

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 7 January 2019**

PRESENT

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

(\* Denotes non-voting Member)

Officers in attendance: Phil Shaw, Chloe Jacobs, Declan Jermy and Paul Cracknell.

47. MINUTES

**RESOLVED:** That the minutes of the meeting of the Sub-Committee held on 3 December 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

48. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence. Councillor Andy Graham attended for Councillor Julian Cooper.

49. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that, having regard to additional development that had taken place on the site, Officers had withdrawn application No: 18/03198/FUL (Land North of Pomfret Castle Farm, Banbury Road, Swerford) from the agenda for subsequent consideration at a later date.

50. DECLARATIONS OF INTEREST

In view of their connection with the Burford School Foundation, Councillors Beaney and Cotterill declared an interest in application No: 18/03035/RES (Land West of Shilton Road, Burford) and indicated that they would leave the meeting during consideration of the application.

51. 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.

**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 18/02738/FUL Land East of 26 The Slade, Charlbury

The Planning Officer introduced the application and reported receipt of the observations of the applicant's agents, together with the submission of amended plans.

Mr Paul Slater of Edgars Limited, the applicant's agents, addressed the meeting in support of the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

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

Councillor Graham questioned whether the bi-fold door of the proposed property on plot 5 would give rise to overlooking of the bedroom of 28 The Slade. He asked whether there was any evidence to support the social and economic benefits claimed by the applicants and expressed concern over the separation distance between the proposed and existing properties, the removal of existing trees and the time that it would take for replacement planting to reach maturity.

In response, the Planning Officer advised that it was intended to erect a 2 metre high fence between plot 5 and 28 The Slade and to plant semi-mature trees between 2.5 and 4 metres in height. Councillor Graham expressed doubt that this would be sufficient. The Development Manager advised that, whilst there was a right to 'reasonable privacy' this did not extend to one of absolute privacy. As distance increased, the level of harm reduced and, in general terms, a separation of 14 metres was considered to be reasonable. If there had been any concern with regard to potential overlooking it would have been related to the view down from the bedroom of the existing property into the ground floor of the new dwelling on plot 5.

The Development Manager also advised that the comments regarding social and economic benefits were those made by the applicant's agents in support of the requirements of the NPPF.

Councillor Graham questioned whether the garage of plot 5 would overshadow the garden of the existing property. In response, the Development Manager indicated that the relationship between the garage and the existing property compared favourably with those of existing dwellings which were conventional in layout themselves.

Councillor Cotterill noted that the question of replacement tree planting was addressed through conditions 10 and 12 but expressed concern that the proposed location of plot 5 would result in the loss of existing trees between the new and existing properties. The site was within a Conservation Area and Area of Outstanding Natural Beauty and Councillor Cotterill questioned whether plots 4 and 5 could be relocated in order that the existing trees could be retained. The development Manager advised that it would be possible to revise the layout provided that this was carried out within the red lined site area.

Councillor Cotterill proposed that the Head of Planning and Strategic Housing be authorised to approve the application subject to the relocation of plots 4 and 5 to the south of the site and the retention of the trees between plot 5 and the existing building. In seconding the proposition, Councillor Postan indicated that the principle of development had already been established on appeal and in this respect the Council's hands were tied. He expressed concern that the current proposal could result in further 'planning creep' and questioned whether it would be possible to configure the access road in such a way as to militate against any further development.

Councillor Postan noted that the existing planting was of questionable quality and expressed some doubt as to whether soil conditions were sufficient to enable semi-mature trees to be replanted and survive. Further, he indicated that the garden of the nearby property was a historically significant example of Victorian planting and stressed that the Council should seek planting of a comparable quality in the new development.

In response, the Development Manager acknowledged the significance of the adjacent planting and the importance of ensuring that this was complimented by the new scheme.

He advised that relocation of plots 4 and 5 would enable the retention of existing trees, averting the need to replant and explained that improvements to an existing access could be carried out as permitted development. Whilst permitted development rights could be removed by condition, this would not preclude a subsequent application for planning consent which would be considered on its own merits.

The Development Manager went on to suggest that, although the current site had planning permission for infill development, the adjoining land differed significantly in character. Whilst further development would be resisted under the current planning regime, should it be required to meet future housing need, it would be preferable if this could be integrated with existing development rather than in insular form.

In response to a question from Councillor Jackson, the Development Manager advised that the distance between plot 5 and the boundary of 38 The Slade was some 4.8 metres and the Planning Officer emphasised that the impact of development was assessed on the distance between buildings, not boundaries.

Councillor Beaney considered that the application should be refused on grounds of overlooking as the separation distance failed to take account of the proximity of the existing conservatory to the new dwellings and as being contrary to Policy OS2.

Councillor Colston shared the concerns previously expressed regarding the viability of replanting semi-mature trees and considered that avoiding this through the relocation of plots 4 and 5 was a more appropriate solution.

Councillor Bishop indicated that he had been minded to refuse the application as submitted but was content with the revised layout envisaged in Councillor Cotterill's proposition. Councillor Haine concurred.

Mr Beaney noted that condition 12 only called for the replacement of failed planting for a five year period and asked if this could be required in perpetuity. The Development Manager advised that five years was the standard period but that this could reasonably be increased to 10 years if considered necessary. Councillors Cotterill and Postan agreed to amend their proposition accordingly.

Councillor Jackson expressed some concern that the existing trees could give rise to damage of the proposed dwellings leading to pressure for them to be felled. Councillor Postan suggested that the Council should seek independent arboriculture advice and the Development Manager undertook to raise the issue with the Council's Forestry Officer.

In response to concerns raised by Councillor Poskitt, the Planning Officer advised that there were no concerns regarding overlooking between plots 5 and 3.

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

**RESOLVED:** That the Head of Planning and Strategic Housing be authorised to approve the application subject to the relocation of plots 4 and 5, the retention of trees between those plots and existing property and to the amendment of condition 12 to require the replacement of any failed planting for a ten year period.

18 18/03198/FUL Land North of Pomfret Castle Farm, Banbury Road, Swerford

Members noted that, having regard to additional development that had taken place on the site, Officers had withdrawn application No: 18/03198/FUL (Land North of Pomfret Castle Farm, Banbury Road, Swerford) from the agenda for subsequent consideration at a later date.

22 18/03035/RES Land West of Shilton Road, Burford

The Development Manager introduced the report and reported receipt of observations from the Council's Leisure Services Section and the Burford Town Council.

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

Mr Nick Freer of Lock Associates, the applicant's agents, then 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 presented his report and advised that his recommendation was one of conditional approval.

Councillor Fenton considered the proposals to be reasonable and felt that a lot of work had gone into their development. He questioned whether solar panels, electric vehicle charging points, fat traps and other environmental measures had been incorporated into the scheme. The Development Manager advised that, whilst the provision of electric vehicle charging points could reasonably be required in communal areas, the cost would discourage individual installation in social housing. Fat traps were now provided as standard. The Development Manager explained that, whilst it might be possible to install solar panels on the flat roofed elements of the development, the scheme had been designed to reflect the local vernacular as far as possible and bulk LPG was to be installed so as not to compromise the design.

Councillor Postan noted that slates and tiles incorporating photo-voltaic cells and designed to replicate natural materials were becoming available and stressed that their use ought not to be precluded by conditions. Councillor Postan also questioned whether there was a sufficient depth of soil to accommodate standard broadleaf trees and the hydrology of the balancing ponds. The Development Manager advised that these matters had been addressed at outline stage and that the County Council, as the principal drainage authority, was satisfied with the proposed arrangements.

Councillor Postan also expressed concern over the potential impact of traffic generated by the development passing through Shilton village and suggested that access arrangements should be designed to discourage vehicular movements in that direction. The Development Manager advised that the means of access had been determined on appeal as part of the outline application. Councillor Postan considered that the layout of the site could be revised to give effect to his suggestion and proposed that consideration of the application be deferred to enable further consideration of this matter. In seconding the proposition, Councillor Davies indicated that, whilst the scheme was generally well conceived, there were a number of outstanding issues and details which should be finalised before permission was given.

In response to a question from Councillor Cottrell-Dormer, the Development Manager advised that the structures to the front of the site were electricity sub-stations, specifically designed to reflect the general design features of the scheme. He also advised that the flat roofed elements, which would be concealed from view by false pitched roofs, were to be constructed of covered plywood.

Councillor Cottrell-Dormer indicated that he found the proposals acceptable and would be minded to authorise Officers to approve the application.

Councillor Grahams sought clarification of the number and mix of affordable homes and the Development Manager advised that 46 private units and 45 affordable homes were to be provided on the site.

The affordable properties, some of which were in flats, would be a mix of social rented and shared ownership units with 17 two bedrooomed and 28 three bedrooomed homes.

Councillor Poskitt was disappointed that no solar panels were proposed and considered that the play area was too small. She questioned whether adequate parking was to be provided for the care home and the Development Manager explained that the County Council was satisfied with the parking arrangements which had been approved as part of the outline application. In response to a further question it was confirmed that a communal LPG tank was to be provided as mains gas was not available.

Councillor Poskitt asked that provision be made for hedgehog highways and Councillor Cottrell-Dormer suggested that this should be extended to bats and swifts.

Councillor Graham expressed some concern over the adequacy of the road network for emergency services and service vehicles. The Development Manager advised that the layout adhered to the approved outline consent so far as possible.

Councillor Jackson expressed surprise that the installation of solar panels was not mandatory on all new developments. The Development Manager advised that, whilst Officers would seek to secure their provision on most new developments as panels could be easily integrated in modern design, they had not done so on this occasion given the wish to see the scheme reflect the local vernacular.

The proposition to defer consideration of the application was then put to the vote and was lost.

It was proposed by Councillor Cottrell-Dormer and seconded by Councillor Colston that the Head of Planning and Strategic Housing be authorised to approve the application subject to such conditions as are considered appropriate in consultation with the Chairman of the Sub-Committee. On being put to the vote the proposition was carried.

**RESOLVED:** That the Head of Planning and Strategic Housing be authorised to approve the application subject to such conditions as are considered appropriate in consultation with the Chairman of the Sub-Committee.

(Councillors Beaney and Cotterill left the meeting during consideration of the foregoing application)

## 32 18/03288/FUL Blenheim Palace, Blenheim Park, Woodstock

The Development Manager introduced the report and reported receipt of the observations of Councillor Good, who shared the concerns expressed regarding the potential displacement of parking to Woodstock, the Ancient Monuments Society, the International Commission on Monuments and Sites and the County Council as Highway Authority. He also advised that, whilst Historic England was yet to respond to the consultation, representatives had visited the site earlier in the day.

Ms Jo Lamb, representing 'Heart of Woodstock' addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix D to the original copy of these minutes. In response to a question from Mr Cotterill, Ms Lamb stated that 'Heart of Woodstock' represented some 240 individuals with interests in the town centre, together with other local residents of the town.

Mr Dominic Hare, the Chief Executive Officer of the Blenheim Estate, then addressed the meeting in support of the Application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

In response to a question from Councillor Poskitt, Mr Hare advised that, whilst performances would only run for a nine week period, the four month consent had been sought to allow for the erection and removal of the temporary structure. He suggested that it was likely that the full four month period would not be required as the structure would be removed as soon as possible once the run ended.

In response to a question from Councillor Saul, Mr Hare advised that the Palace only made an additional charge for car parking at Christmas in order to manage traffic flow as car parks were at capacity. This was not an issue during the summer period when no additional charge for car parking was levied.

Mr Cotterill noted the claim that the Estate generated an income of some £30 Million for the local economy and enquired how that area was defined. In response, Mr Hare advised that this was based upon a 20 mile radius.

Councillor Fenton sought confirmation that no additional charge for car parking would be made in relation to this event and Mr Hare confirmed this to be the case. Additional charges were only levied when there was a need to manage parking and there would be no such requirement for an event of this nature.

In response to a question from Councillor Graham, Mr Hare confirmed that the temporary structure would be compliant with the requirements of the Disability Discrimination Act.

The Development Manager then presented his report. He indicated that, given that it was a one off reversible development, a temporary consent could be justified as it would enable the impact of the structure to be assessed; it would do no permanent harm to the land and it would offer the opportunity to require the submission of traffic management plans for other unregulated events.

Accordingly, he recommended that the Head of Planning and Strategic Housing be authorised to approve the application subject to the observations of English Heritage, to the submission of a Traffic Management Plan and to such conditions as are considered appropriate.

Councillor Poskitt indicated that the structure would be very obvious and noted that the plans failed to identify the associated temporary structures and boundary fencing associated with the event. The Development Manager acknowledged these concerns but stressed that, in permitting the current application, the Council would have the opportunity to identify alternative, more appropriate, locations for such events in future years. Councillor Poskitt stated that the fundamental issue underlying the concerns expressed by local residents was that there was insufficient parking in Woodstock.

Councillor Cottrell-Dormer questioned why the structure was to be finished in white and suggested that it would be preferable if it were to be located elsewhere on the site further from the Palace itself.

Councillor Graham considered that a temporary consent should be granted as the project would have a positive economic, social and cultural benefit within the District and proposed the Officer recommendation.

In seconding the proposition, whilst he considered the temporary structure to be a poor pastiche of an Elizabethan theatre, Councillor Postan welcomed the theme. He noted that parking could be controlled through ticketing and encouraged Members to support the application.

Councillor Saul indicated that the project had little historical connection to the Blenheim Estate and considered the chosen location to be inappropriate. Although he felt that it should have been located elsewhere in a less sensitive location, Councillor Saul considered this to be a worthwhile attraction. Whilst he was able to support the project on a temporary basis, Councillor Saul emphasised that a more suitable location would be required in the future.

Mr Beaney concurred and went on to question Mr Hare's assessment of the level of traffic generation. In response, Mr Hare advised that there was sufficient car parking provision to cater for up to 2,000 people on the site with the majority of visitors arriving between 10:15 and 11:15. There would be two shows a day; a matinee at 14:00 and an evening performance commencing at 19:00. He stated that the Christmas light trail saw visitors arriving at an average of four per vehicle.

Councillor Davies considered the project to be a good idea but felt the temporary building was of poor design and inappropriately located. She welcomed the support offered to school parties and, overall, felt the project would contribute positively to the District.

Whilst he also considered that there were more appropriate locations within the grounds, Councillor Beaney expressed his support for the project in principle and welcomed the opportunity it offered to introduce Shakespeare to a wider audience.

Mr Cotterill shared the concerns expressed by local residents regarding parking problems in Woodstock and suggested that the Estate should be asked to do more to discourage patrons from parking in the town. Councillor Haine suggested that the availability of free parking on the site should be sufficient to encourage patrons to park within the grounds.

Councillor Postan suggested that a park and ride scheme could be introduced but Councillor Haine considered that this was not necessary. Councillor Poskitt expressed the hope that the availability of free parking would encourage patrons to park on the site and agreed that the creation of a park and ride facility at Bladon was not a good plan.

Councillor Beaney suggested that those parking in Woodstock itself were contributing directly to the local economy. He questioned when the event was to take place and was advised that consent was sought for a period from June to September. Councillor Poskitt expressed concern that this could clash with the 'Country File Live' event.

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

**RESOLVED:** That the Head of Planning and Strategic Housing be authorised to approve the application subject to the observations of English Heritage, to the submission of a Traffic Management Plan and to such conditions as are considered appropriate.

(Councillors Colston and Postan left the meeting at this juncture)

## 52. 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.

## 53. 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. The Development Manager advised that Officers were now seeking to prioritise investigations to concentrate on more serious breaches of planning control.

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

The meeting closed at 4:40 pm.

CHAIRMAN