitted.

Mr Colston felt that it was unfortunate that the current scheme was unacceptable as the site would benefit from redevelopment. He noted that there was some screening between the properties in Lodge Road and agreed that it would be preferable to see the whole site redeveloped. Mr Colston agreed that the proposal would be improved by designing buildings with a lower roofline, suggesting that a one and a half story construction would be more appropriate in this location.

Mr Bishop agreed that the site required redevelopment but considered that the retention of one of the existing bungalows appeared to be illogical. Mr Postan expressed his support for the development, suggesting that it would create three low cost properties as starter homes.

In response to questions from Mr Cottrell-Dormer, the Planning Officer advised that the gap between the proposed and retained property was intended to provide access to the rear garden area and confirmed that the need to provide a dropped kerb could be addressed by condition.

The revised Officer recommendation was then put to the vote and was carried.

Refused for the following additional reason:-

2. By reason of the proposed scale, siting and proximity of the dwellings in relation to the adjacent property No.3 Four Winds, the development would fail to respect the scale, pattern and character of the surrounding built form and would erode the character and appearance of the area. The development would subsequently be contrary to Policies BE2 and H2 of the Existing Local Plan 2011; Policies OS4 and H2 of the Emerging West Oxfordshire Local Plan 2031; Policy BDI of the Chipping Norton Neighbourhood Plan; as well as the provisions of the NPPF, in particular Paragraphs 17 and 64.

12 16/03529/HHD Coombe House, Taynton

The Planning Officer introduced the application.

Mr Simon Polito 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 Andrew Miles, 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 then presented his report containing a recommendation of refusal.

Mr Cotterill indicated that, whilst some may perceive the recommendation as unduly fussy, the use of stone for buildings such as St Paul's Cathedral and Blenheim Palace and Wren's employment of a Master Mason from the village meant that Taynton attracted tourists to the District. Whilst an acceptable scheme could be devised by toning down the extent of glazing proposed and controlling the height of development, Mr Cotterill considered the current application to be unacceptable and proposed the Officer recommendation. Mr Cottrell-Dormer concurred and seconded the proposition.

Mr Postan agreed that the proposed glazing appeared confused but noted that the random development of such settlements in the past gave them character. Given the presence of Roman material in the vicinity, he questioned the need for an archaeological survey.

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

Refused

The Planning Officer introduced the application.

Mr Robin Moffatt 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.

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

Mr Graham indicated that he considered the current application to represent an improvement upon the previous submission being in keeping with the existing properties in terms of design. However, he questioned the effect of the restrictive covenant and noted that the design of the estate was both different and exceptional in that there was only pedestrian access to the remainder of the estate with vehicular access only being taken from Dancers Hill. Whilst he considered the proposed dwelling to be acceptable, Mr Graham expressed concerns in relation to the proposed access which he considered to be dangerous in highway terms.

(Dr Poskitt joined the meeting at this juncture)

Given these concerns and the exceptional nature of this road and access, Mr Graham proposed that consideration of this application be deferred to seek the further observations of the Highway Authority.

The Development Manager advised that, without the support of the Highway Authority, the Council would find it difficult to sustain a refusal on highway grounds at appeal, particularly as no such concern had been cited in the refusal of the previous application. To rely upon such a reason at this stage would render the Council vulnerable to an award of costs on appeal. Whilst he acknowledged that the nature of the road was such that vehicles were likely to exceed the speed limit, the County Council had considered both this and the previous application in depth and had based their assessment upon the speed limit in force. He reiterated that the Council would find it difficult to defend a refusal on highway grounds in these circumstances. The Development Manager also advised that it had been suggested that the absence of any accesses on that side of the road also removed any psychological restrictions on exceeding the speed limit.

Mr Postan agreed that the proposed access appeared to be dangerous and seconded the proposition of deferral.

Mr Cotterill indicated that a refusal on highway grounds would be overturned on appeal. He expressed his support for the Officer recommendation but enquired whether there was sufficient space in the existing court to provide an additional garage to serve the proposed dwelling.

In response, the Planning Officer advised that, whilst it appeared that an additional garage could be accommodated with those serving the remainder of the estate, the applicant wished to have an individual access.

Mr Cottrell-Dormer reminded Members that it was a familiar situation to find that local concerns were not reflected in the Highway Authority's response. The Sub-Committee could not pursue a refusal on highway grounds without objection from the County Council. Mr Cottrell Dormer also emphasised that the existence of a restrictive covenant was not a matter that could properly be taken into account in determining a planning application.

Mr Bishop expressed his support for a deferral, indicating that, whilst the design of the dwelling was acceptable, the proposed access appeared to be dangerous. He also questioned the effect of the restrictive covenant.

Mrs Carter agreed that, whilst the design of the proposed dwelling was acceptable, she too had concerns over the access.

Given the topography of the site, Dr Poskitt expressed some surprise that a highway reason had not been included in the previous refusal as it was a particularly steep climb out of Sandford Park.

Mr Postan felt that, regardless of the County Council's position, it was incumbent upon Members to take account of the fact that traffic frequently exceeded the speed limit in this location.

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

Deferred to enable Officers to seek the further observations of the Highway Authority with regard to visibility, traffic speeds and the topography of the site in relation to the highway.

29 16/004255/ FUL The Old Brewery, Priory Lane, Burford

The Planning Officer introduced the application.

Mr David Ramsay, the applicant's agent, 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 Dr Poskitt, Mr Ramsay confirmed that the only difference between this application and that previously approved related to the internal layout and the consequent number of units of accommodation that would be provided.

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

Mr Cotterill indicated that he considered the amended plans to be acceptable and an improvement upon the application previously approved. He stated that his preference would be to see the site developed for seven rather than 10 units and proposed the Officer recommendation.

The proposition was seconded by Mr Cottrell-Dormer.

Mr Beaney sought clarification of the Town Council's observations and the reference to an affordable housing contributions based upon the Community Infrastructure Levy.

The Planning Officer advised that the Town Council had not made comment on the current scheme and the comments set out in the report related to the previous application. The Development Manager explained that the affordable housing contribution, based upon gross floor area in the same manner as the Community Infrastructure Levy, would fall to West Oxfordshire, not the County Council. The Government restricted developer contributions to a total of five towards any particular infrastructure project hence the County Council chose not to seek contributions from minor development schemes.

In response to a question from Dr Poskitt, the Planning Officer confirmed that nine parking spaces would be provided to serve the development. This number was considered to be sufficient by the Highway Authority.

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

Permitted subject to the applicants entering into a legal agreement to provide an affordable housing contribution on the basis set out in the report.

39 16/04256/FUL The Old Brewery, Priory Lane, Burford

The Planning Officer presented her report containing a recommendation of conditional approval. She drew attention to paragraph 2.2 of the report which related to another application and had been included here in error.

Mr Cotterill indicated that he had some concern with regard to the practicality of the proposed parking arrangements and the external walkway but, whilst he preferred the application for seven units, he considered the development to be acceptable and proposed the Officer recommendation.

In seconding the proposition Mr Postan questioned the rationale behind the revised applications and it was explained that this was a commercial decision based upon an assessment of the current housing market.

Mr Beaney expressed his support for the application but questioned the reduction in the affordable housing contribution. The Planning Officer explained that this was a factor of the gross floor space of the units.

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

Permitted subject to the applicants entering into a legal agreement to provide an affordable housing contribution on the basis set out in the report.

53 17/00056/FUL Tyne Lodge, 2 Brook Lane, Stonesfield

The Planning Officer introduced the application.

Mr Simon Handy, the applicant's agent, addressed the meeting in support of 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.

Mr Bishop noted that the Parish Council had raised objection and advised that the site had been developed without regard to the amenity and wishes of the neighbours. However, he acknowledged that there was no alternative other than to approve the application and proposed the Officer recommendation.

The proposition was seconded by Mr Cottrell-Dormer.

The Development Manager invited Members to consider whether to accede to Mr Handy's request to revise condition 3 to require the garage to be constructed using materials to match that approved under reference 17/00568/CND.

Mr Bishop and Mr Cottrell-Dormer agreed to revise their proposition to this effect and on being put to the vote the amended recommendation was carried.

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

3. The external walls of the building hereby approved shall be constructed from natural stone in accordance with materials discharged under discharge of conditions reference 17/00568/CND. The roof materials shall also be in accordance with the materials discharged under reference 17/00568/CND.
Reason: To ensure that the external appearance of the building harmonises adequately with the character of the immediate built form.

58 17/00229/FUL 19 Market Place, Chipping Norton

Mr Haine explained that, having read the report and comments contained therein and having received correspondence from the applicants and their agents, he believed that Members would not be able to determine the

application without a site visit being held. Knowing that the lease of their existing premises was due to terminate in July, he had called for a site visit in order to avoid any unnecessary delay in determining the application.

Mr Haine acknowledged that the Council's constitution did not include provision to address such a situation and suggested that consideration could be given to incorporating appropriate amendments in future. Dr Poskitt and Mr Bishop expressed their support for the Chairman's action and agreed that a site visit had been necessary.

The Planning Officer introduced the application and made reference to the observations set out in the report of additional representations and the comments regarding correspondence sent directly to Members by Mr Woodell, the Chief Executive of the Phone Co-op. The Planning Officer also made reference to further correspondence sent directly to Members by the applicants over the previous weekend and reported receipt of representations received from Mr and Mrs M Roach of 17 Market Place.

The Planning Officer drew attention to an error at paragraph 5.43, indicating that the second sentence of that paragraph should read as follows as referenced in the proposed refusal reason No. 1:-

*Built form resulting not just from the building but terraced areas for seating and cycle storage all combine to impact as **less than** substantial harm on the significance and setting of the locally listed building and character of the site and wider Conservation Area.*

The Planning Officer drew particular attention to the pre-application advice given to the applicants as set out in paragraphs 5.12 to 5.16 of the report and advised that Mr G H Wall had raised objections to the application as local representative.

Mr Vivian Woodell, the Chief Executive of the Phone Co-op, 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.

In response to a question from Mr Colston, Mr Woodell advised that, whilst the Company had contingency plans in place to maintain its operations at the end of the lease of their current premises, the Board was becoming increasingly impatient with the inability to secure a permanent solution and wished to consider relocating the business elsewhere.

The Planning Officer then presented her report containing a recommendation of refusal. She stressed that Officers had made it clear from the outset that the development had the potential to give rise to harm and had sought to work with the applicants to minimise this. Officers believed that an appropriate form of development could be devised but considered that the current proposals were not acceptable.

She noted that the County Council had maintained its holding objection in relation to 'access for all' and recommended that a further refusal be included to reflect this.

Mr Haine emphasised that the Council was supportive of the Phone Co-op as a successful local business and employer and of its objectives to relocate its operation to the application site. He was confident that the current objections could be addressed but stressed the need to consider neighbourliness and the impact of the development upon the occupants of No. 17. Mr Haine believed that permission could be granted for a revised scheme and suggested that the proposed new development should be located closer to the existing building. Whilst he considered the current proposals to be unacceptable, Mr Haine urged the applicants to discuss a revised scheme with Officers should the current application be refused.

Mrs Carter indicated that the proposal had a great deal of local support. The Company made a significant contribution to the local economy. The town needed employment to remain economically and socially vibrant and the number of persons employed locally in the town had fallen from 50% to 30% over recent years. Chipping Norton needed good quality employment and Mrs Carter indicated that she considered the development proposals to be acceptable. The new building was constructed in an environmentally sensitive manner and was not visible in the public domain.

Mrs Carter expressed concern that, should the application be refused and the existing building used for residential purposes, the impact would be much greater. She invited Members to support the application to maintain Chipping Norton as a working town as the benefits outweighed the harms.

(Mr Graham left the meeting at this juncture)

Mr Cotterill questioned whether the proposed building would have sufficient floor space to accommodate staff transferring from the existing premises. He agreed that the current layout would give rise to an unacceptable loss of amenity for the residents of adjacent properties and considered that the proposed extension should be brought closer to the existing building. Mr Cotterill noted that, as a call centre, the premises would operate on a 24 hour basis and questioned whether there was a need to address the prospect of light pollution.

In response, the Planning Officer advised that it was not intended to operate the site on a 24 hour basis and, with regard to capacity, the assumption was that the existing premises were not fully utilised.

Whilst he acknowledged that the current application was unacceptable, Mr Beaney indicated that he did not agree with the recommended reason for refusal at 3 and questioned whether reason 2 was appropriate given that an appropriate condition could be applied to regulate activity during the construction phase.

In response, the Development Manager explained that reason 3 was predicated on the fact that there was no surplus car parking provision in Chipping Norton and the intensification of use resulting from the proposed development could be prejudicial to existing businesses in the town.

The Development Manager confirmed that, whilst the current proposals were not acceptable, he believed that permission could be granted on the site.

He emphasised that Officers were not seeking to preclude development but were not finding the applicants willing to compromise in an effort to achieve an acceptable scheme.

Mr Colston expressed his concern that, should the Council refuse permission, the Company would relocate out of the District. Mr Haine advised that, having already held a site visit, refusal of the current application would not give rise to delay as revised proposals could be considered at the next meeting.

Mr Bishop concurred with Mr Colston, indicating that he saw the balance weighed in favour of retaining employment in the town.

Mr Cottrell-Dormer expressed his support for the Officer recommendation and questioned why the applicants appeared to be unwilling to compromise.

Dr Poskitt confirmed that she did not wish to oppose the aspirations of the Phone Co-op but did not believe that the Sub-Committee should accept the current application or nothing. The site visit had crystallised her view that the current application was not acceptable.

Mrs Carter indicated that the owner of the 17 Market Place had not expressed particular concern over the proposals and suggested that these were outweighed by the economic benefits that would be brought to the town.

In order to enable the matter to be determined without delay, Mr Haine proposed that Officers be authorised to approve a revised application based upon a scheme designed to address the refusal reasons recommended. In seconding the proposition, Mr Cotterill requested that Officers seek clarification of the questions raised with regard to the proposed hours of operation and capacity of the new building.

Mrs Carter indicated that she had intended to propose approval of the application as currently submitted and moved an amendment to this effect. The amendment was seconded by Mr Bishop and Mr Colston indicated that the priority in this instance was to approve the application with all speed.

On being put to the vote the amendment was lost.

Returning to the substantive motion, Mr Haine clarified that, in authorising Officers to approve a revised application, Members were agreeing that the current application would be refused.

On being put to the vote the recommendation was carried.

Refused for the following reasons, the Head of Planning and Strategic Housing being authorised to approve a revised application based upon a scheme designed to address the reasons cited:-

1. The development proposed by reason of its scale and siting would not be commensurate with the character of the area, failing to either preserve or enhance the significance or setting of the Conservation Area or locally listed building as heritage assets. Furthermore the public benefits are not considered to outweigh the harms. As such the development is considered contrary to adopted West Oxfordshire Local Plan Policies BE2, BE5, E3 and E7, emerging West Oxfordshire Local Plan Policies OS2, EH7, E1 and Paragraphs 132 and 134 of the NPPF and Policies BD1 and BD2 of the Chipping Norton Neighbourhood Plan 2015-2031.
2. The development proposal by reason of its scale and intensification of use of the site in close proximity to existing residential dwellings will adversely affect neighbouring amenity both during construction and operational phases by way of unacceptable levels of day-to-day activity and disturbance as a result of poor construction site access and overlooking and intervisibility to/from the garden area and rear elevations of no.17 Market Place. As such the development is considered contrary to adopted West Oxfordshire Local Plan Policies BE2, E7, emerging West Oxfordshire Local Plan Policies OS2, E1 and paragraph 17 of the NPPF and Policies MP1 and MP2 of the Chipping Norton Neighbourhood Plan 2015-2031.
3. The proposed office development accommodating additional staff within the site would result in intensification of the site and subsequent negative impact on the vitality and viability of the town centre in terms of the pressure for car parking spaces in a location where there is already capacity issues. As such the development is considered contrary to adopted West Oxfordshire Local Plan 2011 Policies E7, emerging West Oxfordshire Local Plan 2031 Policies E1 and E6 and relevant paragraphs of the NPPF and Policies TM2 and TC4 of the Chipping Norton Neighbourhood Plan 2015-2031.

69 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.

70. LAND SOUTH OF LONDON ROAD, CHIPPING NORTON (APPLICATION. NOS. 16/04244/FUL AND 16/04244/FUL)

The Sub-Committee noted that the above applications for the construction of an assisted living and retirement development and the erection of 4 retail units and 4 flats had been received. The Head of Planning and Strategic Housing invited Members to consider whether it would be expedient to undertake a formal site visit prior to the likely consideration of the applications on Monday 8 May 2017.

RESOLVED: That a site visit be held on Thursday 27 April 2017.

The meeting closed at 5:20pm.

CHAIRMAN