

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 8 May 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, J C Cooper, C Cottrell-Dormer, Mrs M J Crossland#, Dr E M E Poskitt, A H K Postan and T B Simcox.

Denotes non-voting Member

Officers in attendance: Catherine Tetlow, Phil Shaw, Michael Kemp and Paul Cracknell

4 MINUTES

RESOLVED: that the Minutes of the meeting of the meetings of the Sub-Committee held on 3 and 26 April, 2017, copies of which had been circulated, be confirmed as correct records and signed by the Chairman.

5 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

6 DECLARATIONS OF INTEREST

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

7 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 16/03416/OUT Land South of Banbury Road, Chipping Norton

The Principal Planner presented her report containing a recommendation of conditional approval. She drew attention to the additional conditions requested by the Highway Authority as set out in the report of additional representations and recommended that these be incorporated within any consent

Mr Saul expressed some concern over the timing of the application in relation to the emerging Local Plan. He noted that the site formed part of a Strategic Development Area which was expected to accommodate some 1,400 homes and advised that there was a degree of local feeling that considered this level of development to be too great.

Mr Saul also noted that the application included the start of the proposed eastern link road, indicating that local residents did not believe that this would be a panacea for local traffic issues. Whilst it would take traffic travelling from Banbury to Burford, it would not alleviate flows on the A44 and many questioned whether, given the expense involved, this was the best way to address existing traffic issues.

Mr Saul also made reference to concerns expressed by the Cricket Club over the potential impact that the proposed adjacent residential development could have on its activities.

Mr Saul indicated that the site had been identified as being suitable for development in the review of the SHLAA and included within the emerging Local Plan. He noted that the outline application indicated that the site was able to accommodate the proposed level of development and suggested that, even without a Local Plan in place and relying upon the National Planning Policy Framework, it was difficult to see how any harm occasioned by the development could be considered to outweigh the benefit of the provision of 40% affordable housing.

In conclusion, Mr Saul welcomed the proposed developer contribution of £15,000 to the Town Council to fund the introduction of a 20MPH zone and sought clarification of the design of a 'Puffin Crossing'.

The Principal Planner acknowledged the scale of the housing allocation but emphasised that the Local Plan required the Council to identify sites for a large number of houses. Chipping Norton was a good location to deliver housing and with infrastructure improvements could provide sustainable development. Officers believed that the current application was appropriate but acknowledged that the associated highway works would not address existing traffic problems in the short term. However, once the full package of infrastructure improvements had been put in place, the benefits would be evident in the longer term.

Mr Beaney acknowledged the Town Council's concerns but indicated that, if infrastructure improvements were required, residential development would be necessary to secure funding. He expressed some disappointment that the County Council had not sought a contribution towards secondary school provision and questioned the benefit of the requested contribution for temporary art. Mr Beaney expressed the hope that the Council had a joined up approach to sports provision. He questioned where the developer contribution would be applied and sought clarification of the term 'on-site LEAP'.

In response, the Principal Planner advised that the Council was reliant upon the County Council to request developer contributions towards education. In relation to public art she advised that, whilst developer funding was often utilised to provide permanent installations, those related to new developments such as that proposed could also be used to fund temporary projects designed to help residents integrate as a new community. Whilst contributions towards sports provision had yet to be directed towards a specific purpose, its use would be clarified during negotiation of the legal agreement. Finally, the Principal Planner explained that a LEAP was a locally equipped area for play and the Development Manager advised that this was simply one of a number of terms used to differentiate between various sizes of play facilities.

Dr Poskitt sought clarification of arrangements for refuse collection and the Principal Planner advised that, whilst the current application was in outline only, she did not believe that residents would have to take refuse along long private drives. In any event, such concerns could be addressed at reserved matters stage.

Returning to the question raised by Mr Saul with regard to the timing of the application, Mr Cooper enquired as to the impact of a decision to refuse consent at this stage. In response, the Principal Planner advised that, given that the site had been accepted as suitable for development having been identified in the SHLAA and included within the emerging Local Plan, a decision to refuse consent would place the Council at risk of an award of costs at appeal.

The Development Manager confirmed that, as the Council had already indicated that the site was an acceptable location for development and included it as an integral part of its Local Plan, it would be difficult to say that development of part of an allocated site was not acceptable. However, as any consent would be subject to a legal agreement which would take some time to finalise, there would be the opportunity to review the position should the Planning Inspector reject the allocation prior to planning permission being issued.

Mr Cotterill noted that the submitted layout included a number of turning heads and noted that such a layout presented difficulties for refuse collection vehicles and other large lorries. He asked whether there was scope to modify the layout to form crescents instead. In response, the Principal Planner confirmed that the layout remained flexible as the application was in outline only.

Mr Cotterill also enquired whether it would be possible to secure developer funding to provide additional public car parking. The Development Manager advised that, whilst this was possible in theory, as the Council did not have a definitive plan in place with specific costed projects, it would be difficult to secure funding for a nebulous concept. In addition, given the restrictions of pooling arrangements, it was important that any such requests were considered strategically.

Mr Cotterill asked if there was any possibility that the Council could reconsider a decision to grant consent whilst the terms of the associated legal agreement were under discussion and the Development Manager advised that it would only be possible to do so should some major new issue arise. Mr Colston then proposed the Officer recommendation.

In seconding the proposition, Mr Colston indicated that, if development was to take place on the scale proposed, joined up thinking would be essential. There was a need for a ring road and associated highway improvements and the provision of additional town centre parking would also be essential. Mr Colston suggested that the New Street car park could be developed as a multi-story facility.

Mr Postan indicated that additional developer funding could be secured for youth sports, suggesting that houses in close proximity to the cricket ground would attract a premium. He also emphasised the importance of ensuring that the development provided a functional highway layout and adequate parking provision as part of the reserved matters application.

The Principal planner confirmed that the concerns raised by Members would be taken into account when considering a reserved matters application to ensure a practical layout was provided. In terms of developer funding, whilst the Council would like to secure additional funding for youth sports, she suggested that local groups and organisations should contact the Leisure Services section to outline their priorities.

The Development Manager advised that the recently completed car parking survey had shown car parks in Chipping Norton to be at 95% capacity which for all intents and purposes could be considered full. It was explained that the survey would be used to inform the Council's Car Parking Strategy but that it was presently in an early stage of development.

Mr Simcox questioned whether alternative pedestrian access would be created other than off the ring road and the Principal Planner confirmed that further access points would be identified as part of the reserved matters.

Mr Beaney welcomed the start of the link road.

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

Permitted subject to the conditions set out in the report, to those in the report of additional representations and to the applicants entering into a legal agreement on the terms outlined therein.

20 16/03856/FUL 18 Sandford Park, Charlbury

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

Mr Beaney reminded Members that consideration of the application had been deferred to seek further observations from the Highway Authority. Having considered the comments received and on the understanding that the conditions proposed were in accordance with those requested by the County Council, he proposed the Officer recommendation. The proposition was seconded by Dr Poskitt.

Mr Cottrell-Dormer asked whether it was possible for the applicant to comply with the conditions put forward by the Highway Authority. In response, the Planning Officer advised that the County Council's Officers were satisfied that these requirements could be met.

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

Permitted

32 I6/04230/FUL Land at London Road and Trinity Road, Chipping Norton

The Planning Officer introduced the application.

Ms Lisa Matthewson, the applicant's agent, and Mrs Hilary Hibbert-Biles, the County Councillor for the Division, addressed the meeting in support of the application. Summaries of their submissions are attached as Appendix A to the original copy of these minutes.

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

Mr Saul suggested that there was an excess of age restricted and assisted living accommodation in Chipping Norton given the existing availability and extant planning consents. Whilst there may be a need for more such accommodation on a district wide basis, he was not certain that more was required in Chipping Norton. Mr Saul also questioned whether the proposed location was appropriate. He believed that there was greater need for affordable housing for young families and expressed support for the Town Council's contention that the scheme should include an affordable housing element.

Mr Saul advised that his principal concern was with the loss of this as an employment site. Until 2003 the site had provided an important contribution to employment in the town and it was disappointing that an alternative employment use had not come forward to replace the jobs that had been lost. Despite planning permissions having been granted, no scheme of development had been built out and there were suspicions that the site owners were reluctant to agree terms for an employment use but had been seeking to achieve a more profitable use all along.

Whilst the emerging Local Plan sought to provide some nine hectares of employment land as a strategic development area, he questioned whether the proposed location was desirable and had heard suggestions that the nine hectares proposed might be reduced to five.

Accordingly, Mr Saul proposed that the application be refused as being contrary to policy E6 of the Local Plan, E1 of the emerging plan, the Chipping Norton Neighbourhood Plan and Paragraph 22 of the National Planning Policy Framework.

The Development Manager advised that the need for additional age restricted housing had been identified in the Chipping Norton Neighbourhood Plan and the Town Council had acknowledged this requirement as evidenced by the local demographic shift.

Whilst he acknowledged the need for affordable housing, the terms of the proposed legal agreement required the provision of developer funding that would provide for affordable housing in the wider sense. The use of this brownfield site was in accord with paragraphs 22 and 51 of the NPPF and the Development Manager questioned whether the retention of an employment site situated between a listed school and residential development was really preferable to the alternative edge of town site promoted through the emerging local plan.

Mr Saul clarified that his suggested reasons for refusal did not include his belief that there was no requirement for additional age restricted accommodation but on the immediate need for affordable housing for young persons and families. Mr Saul also questioned whether there was any guarantee that the alternative employment site would come forward. In response, the Development Manager advised that the majority of the land was under the control of the County Council.

The proposition of refusal failed to attract a seconder.

Mr Beaney expressed his support for the application believing the site to be sustainable and accessible. He questioned whether the County Council's requirements could be met and suggested that an additional condition requiring the provision of infrastructure to enable the provision of high speed broadband be included. It was confirmed that both issues could be addressed and Mr Beaney proposed that the application be permitted with the addition of a further condition regarding broadband.

The proposition was seconded by Mr Cotterill.

Mr Cottrell-Dormer enquired whether it was intended to provide a football pitch utilising developer contributions and it was explained that this was simply an example used in the generic calculation to establish the level of funding for leisure facilities.

Dr Postan indicated that it was people, not land that created employment. She noted that older persons' accommodation was expensive and that the Council should therefore increase the supply as it was not only the young that needed affordable housing. Mr Simcox suggested that the provision of age restricted accommodation would free up alternative general housing but questioned whether the level of parking proposed was adequate. The Planning Officer advised that the County Council was content with the proposed parking arrangements which offered more spaces than other similar schemes.

Mr Haine questioned whether parking by those using the S3 bus service which stopped opposite the site was likely to present any difficulties given that a number of vehicles could often be found parked in Trinity Road. The Planning Officer advised that the County Council did not believe that there would be any displacement of vehicles onto Trinity Road and the Development Manager indicated that a resident's only parking scheme could be implemented on the site. The Planning Officer also advised that the bus stop was to be located to the front of the site where retail development was proposed.

Mr Cooper expressed his concern at the loss of this employment site and indicated that it should be made clear to developers that leaving a site in a derelict condition allowing it to deteriorate was not a way in which to secure a change of use. Mr Cooper also questioned whether the financial contribution towards off-site affordable housing provision was adequate, indicating that it was less than he would have wished. Mr Colston concurred and, whilst sympathising with the concerns expressed by Mr Saul, indicated that he was in support of the application.

Dr Poskitt questioned whether parking provision was sufficient and indicated that she considered the layout to be unimaginative. Mr Postan suggested that parking provision in such developments was used primarily by visitors, not residents.

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

Permitted subject to the conditions set out in the report, to the following additional condition and to the applicants entering into a legal agreement on the terms outlined therein.

13. Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection,

and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter

(The Council will be able to advise developers of known network operators in the area.)

Reason: In the interest of improving connectivity in the District.

50 16/00236/FUL 29-30 High Street, Chipping Norton

The Development Manager introduced the application.

The applicant, Mr Almas Yustas, 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 Development Manager then presented the report containing a recommendation of conditional approval.

Mr Haine sought clarification of delivery arrangements to the retail units and staff parking provision. The Development Manager advised that the units would be serviced from the rear and that it did not appear that designated staff parking would be provided.

Mr Saul indicated that he was sad to see the current shop close and acknowledged the efforts made by the applicant to keep the business going. He welcomed the retention of a retail element in the redevelopment but considered that the number of residential units proposed was excessive.

Mr Saul questioned whether the level of car parking provision was adequate and expressed his disappointment that there was no affordable housing contribution on offer. He also expressed his concern that plots 9 – 11 would give rise to unacceptable overlooking and proposed that the application be refused as being contrary to policies OS4 and H2 of the Local Plan and H2 of the emerging Plan. The proposition was seconded by Mr Beaney who expressed his concern over the loss of employment, the adequacy of the proposed car parking arrangements and elements of the detailed design. He also considered that a contribution towards affordable housing should be made by the scheme.

The Development Manager advised that Officers accepted that the site constraints would give rise to increased construction costs. In addition, the Council's Affordable Housing Policy was in a state of flux and an affordable housing contribution would only be required under the emerging Local Plan. Accordingly, Officers had accepted the applicant's contention that no affordable housing contribution needed to be made.

Mr Colston noted that the site had evolved into its present form over many years. He could understand why the business encountered difficulties and accepted that demolition would be costly. Mr Colston considered that the proposed redevelopment would be an improvement of the site.

Mr Cotterill questioned why the scheme proposed apartments not houses and the Development Manager advised that he assumed that the applicant was seeking to provide a mix of sizes based upon marketing information. Whilst the site could be developed in a variety of ways there was a question of financial viability.

Mr Cooper questioned whether servicing to the rear of the premises could be enforced and considered that car parking arrangements would be problematic. He also questioned whether a contribution of some £4,500 per unit towards affordable housing would render the scheme unviable.

Mr Postan indicated that there was a need for affordable housing for first time buyers that could be met by the construction of flats. However, he considered the current scheme to be an over development of the site.

Dr Poskitt expressed support for four houses and accepted that these units could be car free in a town centre location.

Mr Haine agreed that the current scheme was an over development of the site and, whilst he acknowledged that development costs would be greater than usual, he also considered that a contribution of £4,500 per unit towards affordable housing was unlikely to be prohibitive. The removal of units 9 – 11 would allow for additional parking and Mr Haine also expressed concern at the absence of staff parking. At his suggestion, Mr Saul and Mr Beaney agreed to incorporate the following additional policy reasons for refusal in their proposition – BE2, BE3, BE5, BE8 and H2 of the Local Plan and Policies OS2, OS4, E6, ES7 and T4 of the emerging Plan.

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

Refused for the following reasons:-

1. By reason of the location, siting, design and scale of the proposed development and with the access in close proximity to existing residential dwellings, the proposals will adversely affect neighbouring amenity both during construction and occupation by way of unacceptable levels of day-to-day activity and disturbance. Furthermore the parking is considered insufficient for the size of units proposed and for deliveries to the shop units. As such the development is considered contrary to adopted West Oxfordshire Local Plan Policies BE2, BE19 and H2 and the emerging West Oxfordshire Local Plan Policies OS2, OS4, EH6, and T4, Neighbourhood Plan policies TM2, TC4 and TC5 and the relevant paragraphs of the NPPF.

2. By reason of the design, scale, form and siting the proposed development would create a cramped and contrived development which will appear incongruous within the site and will appear visually intrusive within the street scene and would fail to relate to the established character and appearance of the immediate area to the detriment of the visual character and appearance of the site, the wider area and the Chipping Norton Conservation Area. The proposal is thereby considered contrary to Policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011, policies BD1 and BD2 of the Neighbourhood Plan and Policies OS2, OS4, EH7 and H2 of the Emerging West Oxfordshire Local Plan 2031 as well as the relevant provisions of the NPPF and West Oxfordshire Design Guide.
3. The applicant has not entered into a legal agreement to provide for affordable housing on the site, or a commuted sum to contribute to the provision of affordable housing elsewhere in the District. Accordingly, the proposal would not deliver a choice of homes or create sustainable, inclusive and mixed communities. It would therefore be contrary to West Oxfordshire Local Plan Policy H11, emerging West Oxfordshire Local Plan Policy H3, Neighbourhood Plan policy BD3 and paragraph 50 of the NPPF.

In the absence of an appropriate agreement or agreements the proposal fails to comply with West Oxfordshire Local Plan Policy BE1, and emerging West Oxfordshire Local Plan Policy OS5.

64 17/00237/LBC 29-30 High Street, Chipping Norton

The Development Manager presented the report containing a recommendation of conditional approval.

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

Listed Building Consent be granted, the applicants being advised that the accompanying planning permission has been refused so works should not take place until the relevant planning permission has been granted.

69 17/00569/FUL Barley Hill Farm, Chipping Norton Road, Chadlington

The Planning Officer introduced the application.

Miss Charlie O'Brien, the applicant's daughter, addressed the meeting in support of the application. A summary of her submission is attached as Appendix C to the original copy of these minutes.

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

It was proposed by Mr Bishop and seconded by Mr Cottrell-Dormer that consideration of the application be deferred to enable a site visit to be held.

On being put to the vote the recommendation was carried.

Deferred to enable a site visit to be held.

77 17/00780/FUL Heythrop Park Hotel, Heythrop Park, Heythrop

The Development Manager introduced the application.

Mr Paul Russell, the Resort Director, 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 Russell advised that the marquee would be constructed from plastic panels and in response to a further question from Mr Colston, indicated that the hotel had 375 bedrooms and could accommodate some 700 guests.

The Development Manager then presented the report and advised that the comments of the Oxfordshire County Council were still awaited. Accordingly, he revised the recommendation of conditional approval to be subject to no objections being raised by the County Council.

Mr Beaney suggested the inclusion of an additional condition regarding advertisements on the highway frontage and requested that local representatives be consulted on the final conditions. The Development Manager advised that it would not be appropriate to seek to control advertisements by imposing conditions on the current application but undertook to investigate whether advertisement consent was required for those currently on display.

The revised Officer recommendation was proposed by Mr Beaney and seconded by Mr Colston. Mr Cottrell-Dormer expressed his support for the application and Mr Postan drew a comparison between the proposed structure and that located at Garsington.

In response to a question from Mr Beaney, the Development Manager advised that, should the applicants fail to secure planning permission for a permanent solution within three years as required by the proposed legal agreement, the temporary consent for the marquee would lapse after five years.

The proposition was then put to the vote and was carried.

Permitted subject to conditions based upon those set out in the report, to no adverse observations being received from the Oxfordshire County Council and to the applicants entering into a legal agreement requiring that planning permission and listed building consent for a permanent solution as

an alternative to the marquee be granted within 3 years of the date of the planning permission for the temporary marquee.

(As requested by Mr Beaney, the Development Manager undertook to consult the local representatives on the final conditions)

84 17/00780/FUL Land East of the Slade, Charlbury

The Planning Officer introduced the application.

Mr Mike Hughes 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.

Ms Hannah Winwood, the applicant's agent, 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.

Having been proposed and duly seconded the application was:-

Deferred to enable a site visit to be held

96 17/00918/FUL 18 Maple Way, Ascott Under Wychwood

The Development Manager presented the report and made reference to the observations of the Ascott-under-Wychwood Parish Council sent to Members.

The Officer recommendation was proposed by Mr Simcox and seconded by Mr Cottrell-Dormer and on being put to the vote was carried.

RESOLVED: That the Head of Planning and Strategic Housing be authorised to determine the application once the statutory consultation period has expired.

8 APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISION

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

9 ERECTION OF NEW COUNTRY HOUSE, BROADSTONE QUARRY, ENSTONE (APPLICATION NO. 17/00485/FUL)

The Sub-Committee noted that the above application for the construction of a new country house and the formation of a new vehicular access 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 application on Monday 5 June 2017.

RESOLVED: That a site visit be held on Thursday 1 June 2017.

10 ERECTION OF 10 COTTAGES, 1 POLICE HOUSE, CHARLBURY (APPLICATION NO. 19/00889/FUL)

The Sub-Committee noted that the above application for the construction of 10 cottages 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 application on Monday 5 June 2017.

RESOLVED: That a site visit be held on Thursday 1 June 2017.

The meeting closed at 5:20pm.

CHAIRMAN