

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the Meeting of the  
**UPLANDS AREA PLANNING SUB-COMMITTEE**  
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon  
at 2.00pm on Monday 5<sup>th</sup> June 2017

PRESENT

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

Officers in attendance: Catherine Tetlow, Phil Shaw, Michael Kemp, Hannah Wiseman and David Bloomfield

11 LONDON TERRORIST ATTACK - MINUTES SILENCE

The Chairman asked Members of the Sub-Committee and the Members of the Public present to stand in tribute to those killed and injured in the terrorist attack in London on Saturday night.

12 MINUTES

Dr Poskitt commented that there were some errors in the Minutes that needed to be amended. At the end of the first paragraph on page 4, it should read that “Mr Cotterill then proposed” and not Mr Colston. The first line on page 7 should read “Mr” Postan not Dr and at the start of the second line it should read “he” not she.

Dr Poskitt then said that the fifth paragraph on page 9 should read as follows: “Dr Poskitt expressed support for houses and did not accept that these units could be car free in a town centre location”

Mr Colston commented that the list of Members present at the meeting should be amended at Mrs L C Carter was not present at the meeting but that Mr G Saul was present.

The Development Manager then advised the Sub-Committee that an objection to the Minute in respect of Application 16/00236/FUL (29-30 High Street, Chipping Norton) had been received from the Applicants Agents questioning the accuracy of the Minute and the Refusal Reasons set out in the unconfirmed Minutes. He advised that the normal procedure was that following a meeting he and the Committee Clerk would compare notes and then the draft minutes and any conditions/refusal reasons would be prepared. He reminded Members that the Minutes were not confirmed until the following meeting. He then asked Members to carefully consider the deliberations and refusal reasons set out and comment whether they were happy with what had been recorded.

After due consideration, Members advised that the minute was a correct record.

**RESOLVED:** that subject to the amendments above, the Minutes of the meeting of the Sub-Committee held on 8 May, 2017, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

13 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs M J Crossland and it was reported that Mr A C Beaney would be late arriving.

14 DECLARATIONS OF INTEREST

Mr G Saul declared an interest in application 17/01420/FUL (19 Market Place, Chipping Norton) and advised that he would leave the meeting during consideration of that item.

Mr J C Cooper and Dr E M E Poskitt declared an interest in Agenda Item 5 – Applications determined under Delegated Powers. They advised that the interest was not prejudicial and would remain in the meeting during consideration of that Item.

15 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 16/02515/FUL Long Close, Oxford Road, Woodstock

The Planning Officer presented the report which contained a recommendation of conditional approval. She confirmed that the Highway Authority were happy with the visibility splays as submitted. With regard to the comment that a footpath link to Churchill Gate be provided, the Planning Officer commented that the size of this development did not justify this but added that it was likely that the large development to the east would include improvements to the public footpaths in both directions in due course.

Mr Cooper considered that the proposals were on balance acceptable. The site was at the entrance to the town and although he was slightly worried by the number of accesses to this main road, he proposed the Officer Recommendation. The proposal was seconded by Dr Poskitt.

Dr Poskitt added that she was disappointed that no footpath link to Churchill Gate would be provided as she felt that the temptation to walk in the road to avoid wet grass would not be a good idea. The Planning Officer reiterated her comments regarding this link and in response to a question

from Dr Poskitt regarding the heights of the proposed dwellings compared to those in Churchill Gate replied that they were similar.

Mr Cotterill referred to Condition 4 set out in the report and asked how the refuse vehicles would be able to enter and leave the site in forward gear. The Planning Officer pointed out that Condition 4 was requiring that full details of a turning area be submitted and approved by the Council.

Permitted.

16 16/03948/OUT Land West of Church Road, Long Hanborough

The Principal Planner introduced the application and referred Members to the further comments set out in the Report of Additional Representations and to the letter from the Agent which had been circulated to Members.

Dr Stuart Brooks then 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 Cotterill asked if he could clarify the figures Dr Brooks had given, that there were 1100 homes in Long Hanborough at present with 339 others with consent to be built. Dr Brooks confirmed and added that these figures did not include those proposed in this application or the 169 approved on land south of Witney Road.

Mr Chapman, representing the Parish Council then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

The Principal Planner then presented her report in which she detailed the additional Environmental Health advice and also the Oxfordshire County Council Highways advice which contained an additional reason for refusal.

The Principal Planner then advised that her recommendation remained one of refusal subject to the additional highway reason set out in the report of additional representations.

Mr Cotterill proposed the amended Officer recommendation and commented that he was surprised that the bank had been allowed to deteriorate as it had. He did not feel that the site could be integrated into Hanborough as it was low-lying and residents would have to drive to get to the Doctors surgery.

Mr Cottrell-Dormer seconded the proposal and advised that he was delighted that Oxfordshire County Highways had objected.

Mr Cooper advised that he had not attended the site visit but that he knew the site well. He was also pleased to see the Highway objection as the proposals would have put pressure on Bladon. He added that he expected

that the decision would be appealed, but he was confident that the decision could be defended at any appeal.

Mr Postan commented that he did not believe the access to be safe and that this kind of embanked access was known as “Rollover Ramps”

Refused subject to the following additional refusal reason:

- 5 The submissions on vehicle trip rates are not accepted and more information is required by way of new survey data or justification why existing survey data has not been used. The performance of the A4095/Church Road mini roundabout has not been resolved. On site observations of the Highways Officer find traffic queues in excess of those suggested by the applicant. Further surveys are needed to establish the journey times through the roundabout on the A4095 in both directions in the morning and evening peaks. These results can be compared to the free flowing journey times and used to provide an agreed baseline with which to start the testing of the future impact of traffic on the junction. In the absence of this information it is not possible to have confidence in the results of the modelling in future years taking into account background traffic growth and new traffic as a result of planned and proposed development. In addition, the provision of convenient pedestrian and cycle links to the north east of the site, and to the public right of way to the west of the site (238/9/10), have not been demonstrated as being feasible or deliverable. The proposal is therefore unacceptable in highway terms and contrary to West Oxfordshire Local Plan 2100 Policies BE3 and TW, emerging West Oxfordshire Local Plan 2031 Policies T1 and T3, and the relevant paragraphs of the NPPF, in particular 17, 32, 34 and 69.

(Mr A C Beaney joined the meeting during consideration of this item)

40 17/00485/FUL Land West of Enstone Manor Farm, Oxford Road, Enstone

The Planning Officer introduced the application setting out the relevant tests required to be met to meet the requirements of paragraph 55 of the NPPF. He referred to the site visit Members had carried out and also to the additional information set out in the Report of Additional Representations.

Mr Jason Zibarras, the Applicant, addressed the meeting in support of the application. A copy of his submission is attached as Appendix C to the original copy of these minutes.

Mr Cotterill asked whether the Passivhaus Plus meant that this was a German kit house. Mr Zibarras replied that it was a standard set in Germany and that the property would generate more energy than it used.

The Planning Officer then presented his report reiterating that the application had to meet of the tests of Paragraph 55 of the NPPF. He

pointed out that Design South East considered that the proposals met these tests but that Officers had doubts as to whether the building was locally distinctive and fully reflected the defining characteristics of the local area as required by Paragraph 55.

In conclusion, the Planning Officer considered that the proposals partly met the criteria of Paragraph 55 but not fully and as such a Paragraph 55 exemption was not justified although Design South East does not support this view. Members views as to whether to support, reject or defer to seek amendments were therefore requested.

Mr Colston thought that the report seemed to be coming down against the proposals. It was not the type of building he liked, it was very modern in design and he struggled with development in the open countryside. He hoped Members appreciated that it was their decision and not that of Design South East. He considered that the building looked more agricultural in design and did not relate to a Manor House in his view and he did not like the materials. He repeated that it was in open countryside and that he did not feel that it was sensitive to the defining characteristics of the local area and could not support the application. He then proposed that the application be refused. The proposal was seconded by Mr Cottrell-Dormer.

Mr Beaney stated that he could not agree with Mr Colston. If the experts of Design South East were happy, he could not disagree.

The Development Manager commented that Members were well served with in-house architectural advice. He pointed out that the Council's Conservation Officer had concerns although Design South East were happy. Some Members would be happy with modern design while others would oppose development in open countryside. It was a matter of judgement. Members need to ask whether the proposals enhanced the locality and was it sensitive to the characteristics of the local area.

Mr Bishop commented that this was an out of the ordinary and interesting application. Having walked around the site his opinion began to change. The test was to be outstanding or innovative. He believed that it reflected the highest standards in architecture and in his view did enhance its immediate setting and was sensitive to the defining characteristics of the local area. Although he normally agreed with Councillor Colston on this application he did not and he would support the application.

Mr Simcox noted the comment from CPRE and commented that traditional was new once. A house such as proposed could only be built in an open countryside location. It would be harsh to say that it does not enhance its immediate setting. It was a high standard of architecture and he felt that it fulfilled Paragraph 55. He asked whether this would be usurped in the new local plan and the Planning Officer advised that it would be Policy H2.

Mr Cotterill felt that he did not know enough to make a decision. He referred to Passivhaus plus and was concerned that kit houses from North

Germany tended to fit in well but those from South Germany did not because of colour and style. He felt the proposal had a lot of merit but the site could be seen from Heythrop and he needed more information particularly on colour and materials before he could make a decision and he favoured deferral. The Planning Officer advised that a condition could be included requiring the submission of a schedule of materials and added that some supporting detail had been supplied. Mr Cotterill wondered whether it would blend in from Heythrop.

The Chairman asked whether the colour would be as black as it appeared in the presentation and the Planning Officer advised that samples could be required. He added that it was a grey finish rather than black.

Mr Postan commented that this comes back to why we like to sit on this Committee; some want to maintain tradition and some like to make a difference and do what is right. He did have concerns as to whether the plantation would be removed and if so whether it would be renewed. He felt it clearly enhances its immediate setting as it is an abandoned quarry. Members were making a decision on a building of grand design and he agreed with the comments of Mr Beaney and Mr Simcox. The proposals have the possibility to be considered top of the tree. He questioned what would be achieved by refusing consent. He felt that Members should support this application.

Mr Cooper commented that it was a matter of individual taste. Former Councillor James would have loved this application. He however takes a different view. It does not enhance the setting next to the Listed Landscape of Heythrop Park and would damage the setting and it would destroy one of the most beautiful parts of England. He did not like the application it is awful. He was not against development in the open countryside but not this application. He felt it was the worst application in the last couple of decades.

Dr Poskitt asked whether the gatehouse was Passivhaus Plus and the Planning Officer advised it was the whole scheme. Dr Poskitt then asked how the proposals would impact on the developing dark skies policy and the Planning Officer replied that it had been considered in the Design South East comments and louvres on the side of the building would prevent light spillage.

Dr Poskitt then asked whether the outdoor swimming pool would be illuminated and the Planning Officer commented that a condition could be included to prevent that.

Dr Poskitt added that it would be a large house in the open countryside, isolated in the landscape and there would be two access to the main road. She did not feel that it met the criteria of Paragraph 55 and she was not in favour.

The Planning Officer reiterated that light spillage had been considered in the design with louvres fitted.

Mr Saul had a few issues. He did not get the Manor House concept and was puzzled as it appeared to replicate a steel framed building. Good design was in the eye of the beholder. He felt it met three of the tests but was unsure over whether it would be sensitive to the defining characteristics of the local area.

Mr Postan commented that a Manor House had a big hall with pitched roof and felt that the proposals did replicate it in terms of volume.

Mr Beaney noted that the application could be deferred and asked what reasons could be given for refusal. The Chairman replied that the proposals did not meet the 4 parts of Paragraph 55 of the NPPF.

Mr Colston repeated that he had problems with development in the open countryside and did not consider this to be a Manor House. The Chairman commented that this type of building could not be put in a housing estate.

Mr Cooper repeated his view that it impacted the listed parkland of Heythrop House and the residents would be see the golfers.

Mr Cottrell-Dormer repeated that he liked the redundant quarry.

The proposition that the application be refused was then put to the vote and was lost.

Mr Beaney then proposed that the application be permitted and the proposal was seconded by Mr Bishop and on being put to the vote was carried.

Permitted, subject to conditions to be agreed in consultation with the Chairman.

55 17/00569/FUL Barley Hill Farm, Chipping Norton Road, Chadlington

The Planning Officer introduced the application and referred Members to the site visit that had been carried out.

Councillor Neil Owen addressed the meeting as the Local Member. He wholeheartedly supported the application; it was not overlooked and there would be no overlooking. The Parish Council supported it as well. He asked that the Sub-Committee approve 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 D to the original copy of these minutes.

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

Mr Postan felt that it was an unusual refusal; the proposal is for a cellar not an extension. He considered that it would improve the site and looked good. He then proposed that the application be approved.

Mr Cottrell-Dormer seconded the proposal. He considered that it was a nice site and the extension would not be seen. He was pleased that it would get rid of the huge agricultural building and awful trees and will also allow a young person to remain in the area.

Mr Bishop felt that the proposal was not detrimental to the area and should be approved.

Mr Colston commented that the approval at Walcot Barn was a similar type. He was in favour of the application as was the Parish Council.

Mr Beaney commented that it was an extension but he agreed with the previous comments.

Dr Poskitt felt the proposals were un-intrusive and added that the Romans used to build down. She supported the application.

Mr Cooper agreed with Mr Postan.

Mr Postan felt that there should be a surface water drainage condition.

The Development Manager pointed out that as the proposal had been recommended for refusal the Sub-Committee needed to identify why it was proposing approval. He advised that the removal of the large agricultural building could mitigate for the less harmful impact of the subterranean extension provided that a Legal Agreement to prevent its return was entered into.

The Chairman felt that there were no great reasons to refuse and suggested the removal of PD rights and the removal of the large agricultural building could be conditioned as well as the requirement to enter into a Legal Agreement to permanently remove that building.

The proposal to permit was then put to the vote and was carried.

Permitted, subject to conditions to be agreed in consultation with the Chairman and to the Applicants first entering into a Legal Agreement in order to achieve the permanent removal of the large agricultural building.

64 17/00578/RES Land South of Witney Road, Long Hanborough

The Planning Officer introduced the application and referred to the Report of Additional Representations as a result of which there was an insert to be included in Condition 9 and a new Condition 11.



Hannah Smart, the Applicants Agent, addressed the meeting in support of the application. A summary of her submission is attached as Appendix E to the original copy of these minutes.

The Planning Officer then presented her report which contained a recommendation of approval, subject to the amendment of Condition 9 and the inclusion of a new Condition 11.

Mr Cotterill referred to Plots 168 and 169 as he had received a letter from the occupiers of 23 Witney Road; the trees on the boundary would be 12 metres from 23 Witney Road, Mr Cotterill asked whether these were new trees. The Planning Officer advised that there was a substantial boundary of trees and that the existing trees would be protected.

Mr Cotterill then referred to 48 Hurdeswell and the garages proposed near to that property and asked whether these were intrusive. The Planning Officer advised that due to the separation distance and planting she did not consider the garages to be overbearing.

Mr Cotterill proposed the amended Officer recommendation and this proposal was seconded by Mr Postan. He commented that he did not feel that there was much of a change between the houses proposed to the east and west of the site. The Planning Officer pointed out that the design had been tweaked at various stages.

Mr Cooper referred to the comments of the Parish Council regarding the boundary between Hurdeswell and the new houses and asked whether the Planning Officer had any comments. The Planning Officer replied that the landscaping scheme provided for the retention of existing planting and additional planting which would enhance the existing boundary planting which would give sufficient boundary treatment.

Dr Poskitt referred to the proximity to Hurdeswell and that it was sad to lose the existing open vista. She asked about the distance of plots 151 and 152 from the existing properties in Hurdeswell. The Planning Officer replied that there was sufficient distance between them.

Mr Cottrell-Dormer commented that he hated the proposals and asked what would happen if the proposals were refused. The Development Manager commented that the Inspector had accepted the principle of development and he pointed out that developers would wish to maintain acceptable privacy in order that they could sell the houses. He added that had officers considered the proposals to be refusable that would have been the recommendation.

The proposal to permit was then put to the vote and was carried.

Permitted, subject to the following amended Condition 9 and additional Condition 11:

- 9 The approved scheme for the landscaping of the site as shown on plan reference 5728/ASPI.0 Rev E including the retention of any existing trees and shrubs and planting of additional trees and shrubs, 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 that approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
Reason: To ensure the safeguarding of the character and landscape of the area during and post development.
- 11 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, and D and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.  
Reason: Control is needed to protect the residential amenity of the occupants of the adjacent properties as well as the visual amenity of the area.

73 17/00832/FUL Land East of 26 The Slade, Charlbury

The Planning Officer introduced the application and referred to the site visit that Members had carried out.

Mr Mike Hughes addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix F to the original copy of these minutes.

Mr Jon Westerman, the Applicants Agent, addressed the meeting in support of the application. A summary of his submission is attached as Appendix G to the original copy of these minutes.

The Planning Officer then presented his report which contained a recommendation of approval subject to conditions. In his presentation he highlighted that the site was in a sustainable location and that the proposals did not impact on the Conservation Area. The key consideration was the impact on the amenities of existing occupants of The Slade as concerns had been raised regarding overlooking. A separation distance of 21 metres was considered the rule of thumb while in this case the separation distance is 42 metres.

Mr Postan expressed concerns on how overlooking on this sloping site could be prevented as he felt that any boundary fencing/wall would need to be 4 metres in height.

Mr Cooper noted the offer by the Applicants Agent which he thought might well help the situation and he proposed that consideration of the application be deferred in order to enable further discussions to take place.

Mr Cotterill seconded the proposal as he felt it would give an opportunity to improve the situation.

Mr Cottrell-Dormer commented that he hoped the objectors would get the chance to see any new proposals. He wondered what would be in the area between the proposed development and the houses in The Slade. He appreciated that a separation distance of 42 metres was double the rule of thumb distance but the topography of the land would lead to overlooking.

Mr Cottrell-Dormer asked for confirmation that any amended application as a result of further negotiations would come back to the Sub-Committee for determination and that confirmation was given.

Deferred to enable further negotiations with the Applicant in order to try and further reduce the impact on the existing properties in The Slade.

87 17/01420/FUL 19 Market Place, Chipping Norton

The Development Manager presented his report on the application setting out full details of what had been negotiated with the Applicant and asked Members to confirm that this was in line with what they had required and requested full delegation to determine the application at the expiration of the consultation period.

The Chairman congratulated the Development Manager on a job well done.

Mr Colston agreed and added that it was now better all round and he proposed the Officer recommendation. The proposal was seconded by Mr Cotterill.

Delegated to the Head of Planning and Strategic Housing to determine the application at the expiration of the consultation period.

(Mr G Saul left the meeting during consideration of this application)

16 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.

17 FOOTPATH DIVERSION APPLICATION AT CHURCHILL FARM, CHURCHILL

The report of the Head of Planning and Strategic Housing seeking authority to make a Public Path Diversion Order under Section 119 of the Highways Act 1980 and to carry out the required statutory consultation upon the Order was received and considered.

**RESOLVED:** That the Head of Planning and Strategic Housing be authorised to make the Order and carry out public consultation, consistent with the draft Order attached to the Report.

The meeting closed at 5:50 pm.

CHAIRMAN