

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 2:00 pm on **Monday 3 September 2018**

PRESENT

Councillors: Jeff Haine (Chairman), Derek Cotterill (Vice-Chairman), Andrew Beaney, Richard Bishop, Nigel Colston, Julian Cooper, Charles Cottrell-Dormer, Merilyn Davies, Ted Fenton*, David Jackson, Elizabeth Poskitt, Alex Postan and Geoff Saul

(* Denotes non-voting Member)

Officers in attendance: Phil Shaw, Catherine Tetlow, Sarah De La Coze, Declan Jermy and Paul Cracknell.

23. CHAIRMAN'S ANNOUNCEMENTS – WEST OXFORDSHIRE LOCAL PLAN

The Chairman advised Members that notification had been received that the Council's Local Plan had been accepted by the Planning Inspectorate and was to be presented to councillors for formal adoption at a Council meeting to be held on Thursday 27 September.

24. MINUTES

Councillor Haine made reference to correspondence received from a local resident questioning the way in which housing need was calculated for development control purposes and advised that a report was to be submitted to the Economic and Social Overview and Scrutiny Committee regarding this issue. He indicated that the Council was required to provide some 274 affordable units each year and emphasised that, whilst this figure might exceed the number of households presently registered as being in housing need, it was intended to address both current and future requirements for affordable housing.

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 6 August 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

25. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments

26. DECLARATIONS OF INTEREST

Councillor Cottrell-Dormer declared an interest in application No. 18/00389/FUL (Land east of Worton Road, Middle Barton) the applicants being known to him.

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

27. 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 and published on the website.

(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:-

18/00398/FUL, 17/02225/FUL, 18/00967/FUL, 18/01364/FUL, 18/01370/LBC, and 18/01978/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 18/00398/FUL Land East of Worton Road, Middle Barton

(Councillor Cottrell-Dormer left the meeting during consideration of this application)

The Principal Planner introduced the application. She made reference to the observations set out in the report of additional representations and reported receipt of observations received from S Wilcox. In view of the comments of the Council's Biodiversity Officer, the Principal Planner recommended an additional refusal reason as, in the absence of detailed mitigation and compensation measures, there was insufficient information available to fully assess whether a development of up to 22 dwellings can be accommodated on the site without a detrimental impact.

The Principal Planner made reference to correspondence sent directly to Members by the applicant's agent. She acknowledged that the site plan that appeared in the report was inaccurate and clarified the site boundary.

Ms Kate Carter-Windle, the Chairman of the Steeple Barton Parish Council, addressed the meeting in support of the application. A summary of her submission is attached as Appendix A to the original copy of these minutes.

In response to a question from Councillor Cotterill, Ms Carter-Windle confirmed that the 'OurBus Bartons' was operated by volunteers.

The applicant's agent, Mr Peter Bateman, 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.

Councillor Beaney questioned whether Mr Bateman considered this to be an exception site. Mr Bateman indicated that, in his opinion it was an exception site as it would provide 50% affordable housing to meet local need.

The Principal Planner then presented her report containing a recommendation of refusal. In response to a question from Councillor Haine, she confirmed that her recommendation included an additional reason for refusal based upon the concerns raised by the Council's Biodiversity Officer as set out in the report of additional representations.

The Development Manager questioned whether this development should be considered as an exception site or determined having regard to Planning Policy. In his view, this was not an exception site; the development was not primarily driven by affordable housing and, although there was a degree of cross subsidy, the application should be determined in light of Policy, not as an exception site.

Councillor Jackson advised that he was not a Member of the Steeple Barton Parish Council, and had not been party to discussions with the applicants. He

agreed with the Parish Council that there was a need for more affordable housing for local people in the Bartons. He questioned whether it was appropriate to suggest that this was not a sustainable location for such development as the settlement had a good range of facilities and local societies.

Councillor Jackson also expressed some surprise that the 'OurBus' service had been thought inadequate as it failed to make provision for residents to get to and from work throughout the day when the S4 service had been withdrawn as it was not used during the daytime. Councillor Jackson indicated that the 'OurBus' service had been developed to meet local needs.

Councillor Jackson explained that there was something of a dilemma as, whilst this site was beyond the existing edge of the settlement, the only area of land that could be considered as constituting infill was the playing fields. However, there was a danger that permitting development outside the village envelope could set an undesirable precedent. In view of these conflicting demands, Councillor Jackson indicated that he would listen to the views of others.

Councillor Beaney concurred with Councillor Jackson over the question of public transport and indicated that he could not support a refusal reason based on the absence of a commuter frequency public transport service. Whilst he acknowledged the basis of reason 2, Councillor Beaney drew a comparison with previous applications and noted that the emerging Local Plan had yet to be adopted. He accepted reason 3 but suggested that reasons 4 and 5 could be addressed by condition.

Councillor Haine agreed that a refusal based upon the absence of a commuter frequency public transport service was unrealistic and the proposed refusal reason weak. He felt that reason 2 could be addressed by condition but agreed that the proposed layout required revision as suggested by reason 3 with the consequent loss of trees.

Councillor Haine believed that reasons 4 and 5 could be addressed by condition but considered that, on balance, the current application should be refused. However, he expressed the hope that the applicants would be able to negotiate acceptable revisions with Officers.

Councillor Cotterill suggested that there was a degree of misdirection. Whilst the parish council believed that the development would provide homes for local people, if it was to proceed to provide affordable housing on the current basis, it would be open to all those on the general housing waiting list. He considered that it would be preferable if the development was dealt with as a rural exception site than as affordable housing. The development should be smaller and better integrated and addressed as a rural exception site.

Councillor Cotterill then proposed the revised Officer recommendation of refusal.

In seconding the proposition, Councillor Colston suggested that the proposal needed re-thinking. It could not be seen as rounding-off and the extension of residential development into the open countryside was a matter of concern.

Councillor Postan considered that the Sub-Committee should take due account of the parish council's support and questioned whether there was scope for them to seek a Community Right to Build Order. He considered that the development ought to be better integrated into the corner of the site given that, as proposed, it was unduly intrusive and should therefore be refused.

Councillor Postan suggested that the difficulty in sustaining a community bus service lay not in securing funding but in recruiting and retaining volunteer drivers. He expressed the hope that the applicants would be able to come back with a more suitable scheme.

The Development Manager advised that rural exception sites were predicated on a higher level of affordable housing directed towards meeting local housing need. The current application was a market housing scheme offering 50% affordable housing and the Development Manager indicated that he did not believe that it would deliver what the parish council anticipated.

Councillor Cooper indicated that he supported the conclusion of the Officer's report as the site visit had convinced him that this was an unsuitable site for development which he was unable to support.

Councillor Davies noted that the parish council was passionate in its support. It had conducted widespread consultation and identified a local need. Further, given that there was little local objection to the scheme, she considered that the Sub-Committee would be arrogant to refuse the application against the wishes of the local community and should trust the parish council.

Councillor Davies suggested that, since the County Council had withdrawn its subsidy, the only option open was to establish the community bus service which operated effectively and was financially sound.

Councillor Haine agreed that the absence of a commuter frequency public transport service did not warrant refusal.

The Development Manager reminded Members that the Council needed to provide some 274 affordable homes each year and the only way in which to secure a local connection was as a rural exception site. It was commendable that the parish council supported development and Members were right to consider its views. However, it was also incumbent upon Members to take account of wider considerations and the Development Manager cautioned against setting an undesirable precedent at such an early stage of the Local Plan

The Principal Planner noted that nine objections had been raised in relation to the scheme.

Councillor Bishop indicated that he had found the site visit helpful and, whilst the Sub-Committee was right to give weight to the views expressed by the parish council, he agreed with the conclusions in the Officer's report. He agreed with Mr Cotterill that it would be preferable if the application was dealt with as a rural exception site as this would give the applicants a return and add to the village amenities. Councillor Bishop expressed the hope that the application would come back as a rural exception site.

Councillor Saul expressed some sympathy with the application which differed from that submitted previously which offered no affordable housing. However, the Council was on the verge of approving a new Local Plan to which the current application failed to comply. This was a greenfield site and the offer of 50% affordable housing did not outweigh the harm caused by its development.

Councillor Poskitt concurred and questioned why there was a need for 22 units on this Greenfield site. She considered that approval of the current scheme would set an undesirable precedent and expressed a preference for a smaller development as a rural exception site. Councillor Poskitt also noted that there were no geographical or landscape features that justified the proposed site boundary.

Councillor Cooper enquired whether, should the application be refused, there was scope for the parish to consider a Community Right to Build Order. In response, the Development Manager advised that this was a complex and bureaucratic process and any scheme would have to follow the development plan. The Development Manager suggested that, given that it had been identified by Officers as such, it would be preferable if it were to be brought forward as a rural exception site.

Councillor Jackson questioned whether the Sub-Committee could invite such an application directly. The Development Manager advised that it would be unwise to do so as it would fetter any future discretion but the views expressed by Members during the course of debate would be a matter of record. The Principal Planner advised that, whilst development as a rural exception site would not be considered acceptable automatically, there may well be greater merit in such an application.

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

Refused.

(Post Committee Note: The foregoing application was withdrawn at the request of the applicant prior to a decision notice being issued)

19 18/00967/FUL 34 Grove Road, Bladon

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

Councillor Cooper indicated that he found this application to be finely balanced as development on such tight sites in the middle of villages could be difficult, although, in this instance, the applicant had a record of delivering good standards of development. His primary concern related to the relationship between the proposed development and 36 Grove Road which was exacerbated by the living areas of the new dwelling being located at first floor level.

Councillor Cooper also shared the concerns expressed by the Parish Council and, on balance, felt unable to support the application. He considered the proposal to be too extensive and considered that a construction management plan would be essential if permission were to be granted.

Councillor Cooper proposed that the application be refused as he considered it to be contrary to planning policies BE2 and BE5.

The recommendation was seconded by Councillor Poskitt who stressed that this was a constrained site. She echoed the concerns expressed by the Parish Council regarding access to the site during construction and shared Councillor Cooper's views on the potential impact upon the occupiers of 36 Grove Road.

In response to a question from Councillor Poskitt, the Senior Planner advised that the proposed dwelling would be approximately one metre taller than the existing building.

Councillor Poskitt also raised concern with regard to potential overlooking from the terrace at first floor level. In response, the Senior Planner advised that there was already a degree of overlooking which could be mitigated by the construction of a fence. She also noted that concerns over access during construction could be addressed through a condition requiring a construction management plan.

Councillor Haine suggested that reducing the existing wall could make deliveries to the site easier and the Senior Planner indicated that, if thought necessary, this could also be addressed through condition.

Councillor Beaney noted that the date was missing from condition 2 and questioned whether there was any contradiction between the terms of condition 3 and those at 4 & 5. He agreed that a construction management plan was essential to address concerns over the demolition of the existing building and the construction of a new dwelling. The Development Manager confirmed that a construction management plan would also specify arrangements for the demolition of the existing building.

Councillor Postan considered the application to represent excellent design; with the additional conditions suggested it would follow the random nature of development occasioned as villages evolved. Councillor Cottrell-Dormer disagreed on the merits of the design.

Councillor Saul indicated that he did not consider the proposal to be inappropriate and suggested that any new construction was likely to be larger than the existing property. Councillor Jackson concurred.

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

The revised Officer recommendation of conditional approval was then proposed by Councillor Cotterill and seconded by Councillor Bishop and on being put to the vote was carried.

Permitted, condition 2 to refer to revised plans deposited on 14/06/18 and 12/07/18, the deletion of condition 3 and to the following additional condition:-

14. Demolition and development and shall not begin until a construction phase traffic management plan has been submitted and approved by the Local Planning Authority and the approved plan shall be implemented

and adhered to throughout the period of demolition and construction.
Reason: In the interests of Highway safety.

Councillors Cooper and Poskitt requested that their votes against the foregoing recommendation be so recorded)

29 18/01055/FUL Owl Barn, Beech Grove, Fulbrook

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

Councillor Cotterill expressed his support for the Officer recommendation, indicating that the proposed development would be an improvement on the site. The proposed conversion was preferable to an application for a two storey dwelling which would appear incongruous on the site which was located adjacent to a well used public footpath. The existing structure was not highly visible and Councillor Cotterill proposed the Officer recommendation.

In seconding the proposition, Councillor Postan expressed his support for the concept of live/work units.

Councillor Colston considered the application to be similar to that at Little Tew and disagreed with the principle of converting such barns to residential use.

Councillor Beaney questioned whether additional conditions regarding parking arrangements and the provision of amenity space were necessary and Councillor Cottrell-Dormer considered that the existing breeze block wall should be rendered. The Development Manager questioned whether this would be necessary given that the building was not particularly prominent within its setting.

In response to a question from Councillor Poskitt, the Development Manager advised that the gravelled area was used in connection with the existing commercial activity on the site.

Councillor Postan considered that there was no need to render the block wall as, within its location, the vernacular included 'scruffy' buildings and Councillor Cotterill agreed that excessive 'polish' would result in the building becoming more prominent.

Councillor Cooper considered the proposal to be inadequate and suggested that it should be refused as being contrary to Policy NE4.

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

Permitted

34 18/01370/LBC Laburnum Cottage, South End, Great Rollright

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

Councillor Beaney stated that, in his opinion, the replacement windows should be leaded to reflect the description of the property in the listing.

The Planning Officer advised that the Council's Conservation Architect was satisfied with the proposal and the Development Manager explained that it was believed that the leading referred to in the listing had been a 1970's 'stick on' addition rather than traditional leaded lights. The concern felt by Officers related to the use of double glazing which resulted in an incongruous appearance and single glazed units as proposed were considered acceptable.

The Officer recommendation was proposed by Councillor Colston. In seconding the proposition, Councillor Cottrell-Dormer indicated that he would have preferred to see glazing bars. Mr Cotterill noted that this was what had been specified in the listing and also considered that this would have been more appropriate.

Councillor Postan indicated that a listing was simply a description of the property frozen at a point in time and Councillor Poskitt suggested that plain glass was better than applied lead.

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

Permitted

39 18/01978/FUL Quarry Barn, Chipping Norton Road, Little Tew

The Development Manager presented the report and advised Members that the plan referred to at paragraph 5.17 of the report had been received.

Councillor Colston indicated that he was opposed to the conversion of agricultural buildings for residential use and believed that the Government's extension of permitted development rights to this effect had set an unwelcome precedent.

The Officer recommendation of conditional approval was proposed by Councillor Beaney and seconded by Councillor Postan who considered the proposals to represent the 'best of a bad job'.

Councillor Cottrell-Dormer recalled that he had been opposed to the original consent for agricultural use which had been granted to enable the establishment of an alpaca farm which he had considered to be of questionable viability. He suggested that an additional condition should be included requiring the provision of additional roosting for bats and nesting birds. Councillors Beaney and Postan agreed to incorporate this into their proposition.

Councillor Cooper felt unable to support the application and suggested that it ought to be refused as being contrary to Policy H2.

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

Permitted subject to the following additional condition:-

6. Prior to the works commencing, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within

the walls of the buildings shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

Reason: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 175 of the National Planning Policy Framework 2018, Policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

47 18/02225/FUL Stable to the rear of Valhalla, Stonesfield

The Planning Officer introduced the application and reported receipt of a further representation in support of the application received from Mr Mark Atkins.

Mr Jon Gordon 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.

Mr David Brown then 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.

The Planning Officer then presented his report containing a recommendation of conditional approval. He advised that, given that the construction of the permanent dwelling was now well advanced, an 18 month temporary consent for residential use of the stables was unlikely to be necessary and revised his recommendation to allow residential use of the building for an eight month period.

In response to a question from Councillor Haine, the Planning Officer confirmed that Officers would monitor the use of the building and ensure that it was returned to a non-residential use at the end of the temporary permission.

Councillor Bishop indicated that, whilst he could understand the underlying rationale behind the Planning Officer's recommendation, he could not propose its acceptance. Given that the permanent dwelling was now so close to completion, Councillor Bishop questioned whether a shorter period than the recommended eight months would be more appropriate. Councillor Bishop also stressed that the most important aspect of this case was what action would be taken at the conclusion of any temporary consent. His own faith in the strength of the planning enforcement process had been strained and Councillor Bishop emphasised that, if permission was granted, it should be on the condition that the stable reverted to its authorised use. At the end of any temporary consent, this requirement should be enforced with the utmost vigour.

Although he was unhappy with the situation, Councillor Bishop indicated that he could see no grounds upon which to propose refusal.

Councillor Cottrell-Dormer expressed his concern with regard to the applicant's previous activities on this site. He questioned whether the Council could effectively enforce against the current use but suggested that a temporary permission could be given for a mobile home on the site whilst construction of a permanent dwelling was underway.

The Development Manager acknowledged Members' frustration over the history of retrospective applications made in relation to the site; a situation Officers found equally galling. However, Central Government had maintained the view that failure to seek planning permission was not a criminal matter and that retrospective applications should be considered in the same way as those submitted prior to works commencing. As there was a presumption in favour of development, it was necessary to identify planning harms to support a refusal.

In this instance, a caravan could be located on the site during the construction of the permanent dwelling under permitted development rights and the Development Manager suggested that a note should be applied to any consent indicating that permission was only granted in view of this fallback position.

In proposing the revised Officer recommendation, Councillor Cotterill indicated that the only planning harm he could identify was the extension into the open countryside in an Area of Outstanding Natural Beauty. In seconding the recommendation, Mr Saul indicated that he could see no grounds upon which to refuse a temporary consent.

Councillor Postan expressed his opposition to the recommendation, indicating that the applicant should be required to rely upon permitted development rights and provide a caravan.

Councillor Davies made reference to a similar application in Chipping Norton that had been refused and the Development Manager explained that application had been for a permanent dwelling whilst the current application was for temporary consent.

Councillor Beaney expressed concern over the inherent delay in the planning enforcement process and considered that the current problem was the result of a breach of conditions. He considered that the application should be refused. In response, the Development Manager advised that there were no policy based reasons to support refusal.

Councillor Bishop noted that the Parish Council had previously received correspondence from the Council offering an assurance that this building would not be used for residential purposes.

Councillor Cooper concurred with Councillor Beaney's concerns over the efficacy of the planning enforcement regime and proposed an amendment to the recommendation that consent should only be granted until 31 December 2018. The amendment was seconded by Councillor Bishop.

Councillor Colston expressed his concern over the extension of a residential use into the AONB.

Councillor Poskitt enquired whether a consent until 31 December would be sufficient to enable completion of the permanent dwelling and questioned whether the applicant was paying Council Tax on the stable building.

Whilst he would wish to see the application refused, Councillor Cottrell-Dormer noted that an appeal was likely to take a considerable time to be determined.

Councillor Fenton recognised that this situation had arisen as a result of a breach of planning conditions and stressed that the Planning Enforcement Team should monitor the site closely in order to initiate any necessary enforcement action in a timely manner.

In response to a question from Councillor Haine, the Planning Officer indicated that, whilst he believed eight months would be sufficient, he was doubtful that work on the permanent dwelling could be completed by 31 December. Mr Haine expressed his support for the initial proposal.

The amendment was put to the vote and was lost.

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

Permitted subject to the following condition, and the inclusion of the stated informative:

Condition:

The use hereby permitted shall be discontinued and the building restored to its former use as a stable with all of the internal residential fittings removed on or before 3rd April 2019.

Reason: The use is only justified by the fall back position that the site could be occupied with caravans whilst works are being undertaken on development of the applicants home. It is NOT considered suitable for permanent residential use.

Informative:

It is considered reasonable that the use hereby permitted can be discontinued and the building restored to its former use as a stable with all of the internal residential fittings removed on or before 31st December 2018 with all remedial works to be completed by 3rd April 2019. The site will be monitored to ensure implementation.

(Councillors Beaney, Bishop, Cooper and Postan voted against the foregoing recommendation and requested that their votes be so recorded)

(Councillor Davies left the meeting at this juncture)

28. APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The report giving details of applications determined by the Head of Planning and Strategic Housing under delegated powers together with an appeal decision was received and noted.

The meeting closed at 3:45 pm.

CHAIRMAN