

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 July 2017

PRESENT

Councillors: J Haine (Chairman), D A Cotterill (Vice-Chairman), A C Beaney, R J M Bishop, J C Cooper, C Cottrell-Dormer, Mrs M J Crossland#, A H K Postan, G Saul and T B Simcox.

Denotes non-voting Member

Officers in attendance: Catherine Tetlow, Phil Shaw, Stephanie Eldridge and Paul Cracknell

18 MINUTES

Mr Postan sought to clarify his comments regarding application No. 17/00485/FUL (Land west of Enstone Manor Farm, Oxford Road, Enstone, as recorded at the second paragraph on page 7 of the minutes and explained that his point had been that the proposed development replicated a Manor House in volume, not appearance.

RESOLVED: that, subject to the clarification set out above, the Minutes of the meeting of the Sub-Committee held on 5 June, 2017, copies of which had been circulated, be confirmed as correct records and signed by the Chairman.

19 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr N G Colston and Mr J C Cooper attended for Dr E M E Poskitt.

20 DECLARATIONS OF INTEREST

Mr Haine declared an interest in respect of application No. 17/01304/HHD (Fardon House, Frog Lane, Milton Under Wychwood) which appeared on the list of applications determined under delegated powers and advised that, as the report was submitted for information only, he would not leave the meeting but would not take part in any discussion on the application.

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

21 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.

(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:-

17/00710/FUL; 17/00830/FUL; 17/00832/FUL; 17/01079/OUT; 17/01607/HHD; 17/01258/HHD and 17/01291/OUT.

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

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 17/00710/FUL 1 Upper Brook Hill, Woodstock

The Development Manager introduced the application.

The applicant, Mr Dennis Allen, addressed the meeting in support of the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

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

Mr Cooper indicated that, whilst there were parking difficulties in the vicinity of the application site, these were unrelated to the application and were due to visitors seeking access to Blenheim Park. He also noted that the Highway Authority had raised no objections to the proposals.

Mr Cooper advised that he liked the proposed design and noted that, whilst the address was given as Upper Brook Hill, the development was actually in Brook Hill. He indicated that the topography of the site was such that the new building would not be unduly prominent and was comforted by the recommended landscaping conditions. Questions over land ownership were not a planning matter and, whilst the application was of a modern design, it was not far from the 1960's development at Spencer Court.

Mr Cooper proposed the Officer recommendation of conditional approval which was seconded by Mr Cottrell-Dormer.

Mr Beaney questioned whether condition 5 was intended to relate to the two parking spaces to the front of the site only to include the third space within the curtilage of the property. The Development Manager advised that the condition was only intended to apply to the spaces to the frontage and suggested that condition 5 be revised to clarify the position. Mr Cooper and Mr Cottrell-Dormer agreed to amend their recommendation accordingly.

In response to a question from Mr Cotterill, the Development Manager confirmed that, whilst it would be possible to parallel park to the front of the proposed dwelling, doing so would require co-operation between the drivers. In response to a question from Mr Simcox he advised that the garden area above the new dwelling was intended to serve the existing property and Mr Postan sought an assurance that excavation work would not impact upon ground stability

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

Permitted, condition 5 being amended to read as follows:-

“Prior to first occupation of the dwelling hereby approved 2 car parking spaces shall be laid out to the frontage of the property and shall thereafter be retained and used for no other purpose.

Reason: In the interests of highway safety and amenity”

11 17/00830/FUL Fourwinds, Burford Road, Shipton Under Wychwood

The Principal Planner introduced the application and made reference to a letter sent by the applicant’s agent to all Members of the Sub-Committee. She also drew attention to a typographical error in the second of the proposed reasons for refusal, the second sentence of which should have read as follows:-

“The site is located in a highly prominent open countryside location adjacent to the A361. By reason of the contrived design, which does not reflect the existing built form on the site or local precedents, the development will appear highly incongruous and out of character within the open rural landscape, failing to enhance the immediate setting of the site and adversely affecting the landscape and countryside of the Cotswolds Area of Outstanding Natural Beauty within which the site is located.”

The applicant, Mr Kevin Rillie, 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 Mr Cotterill, Mr Rillie indicated that the area of concrete on the site measures some 70 by 100 metres.

The Principal Planner then presented the report containing a recommendation of refusal.

Mr Simcox noted that public transport was poor throughout the rural areas and questioned whether it was appropriate to base a refusal reason on the lack of public transport. He also questioned whether the proposed development would compare favourably with the existing derelict barns and sheds on the site and noted that there was already some residential development in the vicinity.

In the absence of any other use there appeared to be little alternative than to demolish the existing structures and, although he did not consider that the development would be unduly prominent, Mr Simcox indicated that he was not convinced that the current proposals were worthy of approval.

In response, the Principal Planner advised that the test within the National Planning Policy Framework allowed for the use of redundant buildings within an Area of Outstanding Natural Beauty where such development would enhance the AONB. In this instance Officers did not consider that widely spaced residential development of questionable design quality would do so and hence were unable to support the application.

Mr Beaney expressed his support for the Officer recommendation and proposed that the application be refused. The proposition was seconded by Mr Cottrell-Dormer who considered that the buildings should be demolished and the site cleared.

In response to a question from Mr Cottrell-Dormer, the Principal; Planner indicated that she was unable to confirm the extent of the applicant's landholding or the current nature and extent of any on-going agricultural use. In response to a question from Mr Cotterill, she confirmed that the Officer recommendation of refusal would still apply if the site was cleared and an application for new development rather than conversion of existing buildings submitted.

Mr Cotterill noted that similar buildings at Upton Smokery had been converted for alternative commercial use but, in the absence of any similar venture, he considered that the site should be cleared to improve the landscape.

Mr Postan expressed some concern that the creation of a residential access at this point would be detrimental to highway safety and suggested that the only possible justification for conversion would be if the existing buildings were of architectural interest. As this was not the case he considered that the application should be refused. The Principal Planner reiterated that the Highway Authority had not raised objections on safety grounds and noted that the current agricultural use could generate significant traffic movements in any event.

Mr Cooper enquired whether the appeal decision referred to by the applicant in his submission had any relevance to the determination of the current application. In response, the Development Manager advised that the appeal decision was not directly analogous as the point under consideration related to the impact of ancillary work required to make a proposed access fit for purpose, not to the development itself. In that case, the Planning Inspector had considered the works to be acceptable.

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

Refused, reason 2 being amended as detailed above.

19 17/00832/FUL Land East of 26 The Slade, Charlbury

The Development Manager introduced the application and reported receipt of observations from Mrs White. He made reference to a letter sent to Members by the applicant's agent and reported receipt of revised plans received earlier that day which sought to address Mrs White's concerns.

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

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

In response to a question from Mr Beaney, Mr Westerman advised that the separation distance of 47 metres that he quoted was taken from the main dwelling at 24 The Slade, not the extension. In response to a question from Mr Postan he confirmed that the land to the west of the site was also under the control of the applicants.

The Development Manager then presented the report containing a recommendation of conditional approval. He recommended that additional conditions be applied to any consent limiting the extent of the permitted residential use and incorporating the amended plans received earlier in the day. He also drew Members' attention to condition 7 which removed permitted development rights.

Mr Cotterill indicated that, having looked at the sample fence panels erected by the applicants, he considered the development proposed to be acceptable and proposed the revised Officer recommendation. The proposition was seconded by Mr Bishop who indicated that, whilst he believed that the Sub-Committee had been correct to reject the initial proposals put forward, the current application had addressed the previous concerns and was acceptable.

Mr Cottrell-Dormer suggested that an element of cut and fill could be used to minimise the height of the proposed units and stressed that the boundary treatment needed to be substantial. The Development Manager agreed that reducing the existing ground level could be beneficial.

Mr Cotterill emphasised the importance of an adequate landscaping scheme and Mr Beaney sought clarification of the depth of the proposed planting belt. Mr Beaney also stressed that the conditions needed to ensure that the landscaping and boundary treatment was retained.

The Development Manager advised that the planting belt was to be some two to three metres in depth and undertook to review the relevant conditions to ensure that they were sufficient.

M Beaney questioned whether, in addition to being obscure glazed, bathroom windows facing The Slade could be restricted opening. The Development Manager confirmed that this could be considered under condition 10.

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

Permitted subject to the following 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 Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of 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 03/07/17.

Reason: The application details have been amended by the submission of revised details.

3. The external walls shall be constructed of either artificial stone or natural 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.

4. 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.

5. 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: Control is needed to protect the residential amenity of the occupants of the adjacent properties as well as the visual amenity of the area

6. A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme 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. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset.

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

7. No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area and living/working conditions in nearby properties.

NB: In discussing the application Members indicated that it was anticipated that an element of cut and fill would be used to minimise the height of the proposed units and that they would not merely be sat at the highest existing ground level

8. 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 said scheme shall include details of a planting buffer of at least 3m width outside the proposed boundary fences. 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. 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 safeguard the character and landscape of the area.

9. Except insofar as may be necessary to allow for the construction of the means of access, the existing hedge along the whole of the north boundary of the land shall be retained at a height of not less than 2 metres; and any plants which die shall be replaced in the next planting season with others of a similar size which shall be retained thereafter.

Reason: To safeguard a feature that contributes to the character and landscape of the area.

10. Notwithstanding details contained in the application, detailed specifications and drawings of all windows, dormers, rooflights, external doors, chimneys, flues, porches, eaves, verge and garage doors 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 that the architectural details match the character and appearance of the area

11 No dwelling shall be occupied until the private road, parking and manoeuvring areas shown on the approved plans have been drained, constructed and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.

Reason: In the interests of highway safety and amenity

12. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the dwelling to which those spaces relate and shall thereafter be retained and used for no other purpose.

Reason: In the interests of highway amenity

13. No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- i. The parking of vehicles for site operatives and visitors
- ii. The loading and unloading of plant and materials
- iii. The storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoarding including decorative displays
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii. Working hours at the site.

Reason: In the interests of highway amenity

14. Before first occupation of any dwelling all bathroom/WC window(s) and all first floor windows in the west elevations of plots 1 and 2 shall be fitted with obscure glazing and shall be retained in that condition thereafter.

Reason: To protect the privacy of the occupants of the proposed dwellings and the amenity of the adjacent properties

15. The development shall be completed in accordance with the recommendations in Section 5.2.1 (nesting birds) and 5.2.3 (amphibians) of the Updated Phase I Habitat Survey Report dated February 2017 prepared by Windrush Ecology (ref. W2359_rep_land off The Slade Charlbury_19-02-17). All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained. Measures for the protection of habitats and wildlife must be implemented throughout the development period, and all measures must be implemented and completed in full prior to the development being brought into use. This Condition will be discharged on receipt of information (photographs, plans, etc) demonstrating all measures have been implemented as approved.

Reason: To ensure that precautionary measures for nesting birds and amphibians are implemented in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

16. A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Full specification of habitats to be created, including new hedgerow planting using locally native species of local provenance and locally characteristic species, integrated bird and bat boxes; and other features in accordance with the recommendations in Section 5 of the Updated Phase I Habitat Survey Report dated February 2017 prepared by Windrush Ecology (ref. W2359_rep_land off The Slade Charlbury_19-02-17);
- ii. Description and evaluation of features to be managed; including location(s) shown on a site map;
- iii. Landscape and ecological trends and constraints on site that might influence management;
- iv. Aims and objectives of management;
- v. Appropriate management options for achieving aims and objectives;
- vi. Prescriptions for management actions;

- vii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- viii. Details of the body or organisation responsible for implementation of the plan;
- ix. Ongoing monitoring and remedial measures;
- x. Timeframe for reviewing the plan; and
- xi. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

Reason: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy NE13 of the West Oxfordshire District Local Plan 2011 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

17. Prior to commencement of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority that demonstrates that each dwelling can connect to and receive a superfast broadband service (>24mbs). The connection will either be to an existing service in the vicinity (in which case evidence from the supplier that the network has sufficient capacity to serve the new premises as well as means of connection must be provided) or a new service (in which case full specification of the network, means of connection and supplier must be provided). 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.

18. Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the use hereby permitted is commenced. Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be a 2m high close boarded or interwoven fence which shall be erected prior to occupation of the dwelling it serves and be retained in place thereafter.

Reason: To safeguard the character and appearance of the area and because details were not contained in the application.

19. Notwithstanding the description of development, the land lying between the existing properties in The Slade and the rear (western) boundaries of the proposed houses shall be retained in agricultural use as part of the remainder of the paddock in which the application site is located and shall not be used for any residential or other non-agricultural use without the prior express planning permission of the LPA.

Reason: For the avoidance of doubt as to the lawful use of the said land

INFORMATIVES:

1. The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Further information can be found at the following websites:

West Oxfordshire District Council website:

<http://www.westoxon.gov.uk/residents/planningbuilding/planning-policy/local-development-framework/local-plan-evidence-base/> (download a copy of the 'Biodiversity and Planning in Oxfordshire' guidance document under the heading 'Environment, nature and open space' and selecting 'Biodiversity' from the drop down box) Biodiversity Planning Toolkit:

http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=621_what_are_nationally_protected_species

34 17/01079/OUT The Gables, West End, Chadlington

The Principal Planner introduced the application and suggested an that the proposed reason for refusal be amended amendment to include the full title of the adopted and emerging local plans and make specific ref to paragraph 58 of the National Planning Policy Framework.

The applicant's agent, Ms Rebecca Lock, introduced Ms Fiona Sharman, Landscape Consultant, who 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.

In response to a question from Mr Postan, Ms Sharman confirmed that, as part of her landscape assessment, she had created a series of views which were available on the Council's website.

The Principal Planner then presented the report containing a recommendation of refusal.

Mr Cotterill noted that there were many similar open views in Chadlington and suggested that closing this particular example would set a precedent that could result in the loss of others.

Mr Cotterill proposed the revised recommendation of refusal which was seconded by Mr Beaney and on being put to the vote was carried.

Refused for the following amended reason:-

By reason of the loss of important public views and the loss of an important area of open space, the development as proposed would be of significant detriment to both the settlement character of Chadlington and the special landscape qualities of the Cotswolds AONB. The development would therefore be contrary to the provisions of Policies BE2, BE4, NE1, NE3 and NE4 of the West Oxfordshire Local Plan 2011; Policies OS2, OS4, H2 and EHI of the emerging West Oxfordshire Local Plan 2031; in addition to the provisions of the NPPF, in particular Paragraphs 17, 58, 64 and 115.

44 17/01258/HHD Larches Bungalow, Salford

The Principal Planner presented the report containing a recommendation of conditional approval.

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

Permitted

48 17/01291/OUT The Dairy, Wychwood Dairy, Bruen Road, Milton Under Wychwood

The Principal Planner presented the report containing a recommendation of refusal.

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

Refused

57 17/01607/HHD 145 Main Road, Long Hanborough

The Planning Officer introduced the application.

Mr Kin Man 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.

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

It was proposed by Mr Beaney and seconded by Mr Saul that consideration of the application be deferred to enable a site visit to be held to offer Members the opportunity to assess the impact of the development on the adjacent property.

On being put to the vote the recommendation was carried.

Deferred to enable a site visit to be held.

22 APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

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

23 PROGRESS ON ENFORCEMENT CASES

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing giving details of progress in respect of enforcement investigations.

Mr Beaney expressed his concern at the on-going delay in resolving certain long standing enforcement cases and questioned whether sufficient emphasis was being directed towards achieving a satisfactory solution. Mr Cooper concurred.

Mr Beaney also requested that the planning application relating to fencing at 62 Over Norton Road, Chipping Norton (Application No. 16/00186/PENF) be referred to the Sub-Committee for determination.

RESOLVED: That the progress and nature of the outstanding enforcement investigations detailed in the report be noted.

The meeting closed at 4:15pm.

CHAIRMAN