

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 July 2018

PRESENT

Councillors: J Haine (Chairman), D A Cotterill (Vice-Chairman) R J M Bishop, N G Colston, J C Cooper, C Cottrell-Dormer, Ms M E Davies, E J Fenton*, D N Jackson, Dr E M E Poskitt, A H K Postan and G Saul

(* Denotes non-voting Member)

Officers in attendance: Sarah de la Coze, Stephanie Eldridge, Phil Shaw and Paul Cracknell

10 MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 4 June 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

11 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

12 DECLARATIONS OF INTEREST

Mr Colston declared an interest in Application No. 18/0155/FUL (New Chalford Farm, London Road, Chipping Norton) the applicant being known to him and indicated that he would leave the meeting during its consideration.

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

13 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:-

18/01532/FUL, 17/04153/FUL, 18/01055/FUL, 18/01079/FUL, 18/01169/FUL,
18/01341/HHD and 18/01240/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 17/04153/FUL 60 West Street, Chipping Norton

The Senior Planner introduced the application.

Mr Carl Laidler 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.

In response to a question from Mr Cooper, Mr Laidler acknowledged that the application could not be refused on health and safety grounds but suggested that it would be contrary to Building Regulations.

Mr Jonathan Llewellyn of complete oak homes 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.

In response to a question from Dr Poskitt, Mr Llewellyn identified the proposed dwelling on the photo montage he had provided.

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

Mr Saul indicated that he had found the site visit useful as he had been able to view the site from the neighbouring properties. He found the application to be finely balanced and considered policy OS2 of the emerging Local Plan to be key.

Ms Davies questioned whether concerns over health and safety could be addressed by conditions. In response, the Senior Planner advised that these were matters which fell under Building Regulations and could not be addressed by conditions. The Sub-Committee could only consider the application on its planning merits.

Mr Cooper agreed that the site visit had been helpful and that the application was finely balanced. In his mind, the deciding factor was the unacceptable impact that the development would have on the sitting room of Number 2 Bell Yard.

It was proposed by Mr Cooper and seconded by Mr Haine that the application be refused.

In seconding the proposition, Mr Haine indicated that he considered the proposal to represent over development that would have an unacceptable impact on both 2 Bell Yard and 60A West Street due to its close proximity to those properties. Mr Haine considered that a smaller dwelling or perhaps a bungalow could be acceptable on the site.

Mr Postan suggested that concerns regarding the manoeuvring of a vehicle into the proposed garage were unfounded. He welcomed the contrast between the proposed and existing buildings and considered that the scheme should be supported for introducing this variety.

Mr Cotterill agreed that the impact on 2 Bell Yard would be unacceptable and indicated that he would like to see the building moved further back on the site or reduced in size as it had the greatest impact upon 2 Bell Yard.

Mr Haine expressed concern that moving the dwelling further back on the site would increase the impact upon 60A West Street and the properties to the rear.

From the plans, Mr Bishop considered the proposed building to be too large for the site and had found the site visit useful to assess its relationship with the existing properties. Whilst the current proposals represented an over development, Mr Bishop believed that the site was capable of development.

Mr Colston agreed that the site was developable and suggested that the proposed dwelling could be set back slightly. He indicated that he would prefer to see a building smaller and slightly lower than that currently proposed rather than a bungalow.

Dr Poskitt agreed that the current proposal was too large but that the site was capable of development.

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

Refused for the following reason:-

- I. By reason of the position, scale and siting of the dwelling, the proposal would amount to an over development of the site which would have an adverse impact on this part of the Chipping Norton Conservation Area. The harm to the Conservation Area is judged less than substantial and this harm is not outweighed by any public benefits of the proposal. Furthermore given its proximity to No.2 Bell Yard the dwelling is considered overbearing and would therefore adversely impact the outlook from the south facing windows of No.2. As such the proposal is considered contrary to policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011, Policies OS2, EH1, H2, EH8 and OS4 of the emerging West Oxfordshire Local Plan 2031, and relevant paragraphs of the NPPF, in particular 17, 58, 60, 61, and 64

II 18/01055/FUL New Chalford Farm, London Road, Chipping Norton

(Mr Colston left the meeting during consideration of this application)

The Development Manager introduced the application.

The applicant, Mr Glyn Pearman, 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.

The Development Manager then presented the report.

Mr Saul noted that there had been a number of other retrospective applications on this site and the Development Manager agreed that it could be inferred from this that the applicant should have been aware of the requirements of planning legislation.

Mr Saul proposed that consideration of the application be deferred to enable a site visit to take place. The proposition was seconded by Mr Cottrell-Dormer.

Mr Cotterill questioned the implications of a refusal of consent and the Development Manager advised that a refusal would not result in any immediate action. The applicant could seek to negotiate an acceptable solution or the Council could initiate enforcement action. Mr Cotterill expressed his support for a deferral.

Mr Postan concurred and suggested that it would have been preferable if the applicant had sought to design an interesting property for his granddaughter elsewhere on the site rather than attempt to convert this agricultural building. The Development Manager advised that it was not the intention that the applicant's granddaughter lived on the site; the building was to be held in trust for her to provide an income stream. He emphasised that one of the underlying principles of planning legislation was protection of the countryside and that, in consequence, the creation of a new dwelling required justification by way of exceptional circumstances.

The recommendation of deferral was put to the vote and was carried.

Deferred to enable a site visit to be held

18 18/01079/FUL Bluebell Cottage, Upper End, Fulbrook

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

Mr Cotterill noted that there was an odd juxtaposition of houses and gardens in the vicinity and noted that the cottage was currently offered for rent. Given that the proposed unit would be liable for Council Tax he expressed some doubt that the scheme would be implemented if approved.

The Officer recommendation was proposed by Mr Cotterill and seconded by Mr Bishop who indicated that he could see no grounds for refusal.

Mr Fenton sought clarification of the location of the unit and Mr Cooper noted that it was not visible in the public domain. Mr Cooper expressed

sympathy with the Parish Council's view as to the adequacy of the drawings and enquired whether there were any footpaths in the vicinity from which the site could be viewed. He also asked the Planning Officer to comment upon the suggestion that the development would be overbearing.

In response, the Planning Officer advised that, whilst the neighbouring property was set down within 3 metres of the boundary, the proposal was for a single storey unit constructed against the existing boundary wall. It would be well screened by existing landscaping and Officers did not consider that it would be overbearing. The Planning Officer also confirmed that there were no public footpaths offering a view of the site in the vicinity.

Dr Poskitt made reference to the Parish Council's concerns regarding the loadbearing capability of the boundary wall and the Planning Officer explained that this was not a planning matter but fell within the remit of Building Control.

Mr Cotterill indicated that the adjacent property was far enough away from the site.

Dr Poskitt stated that it was essential that the Council was satisfied with the drainage arrangements and questioned whether the siting of the unit was appropriate for use by a vulnerable person. The Planning Officer advised that an additional condition could be applied to any consent to ensure that appropriate surface water drainage arrangements were put in place and Mr Cotterill and Mr Bishop agreed to amend their proposition accordingly.

The Development Manager advised that, whilst Members might consider that a more appropriate location could have been identified, this was a matter of choice for the applicant. The application had also to be considered in light of the fall-back position which could see an identical ancillary unit (excluding the proposed kitchen facilities) being constructed under permitted development rights.

In response to a question from Mr Postan, the Development Manager advised that the question of access for the emergency services was a matter for Building Control.

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

Permitted subject to the following additional condition:-

6. That, prior to the commencement of development, 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. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in

m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).

24 18/01169/FUL Priory Mill, Hook Norton Road, Chipping Norton

The Development Manager presented the report containing a recommendation of refusal.

Mr Colston advised that he was aware that the dormer windows were being removed and questioned how the Sub-Committee should proceed.

Mr Cottrell-Dormer indicated that Members had no option but to refuse consent and proposed the Officer recommendation.

The proposition was seconded by Mr Cotterill and on being put to the vote was carried.

Refused

29 18/01341/HHD The Old Police House, Witney Road, Long Hanborough

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

Ms Davies expressed her support for the application and questioned the accuracy of the plans. She indicated that the application sought a minor increase in height from that approved and suggested that the impact would be minimal. In response, the Planning Officer explained that the proposal would result in a two storey extension being constructed along the whole boundary of the site.

The Development Manager advised that the approved scheme was for a single storey extension and reminded Members that a scheme for a two storey extension, lower than that currently proposed, had been deemed to be unacceptable at appeal. With regard to the accuracy of the plans, he advised that they were those submitted by the applicant.

Ms Davies proposed that the application be approved and the proposition was seconded by Mr Saul.

Mr Cotterill indicated that the proposal appeared to be unacceptable from the drawings and proposed an amendment that consideration of the application be deferred to enable a site visit to be held.

Mr Cottrell-Dormer expressed surprise that the new development to the rear of the site was so close but agreed that the application appeared to be unacceptable.

Mr Cooper seconded the amendment and Mr Bishop indicated his agreement.

Mr Postan suggested that the Sub-Committee should support the Officer recommendation of refusal.

The amendment was then put to the vote and was carried. Having become the substantive motion it was:-

RESOLVED: That consideration of the application be deferred to enable a site visit to be held.

34 18/01240/FUL Westbury Farm, Little Tew Road, Church Enstone

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

Mr Colston noted that the access served a very small field and that, in his opinion, it should have been constructed using stone rather than tarmac. However, he could see no grounds upon which to refuse the application and proposed the Officer recommendation.

The proposition was seconded by Mr Cotterill and on being put to the vote was carried.

Permitted

41 18/01532/FUL 41 Manor Road, Bladon

The Development Manager introduced the application. He drew attention to the applicant's observations set out in the report of additional representations and reported receipt of further observations from the Grey and Cox households.

Dr John Jones addressed the Meeting in opposition to the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

Mr Derek Hambridge, the Vice Chairman of the Bladon Parish Council then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

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

The Development Manager then presented his report.

Dr Poskitt indicated that she considered this to be an over development of the site. The scheme would be more acceptable if the properties were located more centrally on the site and more widely spaced. Dr Poskitt also expressed concern over the proposed footpath and the potential further impact that it would have on the bank.

Dr Poskitt proposed the Officer recommendation of refusal.

In seconding the proposition, Mr Cooper suggested that the applicant had failed to take on board the comments made by Members when considering the previous application, nor those of the Parish Council. He emphasised that this was a really sensitive site within the green belt on the edge of a World Heritage Site and Conservation Area.

Mr Cotterill stated that he found the previous application better and suggested that the proposed footpath should be deleted to allow the retention of more of the bank. The Development Manager indicated that such a request could be made to the County Council but would be irrelevant should the current application be refused.

Mr Postan indicated that he had voted in favour of the previous application and did not believe that the site was as significant as others thought. The existing development represented a 'trend line', not a barrier. Mr Postan believed that a local developer would construct a better scheme than a national chain and expressed his support for the application.

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

Refused

14 APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISION

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

15 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 4:05pm.

CHAIRMAN