

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 2 October 2017

PRESENT

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

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

45 MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 4 September, 2017, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

46 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from A C Beaney and Mrs M J Crossland

47 DECLARATIONS OF INTEREST

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

48 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Ms Kelly Murray, recently appointed to the Council's Enforcement Team, to the meeting.

49 ARRANGEMENTS FOR SITE VISITS – APPLICATION NOS. 16/03803/FUL, 17/01082/OUT AND 17/00309/FUL

The Chairman invited Members to consider whether it would be expedient to undertake formal site visits prior to the likely consideration of the above applications on Monday 6 November 2017.

RESOLVED: That site visits be held on Thursday 2 November 2017.

50 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:-

16/04244/FUL; 17/01607/HHD; 17/01939/FUL; 17/02345/FUL and 17/00091/FUL

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:

13 16/04244/FUL Land South of London Road, Chipping Norton

The Planning Officer introduced the application.

Mr Richard Holmes, representing the Midcounties Co-operative, addressed the meeting in opposition to the application and requested that consideration of the application be deferred. A summary of his submission is attached as Appendix A to the original copy of these minutes.

Mr Paul Brailsford of Freeths LLP, the applicant's representatives, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

The Planning Officer then presented his report and the Development Manager addressed the meeting on the retail impact of the proposed development.

Mr Saul indicated that the application raised a number of complex issues. There was the question of the loss of employment land but Mr Saul noted that the site had been vacant for so long and that there were alternative sites for employment use identified within the emerging Local Plan.

In terms of design, scale and materials to be used, Mr Saul considered the development to be acceptable. Whilst the site was in an out of town location, the sequential test was key and it was contended that the development would not harm the viability and vitality of the town centre. Whilst he had some sympathy with the views expressed by the Co-op regarding the potential use of the former Harpers department store buildings but noted that this was a somewhat difficult site. He also noted that the Co-op had carried out extensive development on former burgrave plots.

Independent advice suggested that the scheme would not prejudice the vitality and viability of the town centre although there were differing views in this respect. The Co-operative store was the existing anchor to the centre and it was essential to look carefully at anything that could threaten that position. On the other hand it was possible that the development could attract customers into the town and there was potential for overall demand to increase should the proposed residential development on the tank farm site be built out. In conclusion, Mr Saul questioned whether there was a need for further information on the potential impact of the development on the Co-operative store.

Mr Colston concurred, indicating that the vitality of the town centre was critical. He expressed concern over the retail impact and, whilst he agreed that the site was suitable for retail development, questioned whether an additional food store was appropriate.

The Development Manager acknowledged Members' concerns, explaining that this was the reason that the Council had sought independent advice on retail impact from Carter Jonas.

He made reference to the advice received from Carter Jonas set out in the report and the report of additional representations and noted that, whilst concerns had been raised, no evidence had been submitted to suggest that the Council could not rely on its conclusions.

Mr Haine suggested that, given the proposals to provide a further 228 homes to the south of the town, together with the development of the tank farm site, the existing stores would continue to survive well.

Mr Cotterill indicated that the new and existing stores catered for different markets and suggested that an increase in the range available would attract a wider range of shoppers to the town. Accordingly, he proposed the Officer recommendation of conditional approval.

The proposition was seconded by Mr Postan who advised that, whilst he could not judge the potential retail impact, he viewed the proposal as a customer. He considered that the car parking spaces were too small for large 4x4 vehicles common to that area. With regard to the vitality and viability of the town centre, Mr Postan noted that it was difficult to get into or through the town, suggesting that the ability to carry out a quick shop in an out of town location was a bonus. He believed that competition was good as it forced up the quality of the offer and benefited suppliers.

Dr Poskitt indicated that it was difficult to assess the retail impact and, in response, the Development Manager advised that, when the Marriotts Walk development opened in Witney, footfall in the Woolgate centre increased by 15%.

Dr Poskitt questioned whether the displacement of parking provision would impact upon the surrounding area and the nearby school and enquired whether there were any windows in the first floor of the building. She also sought clarification of condition 4 which required the provision of bat or bird boxes. The Development Manager advised that the first floor was to be used for storage only and that bat and bird boxes could not be provided together as the species were incompatible. He confirmed that existing bus parking on the site was an informal arrangement, suggesting that appropriate alternative arrangements would have to be made. He noted that the school had expressed support for the development.

Dr Poskitt indicated that the proposed flats appeared to be small and questioned whether there was designated parking. The Planning Officer agreed that the flats were by no means spacious and confirmed that designated parking was to be provided.

Mr Simcox noted that, given the constraints of the site, there was no possibility that the retail element could expand further. Consequently, he considered that the development could only present a limited threat to the vitality and viability of the town centre.

Mr Bishop suggested that Marks and Spencer would attract more trade to the town and expressed his support for the application. He noted that Sainsburys had not objected to the proposal and considered that the development would be good for the town and its residents. Mr Virgin concurred.

Mr Postan noted that the legal agreement proposed to provide £18,000 for public art and expressed the view that this would have been better applied to create a more attractive design for the development itself. In the absence of affordable housing, he suggested that the applicants should provide a financial contribution for off-site provision.

The Development Manager advised Members that it would be necessary to revise certain of the proposed conditions and it was **AGREED** that the proposition be amended accordingly.

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

Permitted subject to the applicants entering into a legal agreement on the terms set out in the report and to such conditions as are considered to be appropriate by the Head of Planning and Sustainable Communities in consultation with the Chairman of the Sub-Committee.

37 17/00091/FUL Goose Eye Farm, Eynsham

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

Having been proposed and duly seconded the Officer recommendation was put to the vote and was carried.

Refused

48 17/00309/FUL Olivers Garage, 80-82 Main Road, Long Hanborough.

It was noted that consideration of this application had been deferred at the request of the applicant.

The Development Manager introduced the application.

The Chairman of the Sub-Committee noted that, whilst the width of the eaves had been reduced, the height of the extension was to remain as constructed. Mr Haine then reported receipt of an email from Mr Kin Man, reiterating his objections to the development. A summary of Mr Man's submission appears as Appendix C to the original copy of these minutes.

With regard to the differences in measured heights, Mr Haine explained that measurements had been taken on three occasions and the discrepancies were the result of differing ground levels on site.

The applicant, Mr Adrian Edwards, 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 Cotterill, Mr Edwards advised that Mr Man would have viewed the property prior to the construction of the extension. In response to a question from Dr Poskitt he explained that the difference in height would have been difficult to discern on the plans as submitted.

The Development Manager then presented the report and suggested that, in order to ensure that the proposed works were implemented without undue delay, Officers be authorised to undertake enforcement action against the extension as currently constructed should the works not be undertaken within a six month period. In addition, he recommended that an additional condition be imposed restricting the height of any planting along that part of the shared boundary with No, 147 Main Road to a maximum of 2 metres in height.

The revised Officer recommendation was proposed by Mr Cottrell-Dormer and seconded by Mr Postan who commended the applicant for his efforts to address the concerns expressed by his neighbour.

Dr Poskitt suggested that Members needed to bear in mind the requirements of Building Regulations in relation to the thickness of insulation when considering similar applications in the future.

On being put to the vote the revised Officer recommendation was carried.

Permitted subject to the following additional condition, the applicants being advised that, in approving the application, Members also authorised Officers to undertake enforcement action against the extension as currently constructed but allowed a period of 6 months to implement the works inherent to this application prior to that resolution comes into effect in order to enable the approved works to be carried out without the need for formal action.

2. No planting, whether ground planted or potted, shall be allowed to grow to a height of more than 2m measured from ground level along that part of the shared boundary with No, 147 Main Road lying east and north east of the extension hereby approved.
Reason: To ensure that the height of any boundary planting does not give rise to unacceptable levels of over bearing impact.

64 17/01939/FUL The Retreat, Swinbrook, Burford

The Planning Officer introduced the application.

Mrs Eileen Graham addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix E to the original copy of these minutes.

The applicant, Mr Michael Bloor, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix F to the original copy of these minutes. In response to a question from Mrs Poskitt he confirmed that the proposed annex was required for a carer to use on a short term, occasional basis.

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

Mr Postan expressed his support for the application, indicating that he could see no harm in the proposal. Villages evolved in a random manner over time and he was of the opinion that an extension to the existing building would be more harmful than the proposed annex.

Prior to proposing the Officer recommendation, Mr Postan sought an assurance that the condition restricting the proposed building to ancillary use was sufficiently durable.

The Development Manager advised that the proposed condition would be effective so long as it remained in force but reminded Members that it would not preclude an application to vary the condition being submitted in the future. He indicated that, whilst Officers were of the opinion that the applicant's current needs could be met in this way, this was a modest structure and it was doubtful whether adequate parking provision or sufficient amenity space could be provided to enable the proposed annex to be occupied as an independent unit. However, National Planning Policy was always subject to change.

The proposition was seconded by Mr Cottrell-Dormer who emphasised the importance of precluding its use as for bed and breakfast or as a holiday let. In response, the Development Manager advised that the proposed conditions could be strengthened further to this effect.

Mr Cotterill sought clarification of the ownership of the boundary hedge and was informed that this was under the control of the neighbouring property.

The Development Manager also advised that the materials to be used would match those of the existing property.

Mr Simcox questioned the use of the car port and was advised that this was part of the same planning unit.

Mr Colston expressed concern that this application could set a precedent for further development in the Conservation Area and AONB. Mr Virgin concurred.

The Development Manager advised that each application would have to be considered on its own merits and a precedent would only be set should the current circumstances be replicated.

Dr Poskitt also expressed concern over the creation of a precedent.

Mr Cottrell-Dormer proposed an amendment, seconded by Dr Poskitt, that consideration of the application be deferred to enable a site visit to be held. The amendment was carried and on being put to the vote as the substantive motion was carried.

Deferred to enable a site visit to be held

73 17/02345/FUL Willow View, Swan Lane, Long Hanborough

The Development Manager introduced the application.

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

The Development Manager then presented the report.

Mr Cottrell-Dormer suggested that consideration of the application should be deferred to enable Officers to negotiate the relocation of the proposed agricultural building.

The Development Manager suggested that the retrospective elements of the application could be approved if the proposed agricultural building was deleted from the application.

Mt Cotterill proposed that the application be approved subject to the deletion of the proposed agricultural building and, having been duly seconded the proposition was carried.

Permitted subject to the following condition, the applicant being advised that, for the avoidance of doubt the building shown on the submitted plans to be used for agricultural purposes is NOT hereby approved and will need to be the subject of a separate application:-

2. The dry stone walls hereby permitted shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any dry stone walls are commenced and thereafter be retained until the development is completed.

Reason: To safeguard the character and appearance of the area.

(Mr C J A Virgin left the meeting at this juncture)

51 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.

52 UNAUTHORISED ERECTION OF A 39 METRE STRUCTURE ATTACHED TO A RESIDENTIAL DWELLING AT GOOSE EYE FARM, EYNSHAM

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 an unauthorised structure attached to a residential dwelling at Goose Eye Farm, Eynsham.

RESOLVED: That Officers be authorised the issue of an enforcement notice to secure removal of the structure within 4 months of the notice coming into effect. Further, if compliance with the notice is not secured to institute further actions to secure compliance.

The meeting closed at 5:00pm.

CHAIRMAN