

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 Tuesday, 3 April 2018

PRESENT

Councillors: J Haine (Chairman), D A Cotterill (Vice-Chairman) A C Beaney; R J M Bishop, 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

89 MINUTES

The Development Manager reminded Members that, at the last meeting there was some debate as a result of an intervention from the floor as to the level of housing need in Charlbury. He explained that he had reported the views of the Housing Enabling Manager that there were over 200 households with a connection to Charlbury, 10 of which were in significant housing need. However, these figures were queried by a member of the public who had sought information separately from that Officer.

Following the meeting the Development Manager queried the response received from the Housing Service and was subsequently advised that the use of the “200” figure was a typographical error that should have read “100”. The Housing Officer has apologised for this error but reiterated that there are over 100 households who would qualify for housing in Charlbury of which at least 10 are in significant housing need.

Whilst it was regrettable that the information provided was not accurate, the Development Manager explained that given that:-

1. The Council operates a District wide need based assessment rather than a settlement based approach
2. When houses are being built in a particular area this encourages more people with a connection to that area to register such that the reported figures are likely to be an underestimate and
3. Given the scale of need District wide (and indeed in this settlement albeit not as great as reported)

Officers advice was that, in this instance, the incorrectly reported information would not be material to the merits of the decision as the actual housing need was still far in excess of the capacity that would be generated by the developments in question.

However it was important that the facts be reported to Members so that they are aware that incorrect information was erroneously provided and this could be reflected in the minutes.

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 5 March, 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

90 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr N G Colston and Mrs M J Crossland.

91 DECLARATIONS OF INTEREST

Whilst not a disclosable interest, Mr Cotterill advised that the applicant in respect of application No. 18/00272/FUL (Fourwinds, Burford Road, Shipton-under-Wychwood) was a former Chairman of the West Oxfordshire Conservative Association and would be known to some Members in that capacity.

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

92 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:-

17/03775/HHD, 17/04127/FUL, 18/00249/FUL, 18/00272/FUL, 17/03151/FUL and 17/03191/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 17/03151/FUL Walnut Tree Cottage, Swan Lane, Burford

The Development Manager presented the report containing a recommendation of conditional approval subject to the resolution of outstanding ecological issues.

The Officer recommendation was proposed by Mr Cotterill and seconded by Dr Poskitt.

Mr Beaney questioned whether it would be possible to ensure the retention of the surfaced parking area and driveways and the Development Manager confirmed that condition No. 6 could be revised to this effect.

Mr Cotterill and Dr Poskitt agreed to amend their proposition accordingly and on being put to the vote the amended recommendation was carried.

Permitted subject to the resolution of outstanding ecological issues and to the amendment of condition 6 to read as follows:-

6. No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority and thereafter retained.
Reason: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

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

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

He explained that, whilst Members had authorised the Head of Planning and Strategic Housing to approve the application subject to no additional substantive issues being raised during the consultation process, it had been brought back to the Sub-Committee following the receipt of objections to the revised plans.

Mr Bishop stated that he considered the amended plans to be acceptable and proposed the Officer recommendation. The proposition was seconded by Mr Cotterill.

Mr Beaney suggested that a further condition regarding parking provision be imposed and Mr Bishop and Mr Cotterill agreed to amend their proposition accordingly

On being put to the vote the amended recommendation was carried.

Permitted subject to the following additional condition:-

8. 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 development and thereafter retained and used for no other purpose.
Reason: To ensure that adequate car parking facilities are provided in the interests of road safety.

The Development Manager introduced the application.

Ms Sally Austin addressed the Meeting in opposition of the application. A summary of her submission is attached as Appendix A to the original copy of these minutes.

In presenting the report the Development Manager advised that the matter of the drainage easement remained outstanding and that any consent would be subject to it being shown that the proposed drainage scheme could be implemented.

With regard to comments made by Ms Austin he advised that although a percentage increase in size could be a useful guideline in certain instances, a modest extension to a small building, whilst significant in percentage terms, would not necessarily be excessively large.

In relation to concerns over noise and disturbance he noted that the proposals for internal accommodation had to be considered in light of both the existing patio area and what could be constructed as permitted development.

Mr Haine acknowledged that the revised scheme represented an improvement on the original proposals but did not consider that it had gone far enough. He considered the proposed extension to be too large for what was a simple farm cottage and questioned the need for the proposed entrance hall, suggesting that its omission would allow the kitchen to be relocated.

(Mr Virgin joined the meeting at this juncture)

Whilst he considered that a revised proposal could be acceptable (subject to the removal of permitted development rights) Mr Haine proposed that the current application be refused as he considered it to be an overdevelopment of the site that harmed the amenity of the neighbouring dwellings.

Mr Cotterill agreed that the proposed extension appeared to be too large and would result in an unacceptable impact on this vernacular building. He agreed that it would be preferable if the extension was shortened and seconded the proposition of refusal. However, he questioned whether a refusal could be sustained at appeal.

The Development Manager reminded Members that up to 50% of the garden area could be covered under permitted development rights. He also expressed concern that shortening the extension could result in unfortunate junctions between the new construction and the windows of the existing building.

Mr Bishop expressed his support for a refusal and agreed with the concerns expressed by objectors.

Mr Beaney indicated that, whilst he would wish to support a refusal, he was unable to do so in the absence of adequate policy reasons. In response, Mr Haine indicated that he considered the application to be contrary to policies BE2 (a) & (b), BE21 (a) & (c) and H2 (a) & (d) of the 2011 Local Plan, Policies H6, OS2, OS4 EHI and E7 of the emerging Local Plan and the relevant paragraphs of the NPPF.

Mr Postan questioned the potential outcome of an appeal. Whilst the proposals would create an attractive dwelling designed to suit modern living, the loss of such traditional properties placed greater pressure upon villages to maintain their community aspect.

The Development Manager indicated that refusal on grounds of neighbourliness were usually based upon factors such as over shadowing, overlooking or over domination. He cautioned against refusal on grounds of loss of privacy as planning could not secure absolute privacy.

Dr Poskitt agreed that the proposed development would be prejudicial to this pretty traditional cottage but also believed that there were problems with the suggested solution of removing the entrance hall. The fact that they simply did not like the proposals did not give Members sufficient grounds upon which to refuse the application.

Mr Cottrell-Dormer questioned whether the development would be harmful to the habitat of bats and indicated that he considered the glazed doors to be inappropriate.

Mr Beaney agreed that it would be prudent to remove permitted development rights from any consent and suggested that an ecological survey should also be required. He also suggested that a condition specifying roofing materials should be applied to any permission.

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

Refused for the following reason(s):-

1. The proposed extension, by reason of its depth, siting and design would represent overdevelopment of the site and an unneighbourly form of development, detrimental to the amenities of the occupiers of adjoining residential property, particularly by reason of the side facing windows, contrary to policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011, H6 and OS4 of the emerging West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF; in particular paragraphs 58 and 64.
2. It has not been demonstrated to the full satisfaction of the Local Planning Authority by way of a detailed drainage strategy that infiltration would be

adequate with a potentially high water table on the site due to the presence of springs in the area. A legal agreement is required in advance of an approval due to the location of the soakaway on third party land. The proposal is therefore contrary to emerging West Oxfordshire Local Plan 2031 Policy EH5 and paragraph 103 of the National Planning Policy Framework.

24 18/04127/FUL 41 Manor Road, Bladon

The Planning Officer introduced the application.

Mr Richard Gray addressed the Meeting in opposition of the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

Mr Ian King then addressed the meeting on behalf of the Bladon Parish Council. A summary of the points raised in objection to the application is attached as Appendix C to the original copy of these minutes.

The local representative, Mr Julian Cooper, then addressed the Meeting in opposition of the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

Dr Poskitt concurred with the concerns expressed by those objecting to the application. She reminded Members that the site was within the Green Belt and Conservation area and advised that the site was well screened at present. The loss of trees resulting from the proposed development would leave the new dwellings more visible.

Dr Poskitt proposed that the application be refused as she considered the design of the proposed dwellings to be inappropriate for the site and felt that it represented over development. She questioned the adequacy of car parking and manoeuvring arrangements and the need for a pedestrian footway as suggested by the Highway Authority.

In seconding the proposition, Mr Bishop suggested that the retention of a large landscape buffer resulted in an overcrowded development on the remainder of the site. He suggested that two rather than three units with a reduced buffer zone could be acceptable.

Mr Cottrell-Dormer agreed that arrangements for the parking and manoeuvring of vehicles appeared awkward.

Mr Cotterill questioned the extent of the banking to be removed and the Planning Officer advised that the application indicated that any loss would be limited as the existing access was to be retained. Mr Cotterill noted that it was proposed to incorporate a condition regarding hard and soft landscaping and enquired whether the existing trees on the site were to be retained and augmented by additional screening.

In response, the Planning Officer confirmed that the proposed condition would seek to do so. With regard to the levels on the site, the Planning Officer advised that it was difficult to assess the relative prominence of the existing and proposed dwellings.

Mr Postan indicated that he would like to see this development built as a small scale developer would provide a high quality scheme. He was satisfied that parking arrangements were satisfactory and suggested that development in this location was not prejudicial to the principle of the Green Belt which was designated to protect Oxford City from urban sprawl, not to restrict normal development. Mr Postan indicated that the new dwellings would be less visible than the existing property which had little intrinsic merit and would have little impact upon the Conservation Area.

Turning to ecological issues, Mr Postan noted that there were self-seeded primulas under trees on the site and asked whether a Tree Preservation Order could be made to protect their habitat.

The Development Manager advised that the trees in question were orchard trees which could not be made subject to a TPO but could be protected by condition.

M Simcox questioned whether the bank was under the applicant's ownership and control. In response, the Development Manager advised that this appeared to be the case as no notice had been served on other interested parties as part of the application process.

Dr Poskitt noted that the first of the new dwellings was to be located on the site of the existing house and indicated that, should permission be granted, a construction traffic management plan would be a necessity.

In response to a question from Mr Beaney, the Planning Officer advised that the retention of the landscaped area would be secured through a legal agreement.

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

Refused for the following reason:-

1. By reason of the scale and siting of the development, the proposals would fail to complement the existing pattern of development and the character and appearance of the area. The proposed density and form of development would also amount to an overdevelopment of the site. The proposed development would result in less than substantial harm to the setting of the Bladon Conservation Area and the setting of the Blenheim Palace Historic Park and Garden and World Heritage Site, which would fail to be outweighed by the limited public benefits of the proposed development. The proposals would be contrary to the provisions of Policies BE2, BE5, BE11 and H2 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, OS4, and H2 of the Emerging West Oxfordshire

Local Plan 2031: and the relevant paragraphs of the NPPF, in particular 17, 64, 132 and 134.

42 18/00249/FUL Land at Church End Swerford

The Development Manager introduced the application.

Mr Beaney agreed that the principle of development was acceptable but questioned whether the extent of the gravelled area would encourage the continuation of external storage. He also suggested that a condition to control external lighting should be applied and the tree identified as T7 be retained. Mr Beaney also questioned whether permitted development rights should be removed.

The Development Manager agreed that, whilst the structure itself should provide adequate security, external lighting should be controlled and the tree retained by condition. He advised that it was his recollection that permitted development rights did not apply to this B8 use but undertook to confirm the position before a decision notice was issued.

Mr Beaney proposed the Officer recommendation, amended as indicated above. In seconding the proposition, Mr Cotterill agreed that the proposed development would improve the site.

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

Permitted subject to the following additional condition(s):-

9. Notwithstanding the site plan submitted, no development (including site works and demolition) shall commence until the tree labelled T7 shown on plan no. 171079-12 has been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' The measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
Reason: To ensure the safeguard of features that contribute to the character and landscape of the area.
10. No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.
Reason: To safeguard the character and appearance of the area.

The Planning Officer introduced the application and made reference to a letter sent to Members by the applicant's agent.

The applicant, Mr Kevin Rillie, 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 Mr Rillie's comments regarding the re-use of disused buildings in terms of paragraph 55 of the National Planning Policy Framework the Development Manager advised that the NPPF had to be considered as a whole. He also reminded Members that the Local Plan Inspector had indicated in his letter of 16 January that the Council's emerging Local Plan was broadly consistent with the NPPF other than in terms of development within the AONB.

Mr Simcox noted that there were numerous isolated properties along the A361 and considered that the proposed design was acceptable and would fit in with the existing pattern of development. He also made reference to permission for the conversion of redundant farm buildings approved in the Burford Area. The Development Manager advised that the Council's policies allowed for diversification of redundant farm buildings for use as holiday lets or other appropriate uses, but not for residential use.

Mr Postan questioned whether Counsel's opinion should be sought on Mr Rillie's interpretation.

Mr Saul considered the application to stretch the definition of 'conversion' to the limit and proposed the Officer recommendation of refusal. The proposition was seconded by Mr Cottrell-Dormer who considered the application to be contrary to Policies H4 and H10 of the 2011 Local Plan, Policies OS2 and H2 of the emerging plan and paragraph 55 of the NPPF.

Mr Cotterill noted that the NPPF referred to reuse, not conversion of redundant farm buildings and made reference to previous applications elsewhere in the District.

The Development Manager cautioned against taking a precedent from appeal decisions on sites elsewhere.

Mr Cotterill suggested that the proposed development would tidy up the site and proposed an amendment that consideration of the application be deferred to enable a site visit to be held and to give the opportunity to consider the points raised by Mr Rillie in his submission. The Planning Officer advised that he was not aware of any appeal decisions relating to comparable sites in the District other than one in North Leigh, nor of any regarding modern agricultural buildings in other areas.

Mr Beaney suggested that the application should be refused as being contrary to Policy E3 of the emerging Local Plan and the Development Manager advised that this would be inappropriate as the plan had not yet been finally adopted. Mr Beaney noted that a number of conversions previously approved as holiday lets had secured permission for unrestricted residential use on the basis of being financially unviable. The Development Manager advised that, whilst there had been some historical abuses, there were now far more stringent evidential requirements in place that required an applicant to provide a viable business plan.

Having been duly seconded the amendment of deferral was put to the vote and was carried and on becoming the substantive motion was approved.

Deferred to enable a site visit to be held.

93 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.

The meeting closed at 3:55pm.

CHAIRMAN