

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 4 September 2017

PRESENT

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

Denotes non-voting Member

Also in attendance: A M Graham

Officers in attendance: Phil Shaw, Stephanie Eldridge Michael Kemp and Paul Cracknell

38 MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 7 August, 2017, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

39 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

40 DECLARATIONS OF INTEREST

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

41 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:

I 17/00889/FUL I Police House, Hixet Wood, Charlbury

The Planning Officer introduced the application.

Mr Jim Clemence 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.

Dr Tony Merry then addressed the meeting on behalf of the Charlbury Town Council in opposition to the application. A summary of his submission is attached as Appendix B to the original copy of these minutes

The local representative, Mr A M Graham then 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.

In response to a question from Dr Poskitt, Mr Graham advised that refuse collection vehicles already travelled along the highway at Hixet Wood.

The applicant's agent, Mr David Parker, 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.

The Planning Officer then presented his report which outlined the respective balancing exercises required with regard to development within the AONB and Conservation Area and contained a recommendation of conditional approval. He confirmed that, since the previous meeting, the contribution towards the provision of off-site affordable housing had been recalculated to £92,400.

Mr Cotterill noted that the site was overgrown and unused at present and questioned whether it would be accessible for general public access once the proposed works had been carried out. He also questioned how the area of open space would be maintained in the future.

In response, the Planning Officer advised that future maintenance would be secured through the proposed legal agreement but that, in the absence of any other agreement between the developers and the Town Council to provide public access, the retained open space would be open to future residents of the properties only. Mr Cotterill suggested that the question of wider public access should be explored further.

Mr Cotterill considered that the harm occasioned by the loss of part of this area of green space was outweighed by the benefits arising from the development. He noted that an area of open space was to be retained and proposed the Officer recommendation of conditional approval.

In seconding the proposition, Mr Postan noted that the site was currently overgrown and inaccessible. He indicated that the development would result in the improvement of the retained green space, opening up the area and revealing the stream. He noted that the parking difficulties described by those objecting to the development were already in existence and questioned whether the position could be improved by restricting parking to one side of the highway only. As an aside, Mr Postan advised that he considered that the simple repetition of a vernacular design created a uniform appearance which failed to reflect the random way in which such settlements evolved.

Mr Simcox noted that there was an apparent difference of opinion between the objectors and the applicant's agent regarding arrangements for refuse collection in their submissions, the agent indicating that there was sufficient room for vehicles to turn within the site. The Planning Officer advised that the roadway within the site was not to be adopted as highway and that dustbins would be collected from a point outside the site.

Mr Beaney acknowledged the concerns raised with regard to parking and congestion but noted that the Highway Authority had no objections to the proposals. He was also pleased to note the increase in the affordable housing contribution. Mr Beaney sought clarification of the concerns expressed in the report of additional representations regarding overlooking of Spring Cottage and questioned whether the development would impact unduly upon that approved as a replacement for 2 Police House.

In response, the Planning Officer advised that the separation distance between Spring Cottage and the proposed development was considered to be sufficient and that the development would not impact unduly upon any extant permission. It was noted that the window facing Spring Cottage served a bedroom hence it would not be appropriate for it to be obscure glazed.

In response to a further question from Mr Beaney it was confirmed that the 18 parking spaces to be provided were considered to be sufficient. However, it was suggested that, in order to ensure that adequate provision was maintained, an additional condition be applied to prevent doors being fitted to the proposed car ports.

Mr Beaney questioned whether the proposed condition No. 23 would be sufficient to secure the retention of the open space in perpetuity and enquired whether the land could be transferred to an external organisation. In response, the Planning Officer advised that the retention of the open space would be secured through the proposed legal agreement.

Mrs Crossland acknowledged the concerns expressed, indicating that they reflected those raised in relation to many similar developments throughout the District. However, the fact remained that there was a need to build more houses to address the existing housing need. On balance, Mrs Crossland considered the benefits of this development outweighed the harm and expressed her support for the application.

Whilst he understood the concerns expressed regarding on street parking at Hixet Wood and found the loss of a 'green lung' in the centre of the town regrettable, Mr Bishop was uncertain that there were sufficient grounds upon which to refuse permission.

Mr Postan enquired whether it would be possible to require the provision of electric vehicle charging points by condition. In response, the Development Manager advised that there needed to be policy backing to support such a condition and, at present, this did not exist at either national or local level.

However, he suggested that, given technological developments, the provision of such facilities was likely to be included in future as a matter of course and agreed to encourage the developers to incorporate this within their scheme.

Dr Poskitt drew attention to the reference to land contamination made by the Council's Environmental Health service and questioned whether it had been thought necessary to include conditions in relation to this. In response, it was confirmed that, having regard to the history of the site, Officers had not thought such conditions to be necessary. It was also confirmed that Officers would seek advice from the County Council's drainage engineers prior to the discharge of drainage conditions. Dr Poskitt also expressed concern that the refuse collection point was some distance from the properties.

Mr Cottrell-Dormer stated that he did not believe the double parking arrangements proposed were practical or satisfactory and that he would not support the application.

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

Permitted subject to the applicants entering into a legal agreement on the basis set out in the report and to the following additional condition:-

24. The car port buildings hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.
Reason: In the interest of road safety and convenience and safeguarding the character and appearance of the area.

27 17/01857/FUL 1 Four Winds, Wards Road, Chipping Norton

The Planning Officer introduced the application.

The applicant's agent, Mr Martin Overbury, 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 refusal.

Mr Saul; indicated that the site was in need of redevelopment and that he had hoped to be in a position to support the application. However, whilst the two properties to the frontage of the site were acceptable, he shared the concerns expressed by Officers over the proposed bungalow to the rear of the site, particularly with regard to the amenity of future occupiers. Whilst the applicant's agent had made reference to backland development in other parts of the town, Mr Saul advised that such properties were generally sizeable dwellings set in large plots. With some regret he proposed the Officer recommendation

Dr Poskitt sought clarification of the height of the proposed dwellings in relation to the existing properties in Lodge Terrace. The Planning Officer advised that the two storey dwellings would be some 7.9 metres in height in comparison with the 4.5 metres of the existing bungalow. Dr Poskitt indicated that she would have preferred to see No. 3 Wards Road included within the scheme and questioned whether the height of the proposed buildings had been sufficiently reduced in terms of their impact upon existing properties.

Mr Cottrell-Dormer agreed that including 3 Wards Road would allow a better scheme to be devised but considered the current proposals for the frontage properties to be acceptable.

Mr Postan indicated that the close proximity of properties and the associated overlooking and reduced levels of privacy were a feature of Cotswold villages.

Mr Cotterill sought further information regarding the dimensions of the proposed access and bungalow. Once these issues had been addressed the Officer recommendation was put to the vote and was carried.

Refused.

36 17/02163/OUT Finstock Cattery, Wards Lane, Finstock

The Planning Officer introduced the application.

Ms Julie Stoney addressed the meeting in support of the application. A summary of her submission is attached as Appendix F to the original copy of these minutes.

In response to a question from Mr Cotterill, Ms Stoney advised that the proposed legal agreement related to the cessation of the current business use, not to the provision of funding to improve the access to the site.

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

Mr Haine enquired whether it was intended to remove the existing outbuildings from the site following the closure of the cattery. In response, the Planning Officer advised that the applicant wished to retain the existing outbuildings for use ancillary to the existing residential unit, not for an alternative commercial use.

In response to questions from Mr Cotterill, Officers indicated that the existing access was not adopted highway and that it would not be possible to seek a financial contribution towards its improvement as the County Council had raised no objections to the application on highways grounds. Mr Colston indicated that he considered unmade access roads such as this to be appropriate in rural locations.

The Officer recommendation was proposed by Mr Cotterill and seconded by Mr Beaney and it was explained that the proposed legal agreement requiring the closure of the cattery and restricting the use of the outbuildings as ancillary to the existing dwelling would be concluded before any consent was issued.

Mr Postan sought clarification of the County Council's comments in relation to access to the highway. The Development Manager explained that it was usual for an applicant to demonstrate that their site had the benefit of direct access to the public highway and advised that Officers would discuss this issue with the County Council.

In response to a question from Mr Simcox, the Planning Officer advised that the proposed garage was positioned so as to have the minimum impact upon the occupiers of the existing dwelling.

Mr Cottrell-Dormer stressed that the legal agreement needed to ensure that the outbuildings remained ancillary to the existing dwelling and, in response to a question from Mrs Crossland, the Development Manager advised that their use as holiday lets would require planning consent.

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

Permitted, subject to the applicants entering into a legal agreement to secure the cessation of the current commercial use and the retention of the associated outbuildings as ancillary to the existing residential property.

In response to a question from Mr Cottrell-Dormer, the Development Manager advised that, unless specifically required by Members, the reserved matters application could be dealt with under delegated powers.

45 17/02345/FUL Willow View, Swan Lane, Long Hanborough

The Planning Officer presented her report.

Mr Rodney Fraser addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix G to the original copy of these minutes.

In response to a question from Mr Cotterill, Mr Fraser advised that the field was reasonably level, rising slightly from left to right when viewed from Swan Lane. In response to a question from Mr Postan, he advised that the Parish Council was not in the process of devising a neighbourhood plan. In response to a further question from Mrs Crossland, he confirmed the dimensions quoted in his submission.

Mr Niels Chapman then addressed the meeting on behalf of the Long Hanborough Parish Council in opposition to the application. A summary of his submission is attached as Appendix H to the original copy of these minutes.

The Planning Officer then presented her report.

Mr Beaney questioned whether the proposed building was suitable for agricultural use and suggested that it should be conditioned as such. He also suggested that it should be removed if no longer required for agricultural purposes and expressed some concern over the potential use of external lighting.

The Planning Officer advised that, given that the description of development set out in the application specified that the building was for agricultural use, any alternative use would need to secure planning permission. The Development Manager advised that an informative clarifying the position could be incorporated into any consent.

Mr Cotterill considered the proposed development to be unneighbourly and questioned its suitability for the stated purpose. He proposed that the application be refused and indicated that he would prefer to see the building located elsewhere on the site. The proposition was seconded by Dr Poskitt.

The Development Manager questioned why the proposed development could be seen as unneighbourly as a structure of this size would be considered as permitted development within the curtilage of a residential property.

The Planning Officer advised that the proposed building was not visible from within the public domain. Whilst it obscured a private view from a neighbouring residential property, a right to a view was not protected in planning terms. If the building was to be relocated elsewhere on the site it would become more visible in the public domain.

Mr Colston proposed an amendment to the recommendation, suggesting that consideration of the application be deferred to enable a site visit to be held. The amendment was seconded by Mr Cotterill.

Mr Postan suggested that pro-active monitoring would be necessary to ensure that, if permitted, no unauthorised use took place. The Development Manager advised that a report on the Council's Enforcement Service was to be considered by the Economic and Social Overview and Scrutiny Committee shortly but suggested that any unauthorised use would be reported to the Council.

Mr Simcox noted that the applicant had planted shrubs along the mutual boundary which would obscure the neighbour's view of the proposed building in any event.

Mr Saul made reference to the information provided by objectors indicating that the proposed building was not suitable for agricultural purposes.

In response, the Planning Officer advised that, whilst evidence of an operational need would be required to justify construction of an agricultural building contrary to policy, in this instance the application was policy compliant hence no such justification was required. The Development Manager reiterated that the proposed development did not give rise to any demonstrable harm in planning terms.

Mrs Crossland also considered that the proposed building ought to be relocated.

The amendment was then put to the vote and, having been carried, became the substantive motion and was carried.

Deferred to enable a site visit to be held.

50 17/02365/S73 Snowdrop Cottage, 15 High Street, Shipton Under Wychwood

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

Whilst sharing the Parish Council's distaste and frustration over retrospective applications, Mr Simcox noted that the variations did not materially alter the nature of the application and proposed the Officer recommendation.

The recommendation was seconded by Mr Colston who sought confirmation that the recently demolished wall would be replaced. The Development Manager confirmed that, whilst the applicant had sought to replace the wall with a boarded fence, a replacement wall was now to be provided.

Mr Postan suggested that a timescale should be set for the construction of the wall and the Development Manager confirmed that a further condition could be incorporated to that effect.

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

Permitted subject to the following additional condition:-

6. The 1m high natural stone boundary wall and landscaping belt for Plot 2 shall be completed prior to the first occupation of the dwelling and retained thereafter.
Reason: In the interest of the visual amenity of the Conservation Area and the residential amenity of the occupiers.

55 17/02381/FUL The Great Tew Estate, New Road, Great Tew

The Development Manager introduced the application and drew attention to the report of additional representations.

He reported receipt of observations from Mr and Mrs Bradley, together with the further observations of the Highway authority.

Whilst a Transport Management Plan had been submitted to the County Council by the applicants, confirmation had yet to be received that the plan was acceptable. Accordingly, the Development Manager recommended the inclusion of an additional condition requiring confirmation from the County Council as Highway Authority of receipt of a satisfactory Traffic Management Plan.

Mr Beaney indicated that, other than for the absence of an approved Traffic Management Plan, he considered the application to be acceptable. He suggested that consideration of the application be deferred pending confirmation that the submitted plan was satisfactory.

Mr Cotterill considered that this could be adequately addressed by way of the suggested additional condition and proposed the revised Officer recommendation. The proposition was seconded by Mr Simcox.

Mr Virgin advised that local residents were concerned over the cumulative impact of the large number of applications received in relation to the Estate. The Development Manager acknowledged these concerns and advised that Officers were seeking to address this issue.

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

Permitted subject to the following additional condition:-

4. No filming shall take place until a Traffic Management Plan has been agreed with the Local Planning Authority in conjunction with Oxfordshire County Council Highways and the development shall be operated solely in accordance with the said approved Traffic Management Plan.
Reason: In the interests of highway safety and convenience.

42 DISCHARGE OF CONDITIONS 9 AND 10 IN RELATION TO APPLICATION NO. 16/00342/RES AT WILLOWBROOK, RADFORD

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing seeking authority to discharge conditions 9 and 10 of planning permission 16/00342/RES.

Mr Beaney added his personal appreciation to that expressed by local residents for the work undertaken by Officers to bring this application to a satisfactory conclusion. It was confirmed that the head wall was to be moved further upstream as requested by a local resident and that arrangements were to be put in place to ensure that it was maintained in perpetuity.

Mr Beaney questioned who would be responsible should Radford House flood in the future and Mr Haine advised that liability would have to be proven before responsibility could be apportioned.

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

RESOLVED: that the discharge of conditions 9 and 10 of planning permission I6/00342/RES be approved.

43 APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

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

44 MANOR FARM, GREAT ROLLRIGHT

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing seeking consideration as to whether it would be expedient to authorise enforcement action to secure removal of earth bunds and closure of a newly created access onto the Hook Norton Road at Manor Farm, Great Rollright.

RESOLVED: That no further action be taken in respect of the breaches of planning control identified in the report.

The meeting closed at 4:55pm.

CHAIRMAN