

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 December 2018**

PRESENT

Councillors: Jeff Haine (Chairman), Andrew Beaney, Richard Bishop, Derek Cotterill, Julian Cooper, Charles Cottrell-Dormer, Merylyn Davies, David Jackson, Elizabeth Poskitt, Alex Postan and Geoff Saul

Officers in attendance: Phil Shaw, Sarah Hegerty, Chloe Jacobs, Declan Jermy, Kim Smith, Catherine Tetlow and David Bloomfield.

40. MINUTES

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

41. CHAIRMANS ANNOUNCEMENTS

The Chairman introduced Mrs Sarah Hegerty, who was attending her first meeting of the Sub-Committee as a member of the Planning Team. He also advised Members that this was the last meeting that Ms Catherine Tetlow would be attending as she was leaving the Council. On behalf of the Sub-Committee he thanked Ms Tetlow for the work she had done and wished her well for the future.

42. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillors Nigel Colston and Ted Fenton.

43. DECLARATIONS OF INTEREST

Councillor Haine declared an interest in application number 18/02387/FUL (Milton Service Station, Shipton Road, Milton-under-Wychwood) as he had a business relationship with the applicant. He stated that he would leave the meeting during consideration of that application.

44. 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:-

18/02484/S73, 18/02387/FUL, 18/02611/FUL and 18/02738/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 18/02484/S73 Land east of Woodstock, Oxford Road, Woodstock

The Planning Officer introduced the report and set out details of the site and the proposed development. She advised that the site was not within the AONB or the Green Belt and was outside the Woodstock and Bladon Conservation Areas. There was a Scheduled Ancient Monument on the adjoining land to the east and the site was located close to the Blenheim Palace World Heritage Site. She also identified the areas of Listed Buildings nearby.

Joanna Bowyer, Agent for the Applicants, 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.

The Planning Officer continued with her presentation. The application related to the variation of conditions attached to the outline planning consent. Following a detailed presentation she concluded that given the subject matter of the application and the extant consent it was considered that the proposed amendments were acceptable and did not raise any new matters that would warrant refusal. Assessed against the Local Plan as a whole the proposal was acceptable. She confirmed that the recommendation remained one of approval subject to the completion of Deeds of Variation to the Legal Agreements and to the conditions set out in the report.

Councillor Cooper commented that although he could understand the principle of the development, he had serious concerns over the transport issues that had also been raised by the Town Council. He considered further work was required in order to satisfy those concerns. He also considered that the site proposed for the Nursery was nonsensical. He felt that consideration should be deferred until the transport issues were satisfied. The Planning Officer replied that Condition 5 covered this aspect. She reminded Members that no lay-by had been previously required in connection with the new bus stop and in view of the comments of the Highway Authority it would be unreasonable to re-open consideration at this stage.

Councillor Poskitt agreed with the comments of Councillor Cooper and said that there should be a lay-by for the bus stop otherwise there would be problems caused, and she also agreed with Councillor Cooper regarding the proposed location of the Nursery. She also felt that there should be a surfaced footpath to the Churchill Gate junction. The Planning Officer replied that this was to be provided.

Councillor Poskitt commented that with regard to the Construction Management Plan, Shipton Road was effectively blocked from 2:30 pm by parents parking to collect children from school and that needed to be taken into account. The Planning Officer noted that comment.

Councillor Beaney referred to the affordable housing issue as he was concerned as to how we could ensure a suitable number of affordable homes. The Planning Officer advised that the overall costs would be spread over the whole of the development. Viability advice suggested that 50% was possible and Condition 32 set out how it would be dealt with.

Councillor Postan commented that bus lay-bys' could be more dangerous than a bus stopping on the highway. He also felt that the traffic plan was an improvement.

Councillor Davies commented that the Nursery was a significant issue and that there seemed to be a lack of joined up thinking. She added that the Local Plan had a requirement for 50% affordable housing and that was what should be included here. She considered it was appalling that a lower amount was being considered. The Development Manager pointed out that the Local Plan did allow for a lower figure if it was shown that the development would not be viable at 50%. He added that the Council would robustly review any request to agree a lower figure as was set out in Condition 32.

Councillor Haine reminded Members that the amendments proposed were minor and that the fall-back position should be considered.

Councillor Cotterill commented that the original cost analysis by the Council indicated that a 50% level of affordable housing could be provided and he considered the wording of Condition 32 to be satisfactory. He heard and understood the comments of the Woodstock members and felt that a note to the Applicants could be added in respect of the lay-by and bus stop.

Councillor Cotterill then proposed the Officer recommendation and the proposal was seconded by Councillor Postan.

Councillor Beaney said that he had argued for 50% affordable housing and he suggested adding the words "and the development as a whole" in Condition 32.

Councillor Cooper asked for an explanation regarding paragraph 5.80 in the report and confirmed that he still had concerns over the footpaths and he asked whether a Grampian Condition could be added. The Planning Officer explained that Condition 5 was a Grampian Condition. She added that paragraph 5.80 had been included in the previous report and had been repeated here as nothing had changed from the earlier report.

Councillor Poskitt queried where the sewerage would go and was advised that Conditions 13 and 17 dealt with that. She then asked whether the ecology was affected by the development. The Planning Officer replied that there would be a net gain due to enhanced planting.

The proposal was then put to the vote and was carried.

Permitted, subject to the completion of Deeds of Variation to Legal Agreements with the District Council and the County Council, and to the conditions set out in the report.

40 18/02387/FUL Milton Service Station, Shipton Road, Milton-under-Wychwood

The Development Manager introduced his report. He referred Members to the comments from Milton-under-Wychwood Parish Council which were set out in the Report of Additional Representations. He also advised Members that the recommendation was changed from deferral to refusal for the reasons set out in the Report of Additional Representations.

Mr Mike Gilbert, Agent for the Applicant 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.

Mr Trevor Prew, the Applicant, addressed the meeting in support of the application. He had owned the site since 1965 and 3 generations of the family had worked there. He would be retiring in the next couple of years and his son would be taking over the business which employed 9 people. If his son was unable to live on site the future of the business would be jeopardy.

Councillor Poskitt asked whether Mr Prew lived in the house currently on the site and Mr Prew confirmed that he did. He said that the new house would be for his son.

The Development Manager then continued with his presentation. He advised Members that Officers had gone back and forth on whether or not the application should be refused or not but that he was on balance now recommending refusal. He said that retirement was not a compelling need for a new house on the site and it would be possible to live elsewhere in the village. It was a sensitive site within the AONB. Policy OS2 does not preclude development. The land lay outside of the village and so Policy H2 comes into play. The land was a key component of the gap between the settlements and it was important to maintain that gap and so on balance he was against approval. The architecture of the proposed building was more chalet style than Cotswold style, it was the wrong design. He confirmed that the recommendation was one of refusal for the reason set out in the Report of Additional Representations.

Councillor Postan felt that small rural villages were under threat and that a garage was a vital part of the community and should be preserved. He did however agree with the Officer regarding the design.

Councillor Cotterill asked if the application was refused, would the applicant get a free go with an improved design and he was advised that he could.

Councillor Postan commented that a better design was required and he proposed that the application be refused.

Councillor Cooper seconded the proposal and commented that it was important to maintain the gap between the settlements.

Councillor Beaney said that he was confused as to the location and after viewing the aerial photograph he felt that there was space for the house but agreed with the comments on the design. The Development Manager asked what was the need that would justify approval and he said that Members needed to be careful.

Councillor Jackson did not feel that the proposal would lead to the coalescence of the two settlements.

Councillor Saul said that he was not convinced by the coalescence argument and he queried whether the refusal was against both grounds or just design. He wondered whether a site visit was needed.

The Development Manager commented that he understood Members concerns but they needed to be careful. The Council can currently identify 6 or 7 years land supply which was a healthy position but he would be concerned if Members took the view that 1 house gave a community viability as all villages would then use that same argument.

Councillor Bishop said that he took the comments of Councillor Postan seriously. The picture of the design is a variance with the area and he was leaning towards refusal. He added that the applicant should be advised to submit a further application.

Councillor Poskitt considered the site to be on the border of the village and agreed that the design was inappropriate. She did not consider that the proposed building could be “tied” to the business.

Councillor Cotterill commented that Members had given the application detailed consideration, and called for the vote on the proposal to refuse.

Councillor Postan asked for clarification as to what precisely was being voted on.

Councillor Cotterill clarified that the proposal was to refuse permission on both grounds set out in the recommendation and Councillor Cooper confirmed that that was what he had seconded.

The proposal was then put to the vote and was carried.

Refused for the following reasons:

1. The proposal seeks development of open land that contributes in its undeveloped state to the important gap between Milton and Shipton. The development of the gap has consistently been resisted at appeal and it is considered that the development of this part of the gap would contravene bullet points 1, 2, 3, 5, 6, 9 and 11 of Policy OS2 of the adopted plan along with Policies EH1 and H2 and the provisions of the NPPF.
2. By reason of its materials and design the proposed dwelling is not considered to respect the historic, architectural and landscape character of the locality or contribute to local distinctiveness and as such is contrary to Policy OS4 of the West Oxfordshire Local Plan and the provisions of the NPPF and West Oxfordshire Design Guide.

(Councillor Beaney requested that his abstention from voting be recorded)

(Councillor Haine, having declared an interest, left the meeting during consideration of the above application. Councillor Cotterill took the Chair)

#### 48 18/02459/HHD36 Bear Close, Woodstock

The Planning Officer presented his report and advised Members of the comments received from the Highway Authority as set out in the Report of Additional Representations which had been circulated to Members. He confirmed that the recommendation remained one of approval.

Councillor Cooper could appreciate why the Highway Authority had no objections and he proposed the Officer recommendation. The proposal was seconded by Councillor Poskitt.

Permitted.

51 18/02611/FUL Outwood Cottage, Over Kiddington, Woodstock

The Planning Officer presented her report which contained a recommendation of refusal.

Councillor Bishop proposed that a site visit be undertaken as he considered that the pictures and drawings did not give an adequate appreciation of the site. There was no seconder for the proposal.

Councillor Bishop continued that the proposed building was for the estate manager or one of the management team and although he accepted it was larger than the dwelling previously granted permission, he did not feel that a 4 bedroomed property to be of excessive size for a family. He was happy with the design and he did not think that it was an incursion into agricultural land as such as there were a row of cottages and a grain store in the vicinity. He believed that the proposed dwelling would enhance what was a derelict and neglected site. He said that he was minded to propose approval but would listen to what other Members had to say on the matter.

Councillor Cottrell-Dormer advised Members that the ruins on site had last been lived in during the second World War when it had been occupied by evacuees from London, he added that it was not particularly pleasant then. Following the war it had been used for shooting lunches and eventually burnt down around 20 years ago and had been derelict since that time. He added that the applicant had several properties in the village.

Councillor Davies commented that having listened to what had been said she now agreed with Councillor Bishop regarding a site visit and proposed that a site visit be undertaken. The proposal was seconded by Councillor Bishop and on being put to the vote the proposal was lost.

Councillor Beaney queried whether Policies EH2 & EH3 were relevant in view of the extant permission. The Planning Officer replied that this proposal was much bigger and had a more harmful impact. The Development Manager commented that the extant permission was for the re-use of the abandoned dwelling while this proposal was on a separate part of the site.

The recommendation was proposed by Councillor Beaney and seconded by Councillor Poskitt

Refused.

62 18/02660/FUL Forest Edge, 93 Lower End, Leafield

The Planning Officer presented her report which contained a recommendation of approval.

Councillor Beaney said that his only concern was the velux roof light and whether that would give rise to overlooking. The Planning Officer advised that it was not considered that it would.

Councillor Cooper asked what comments had been made by the Parish Council and was advised that no comments had been received.

Councillor Cotterill proposed the Officer recommendation. The proposal was seconded by Councillor Cottrell-Dormer.

Permitted.

70 18/02738/FUL Land east of 26 The Slade, Charlbury

The Planning Officer introduced her report. She referred Members to the existing permission for 4 dwellings, work on two of which had been commenced. She highlighted the plan showing how the site and been extended in order to accommodate the three dwellings proposed in this application, which would result in 5 dwellings on the site.

Ms Claire Wilding addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix C to the original copy of these minutes.

Mr Peter Kenrick, Chairman of Charlbury Town Council 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.

Councillor Liz Leffman, a Local Ward Member, addressed the meeting in opposition to the application. She reiterated the comments made by Ms Wilding and Mr Kenrick. She pointed out that the application made reference to the 2011 Local Plan although it was now the adopted 2031 Local Plan. She had concerns that if the application was permitted the remaining land next to the nature reserve would be in danger of development. She commented that the amenities of local residents were already affected by the development as it was difficult to drive up the road due to various works being undertaken. She concluded by urging that the application be refused.

Mr Slater, from Edgars, the Agents, 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.

The Planning Officer then continued with her presentation. She advised that the floor plans for Plot 5 mentioned by Ms Wilder in her submission were now available to be viewed by the public. She referred Members to the further comments set out in the Report of Additional Representations and confirmed that no objections had been received from the Highway Authority. In conclusion, she considered the application to be acceptable and that the recommendation remained one of approval.

Councillor Beaney indicated that he was not easy with the application and he proposed that consideration be deferred to enable a site visit to be undertaken in order to enable Members to better appreciate the context of the application.

The proposal was seconded by Councillor Jackson.

Deferred for a site visit to be held on Thursday 3<sup>rd</sup> January 2019 at 9:30 am.

84 18/02911/FUL 18 High Street, Woodstock

The Planning Officer presented his report which referred to an application for retrospective consent and advised Members of the comments of the Highway Authority as set out in the Report of Additional Representations. He confirmed that the recommendation remained one of approval.

Councillor Cooper commented that there were no sound grounds to refuse permission in view of the comments of the Highway Authority although parking in the High Street was extremely difficult. He then proposed the Officer recommendation. The proposal was seconded by Councillor Poskitt.

Permitted.

87 18/02912/LBC 18 High Street, Woodstock

The Planning Officer presented his report and referred to the comments of the Highway Authority set out in the Report of Additional Representations. He confirmed that the recommendation remained one of approval.

Council Cooper proposed the Officer recommendation and the proposal was seconded by Councillor Poskitt.

Granted Listed Building Consent.

90 18/02834/FUL The Unicorn, High Street, Great Rollright

The Planning Officer presented her report and referred Members to the comments set out in the Report of Additional Representations and confirmed that for the reason set out in that report, the recommendation was being changed from one of deferral to one of refusal.

Councillor Beaney was pleased to see the updated recommendation. He proposed the revised Officer recommendation, subject to Policy H2 and paragraph 191 of the NPPF being added to the reason and to the informative being amended to read "Given the neglected state of the building..." The proposal was seconded by Councillor Cooper.

Refused for the following reason:

"It has not been demonstrated to the satisfaction of the Local Planning Authority that the use of the building as a pub is unviable and incapable of being made viable or adapted to retain a viable service or facility including as a community run enterprise. It is not considered that there is appropriate, accessible and alternative provision particularly by foot. As such, the proposal will result in the loss of an opportunity to provide/retain an important community facility in the village contrary to Policies E5 and H2 of the adopted West Oxfordshire Local Plan 2031 and relevant provisions of the NPPF in particular paragraphs 91, 92 and 191."

NOTE TO APPLICANT

"Given the poor physical state and neglect of the building any further planning applications for a change of use should be accompanied by the following:

1. Cost details for the repair works to the building.



2. A marketing exercise with the repair cost details being made available to any party expressing an interest in the sale;
3. There being no unusual ‘clawback’ provisions as part of the sale.
4. Evidence that the property has been marketed at an appropriate price”

106 18/02835/LBC The Unicorn, High Street, Great Rollright

The Planning Officer presented her report and referred Members to the comments set out in the Report of Additional Representations and confirmed that for the reasons set out in that report, the recommendation was being changed from one of deferral to one of refusal.

Councillor Beaney proposed the revised Officer recommendation and the proposal was seconded by Councillor Cooper.

Listed Building Consent refused for the following reason:

“By reason of the poor state of repair of the listed building and the lack of structural details submitted with the application, particularly in respect of the roof and floor structures, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed internal and external alterations will conserve or enhance the historic interest of the buildings fabric, appearance and character. As such the proposals are considered contrary to Policy EH11 and EH9 of the adopted West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.”

45. NON-COMPLIANCE WITH ENFORCEMENT NOTICES EN 358 AND 359, ORCHARD COTTAGE, OLD LONDON ROAD, CHURCHILL

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing, which was presented to enable Members formally to consider whether it was expedient to authorise further action to resolve the breach of planning control at the above site. The Development Manager advised Members of comments received from the Local Member, Councillor Owen. He asked that no further action be taken in this case.

The Principal Planner (Enforcement) advised that since the report was prepared, a planning application had been received for a personal permission for the occupier of the premises. She added that this now gave a further option for Members to consider which was to prepare Enforcement Notices but to take no further action until the planning application had been determined. In the event that the application is refused, the Enforcement Notices would then be issued.

Councillor Cottrell-Dormer proposed the additional option.

Councillor Saul seconded the proposal which he felt was the sensible was forward.

**RESOLVED:**

- (a) That new Enforcement Notices be prepared to address both the unauthorised residential occupation of the site and to require the removal of the structures including the mobile home, all outbuildings and chattels, from the land;
- (b) That in the event that the current planning application was refused the Enforcement Notices would then be issued; and

- (c) That the Head of Planning and Strategic Housing be authorised to issue the Enforcement Notices, and to specify the compliance period(s) prior to issue.

46. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

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

The meeting closed at 4:50 pm.

CHAIRMAN