

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 February 2018

PRESENT

Councillors: J Haine (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 and C J A Virgin.

Denotes non-voting member

Officers in attendance: Phil Shaw, Catherine Tetlow, Sarah de la Coze, Michael Kemp and Paul Cracknell

77 MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 8 January, 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

78 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from D A Cotterill and T B Simcox.

79 DECLARATIONS OF INTEREST

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

80 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:-

17/02996/RES, 17/03155/RES, 17/03529/FUL, 17/03818/OUT, 17/03727/FUL, 17/03728/LBC, 17/03879/FUL, 17/03905/FUL, 17/03191/FUL and 17/03846/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:

3 17/02996/RES Land Between Wychwood House and Malvern Villas, Witney Road, Freeland

The Principal Planner presented her report and drew attention to the observations set out in the report of additional representations.

In response to a question from Mr Postan she advised that the flood attenuation ponds were usually dry and only filled during periods of particularly heavy rainfall. Mr Postan then proposed the Officer recommendation of conditional approval.

In seconding the proposition, Mr Cottrell-Dormer indicated that he considered the current arrangements to be an improvement upon the illustrative layout submitted at outline stage.

Dr Poskitt made reference to concerns expressed by residents of Wroslyn Road regarding overlooking and questioned whether the separation distances were adequate. In response, the Principal Planner acknowledged that these residents might be disappointed as the illustrative layout suggested that they would be bounded by a landscaped buffer zone. However, the topography of the site had dictated the location of the flood attenuation ponds and resulted in a revised layout. However, the separation of some 40m from elevation to elevation was greater than the 20m usually considered to be acceptable.

Dr Poskitt sought clarification of the boundary treatment proposed and the Principal Planner advised that the developers proposed to erect close boarded fencing. However, it was open to the existing householders adjoining the site to seek to negotiate alternative arrangements with the developers.

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

Permitted

12 17/03155/RES Land South East of Pinsley Farm, Main Road, Long Hanborough

The Principal Planner introduced the application and drew attention to the observations of the Parish Council set out in the report of additional representations. She went on to report receipt of the further observations of the applicants in response to the points that the Parish Council had made.

The Principal Planner advised that, whilst the applicants had submitted a landscaping scheme, the Council's Officers did not consider it to be appropriate and wished to see a scheme that reflected the proposals put forward at outline stage. The applicants had indicated that they were prepared to review their proposals and the Principal Planner recommended the inclusion of a further condition requiring the submission, approval and retention of a revised landscaping scheme.

Mr Chris Shaw of Bloor Homes 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 Principal Planner then presented her report containing a recommendation of conditional approval.

Whilst he acknowledged that the location of the access had been determined at outline stage, Mr Cottrell-Dormer expressed some concern on highway safety grounds and questioned whether it could be relocated further to the west. In response, the Principal Planner confirmed that the access had already been approved on appeal.

Mrs Crossland made reference to the Parish Council's concerns regarding the proposed fencing surrounding the attenuation ponds and suggested that hoop top railings would provide a better solution than the wooden post and rail proposed as wood would eventually rot. In response, the Principal Planner advised that she could seek to negotiate an alternative with the developers.

Mr Bishop suggested that concerns regarding highway safety were overstated as the bridge on the approach to the site acted to reduce the speed of traffic. He did not consider that the danger was as great as some anticipated and believed that the current application was an improvement upon the earlier layout.

In response to a question from Mr Beaney, the Principal Planner confirmed that the future maintenance of the fencing was addressed through the Section 106 agreement relating to the outline consent.

Dr Poskitt concurred with Mrs Crossland in her preference for metal fencing but stressed that, for safety's sake, it was essential that whatever was eventually provided did not obscure views of the ponds. Dr Poskitt also sought clarification of the site layout in terms of the juxtaposition of the adopted highway and private drives.

Mr Postan questioned arrangements for lighting at the junction and along the southern boundary of the site, indicating that the Council could suggest that the boundary lighting was such as not to be intrusive in the open countryside. The Principal Planner advised that, in general, street lighting was a matter for the County Council as Highway Authority but noted that this issue was covered to some extent by conditions attached to the enabling consent and could be considered further on their discharge.

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

Permitted subject to the following additional condition:-

6. Notwithstanding submitted landscaping plans - WE089-LS-002 A; WE089-LS-003 A; WE089-LS-004 A; WE089-LS-0005A; WE089-LS-006A; WE089-LS-007 A; WE089-LS-008 A; WE089-LS-009 A; WE089-LS-010 A; WE089-LS-011 A, prior to commencement of the development revisions to the proposed planting consistent with the observations of Hanborough Parish Council dated 5th February 2018 shall be submitted to and approved in writing by the Local Planning Authority. The entire landscaping scheme shall be completed by the end of the planting season immediately following completion of the development or the site being brought into use whichever is the sooner. Any trees or plants shown on the approved landscaping scheme which die, are removed, are damaged or become diseased, or grassed areas which become damaged or eroded within 5 years of the completion of the approved landscaping scheme, shall be replaced at the end of the next planting season. Replacement trees and plants shall be of the same size and species as that lost.

In addition, notwithstanding the submitted details, revised plans shall be provided to show the proposed means of enclosure of the SUDs retention ponds on the site. Only the approved means of enclosure shall be used and retained thereafter.

Reason: To ensure planting appropriate to the location, to enhance the character of the site and the wider area, to ensure the planting becomes established early and is maintained, and to secure suitable enclosure of ponds in the interests of public safety.

24 17/03191/FUL Old Orchard, Woodstock Road, Stonesfield

The Planning Officer presented his report and drew attention to the revised recommendation set out in the report of additional representations.

Following the submission of revised plans he recommended that the Head of Planning and Strategic Housing be authorised to approve the application subject to no additional substantive issues being raised during the consultation process.

In proposing the revised Officer recommendation, Mr Bishop indicated that the revised plans fully addressed the concerns he previously held. The proposition was seconded by Mr Cottrell-Dormer.

Dr Poskitt reiterated the concerns regarding parking arrangements she had expressed at the last meeting and noted that, given the construction methods proposed, it was important to ensure that the proposed development was constructed in accordance with the approved plans. In response, the Planning Officer advised that he had raised the concerns expressed with the applicant's agent and the applicant had agreed to revise the layout so as to improve manoeuvrability.

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

RESOLVED: that the Head of Planning and Strategic Housing be authorised to approve the application subject to no additional substantive issues being raised during the consultation process.

31 17/03529/FUL Weaveley Arboretum Natural Burial Ground, Tackley

The Planning Officer introduced the application.

The applicant's agent, Mr Terry Gashe, 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 Mrs Crossland, Mr Gashe advised that further planting, additional to that already carried out, would be undertaken in relation to the current application.

Dr Poskitt indicated that, so far as she was aware, Woodstock Town Council had not been consulted by the applicants. In response, Mr Gashe advised that it was his understanding that the Town Council had been advised of the application and invited to attend a presentation at the site.

In response to further questions from Mr Colston and Mr Saul, Mr Gashe advised that no burials had yet taken place on the site and confirmed that it was intended to conduct both burials and cremations at the site.

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

Mr Cottrell-Dormer concurred with the Officer view and proposed that the application be refused. He expressed some surprise that the Highway Authority had failed to raise objections as visibility from the access was poor.

Mr Bishop disagreed with Mr Cottrell-Dormer, indicating that he found the proposed design to be acceptable and in keeping with the existing building on the site. It was not a large building and would sit well within the site, conforming to the contours of the land. There was a clear need for a crematorium between Banbury and Oxford and Mr Bishop considered that it would be difficult to identify a more appropriate location.

Mr Colston expressed his support for the Officer recommendation and seconded Mr Cottrell-Dormer's proposition of refusal. Given that it sat adjacent to the natural burial ground, Mr Colston considered that the proposed location was unsuitable.

In response to a question from Mr Haine, the Planning Officer advised that there were no proposals for memorials to be erected as part of the current application and that these were also restricted by condition on the previous consent for the natural burial ground.

Mrs Crossland noted that limited space remained for burials in many local communities. Given the established need, Mrs Crossland questioned whether the proposal would result in any particular harm.

Dr Poskitt expressed concern over the potential for increased traffic generation and, whilst she acknowledged the need for a crematorium, she questioned the impact it would have on those wishing to be interred at the adjacent burial ground.

Having recently attended the crematorium at Garford which was similar to the development proposed, Mr Saul questioned whether any harm would outweigh the evident need.

Mr Postan suggested that the proposed building was not of sufficient style and character to engender the gravitas and calm appropriate to such a use. Whilst he acknowledged the need for such a facility, Mr Postan believed that the building could be vastly improved.

Mr Virgin stated that he believed the current proposal to be acceptable.

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

Refused

38 17/03815/OUT 58 Worton Road, Middle Barton

The Planning Officer introduced the application.

Mrs Wilcox, the joint applicant, addressed the meeting in support of the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

In response to comments made by Mrs Wilcox, the Development Manager explained that the need for an Environmental Impact Assessment was governed by the scale of development with a formal EIA only being required in respect of applications for around 150 dwellings. The letter sent to the applicants and referred to by Mrs Wilcox related to the need for an EIA. Although no assessment was required under the Regulations that did not mean that there was no need to take account of the impact of the development upon the surrounding area.

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

Mr Virgin indicated that this was a self-contained site, the boundary of which ran adjacent to the recreation area. Whilst there were some positive aspects to the application, these were outweighed by the inadequacy of the access and the impact on the residents of the adjacent dwellings.

In proposing the Officer recommendation, Mr Virgin indicated that he believed that there was scope for some development on the site.

The proposition was seconded by Mr Saul who indicated that any sympathy he may have had for the principle of development was negated by the fact that the applicants had applied for as many units as possible without triggering the requirement for affordable housing contributions.

Having sought clarification of the landscaping proposals, Dr Poskitt expressed her support for the Officer recommendation.

Mr Cottrell-Dormer noted that the proposed access was off a narrow road that was frequently congested as a result of on-street parking and agreed that the application should be refused.

Mr Postan indicated that the application failed on all counts; the access was inadequate, it was an island site, the layout too dense and the impact upon neighbours too great.

Mr Beaney noted that the Council had lost a number of appeals in recent months and questioned whether a refusal could be defended on appeal. In response, the Development Manager advised that those appeals related to much larger sites which provided greater benefits by way of developer contributions.

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

Refused

48 17/03727/FUL Manor Farm, Westhall Hill, Fulbrook

The Planning Officer introduced the application.

The applicant, Mr Tim Pearce, 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 containing a recommendation of refusal.

Mr Cottrell-Dormer recalled that a site visit had been held in the past and suggested that, given the change in Membership of the Sub-Committee, a further visit be held.

Mr Beaney questioned whether the applicant would be able to build out the application as previously approved and then construct an extension. In response, the Development Manager advised that permitted development rights were generally removed in relation to barn conversions.

The Development Manager explained that the rationale underlying the Council's policy on barn conversions was to secure the retention of redundant agricultural buildings by permitting an alternative economic use, whilst maintaining the primary focus on the original structure. The building in question was not of particular architectural merit and a significant extension had already been granted permission extending the footprint by some 50%. The current application would result in the doubling of the size of the original structure.

The Development Manager suggested that Members should consider whether an extension of this magnitude was essential or merely desirable when assessing its merit in terms of the Council's policy.

Mr Colston questioned whether the original building was worthy of retention and, whilst recognising the policy constraints, welcomed the suggestion of a site visit.

Mr Postan suggested that to refuse the application would be to do so on grounds of taste. The increased size of the property would make it more useable and the application should be assessed having regard to its impact on the other listed buildings forming the farm complex. Mr Postan accepted that Members should look to policy for guidance but indicated that he could not support a refusal and proposed that the application be approved. The proposition failed to attract a seconder.

The Officer recommendation of refusal was then proposed by Mr Cottrell-Dormer and seconded by Mr Beaney who expressed his concern that to allow this application would undermine the basis of the Council's policy on barn conversions.

Mrs Crossland suggested that the size of the hall showed a profligate use of space and considered that a better design and layout was achievable.

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

Refused

55 17/03728/OUT Manor Farm, Westhall Hill, Fulbrook

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

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

Listed Building Consent be refused

(Mr Beaney left the meeting at this juncture)

60 17/03846/FUL Holywell Filling Station, Banbury Road, Chipping Norton

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

Mr Colston advised that he did not share the concerns expressed over highways issues or retail impact and proposed the Officer recommendation.

Mr Saul concurred and seconded the proposition which, on being put to the vote, was carried.

Permitted

67 17/03879/FUL Jordans, Banbury Road, Chipping Norton

The Senior Planner introduced the application.

The applicant's agent, Mr Nick Turner, 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.

In response to a question from Mr Colston, Mr Turner clarified the proposed access arrangements.

The Senior Planner then presented her report containing a recommendation of refusal.

Mr Colston indicated that he could see no justification for the development which appeared as a single dwelling in the open countryside. He went on to propose the recommendation of refusal.

Whilst acknowledging Mr Turner's remarks regarding clusters of development in the vicinity, Mr Saul seconded the proposition and questioned whether this could be considered to be a sustainable location as the site was some one kilometre from the town.

Mr Postan indicated that the site was not rural but formed part of a built up area. He questioned whether a refusal could be defended at appeal. Dr Poskitt countered that the proposed three storey dwelling would be highly visible and would set an undesirable precedent for development in similar locations.

Mr Cottrell-Dormer expressed his support for the Officer recommendation and Mrs Crossland concurred, indicating that the proposed three storey property would be visually intrusive.

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

Refused

The Planning Officer introduced the application and confirmed that the Parish Council had withdrawn its objection to the application. He drew attention to the report of additional representations and advised that the applicant had submitted evidence suggesting that there had been a material commencement of the extant consent.

Dr Brian McKeown addressed the Meeting in objection to 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 Mr Virgin he confirmed that he had been unaware of the previous application.

The applicant, Mrs Clare Bramley, then 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 containing a recommendation of conditional approval.

Given that the applicant appeared to have made a material commencement on the extant permission, Mr Haine questioned why it was necessary to determine the current application. In response, the Planning Officer advised that the applicant wished to protect their position and seek certainty through the current application.

Mr Virgin expressed some sympathy with the complainants, indicating that the proposed dwelling had a 'wall of glass' facing onto their garden. Given the change in levels, he suggested that the glazing could be modified and proposed that consideration of the application be deferred to enable a site visit to be held.

Given the extant consent, Mr Haine questioned whether a site visit would serve any purpose and the proposition failed to attract a seconder.

Mr Cottrell-Dormer indicated that he did not recall the previous application coming before the Sub-Committee and the Planning Officer advised that it had been determined under delegated powers. Given the extant consent, Mr Cottrell-Dormer stated that there was little else Members could do other than approve the application.

The Development Manager advised that, whilst there was a right to reasonable privacy, this did not extend to absolute privacy. In this instance, the properties were a considerable distance apart and the separation distance between them was some three times greater than generally considered to be acceptable. He stressed that neither this, nor the original application, could be refused on grounds of overlooking.

Mr Bishop acknowledged that there was little more Members could do.

Mr Postan suggested that the parties should be encouraged to enter into a dialogue and the Development Manager advised that discussions had taken place between them regarding landscape provision.

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

Permitted

81 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.

82 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.

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

The meeting closed at 5:10pm.

CHAIRMAN