

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 4 March 2019**

PRESENT

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

Officers in attendance: Phil Shaw, Declan Jermy, Abby Fettes, Kelly Murray, Sarah Hegerty, Amy Barnes and Paul Cracknell.

60. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 4 February 2019, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

61. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillors Marilyn Davies and Ted Fenton.
There were no temporary appointments.

62. DECLARATIONS OF INTEREST

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

63. 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:-

18/03198/FUL, 19/00059/LBC, 18/03491/FUL, 18/03634/HHD, 19/00069/HHD and 18/03673/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 18/03198/FUL Land North of Pomfret Castle Farm, Banbury Road, Swerford

The Planning Officer introduced the application.

The applicant, Mr Stephen Holmes, 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.

Following a query from Councillor Beaney, Mr Holmes advised that he needed to use this particular site for lambing because it was the only land in his ownership. Councillor Colston sought clarification as to what land was owned and what was rented and Mr Holmes advised 22 acres were owned with the remaining 180 acres being held on an agricultural tenancy.

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

Councillor Colston indicated that he found the application difficult as, whilst he understood why Mr Holmes required the facility, he could not see why it had to be situated in the proposed location given that he had the use of alternative land. Whilst the poly-tunnel was not an insignificant structure and stood out in the landscape, it was required for agricultural use. Equally, the mobile home was not visible in the public domain when the surrounding trees were in full leaf. If the application were to be permitted, Councillor Colston emphasised that the mobile home should only be used to assist during lambing and not for permanent residential use.

Councillor Beaney stated that, whilst he was supportive of the objective, he did not feel able to support the current application as he did not wish to see the urbanisation of the countryside. He questioned whether the proposed conditions were adequate but acknowledged that the Parish Council was content with the works carried out on the site and to the access. Councillor Beaney suggested that the current application and the use of other parts of the site for 'glamping' required more detailed consideration.

Councillor Cottrell-Dormer questioned whether the 'glamping' and yurt found elsewhere on the site formed part of the current application and suggested that, if permitted, consent should be personal to the applicant.

The Planning Officer confirmed that the glamping site and the yurt were not part of this application and these aspects were being investigated separately.

Councillor Cotterill noted that, if approved, the permission could be restricted to agricultural use on a seasonal basis by conditions.

Through the Chairman, Mr Holmes clarified that he only held a grazing lease on the rented land and not a full agricultural lease.

Councillor Postan advised that an agricultural enterprise of this nature was on the margins of economic viability. He reminded Members that the District had a long history in the wool trade and indicated that he was supportive of the application.

Councillor Colston stated that he would be prepared to support the application if it were personal to the applicant and the use permitted on a seasonal basis.

In response to a question from Councillor Haine, the Planning Officer confirmed that the play equipment previously reported on the site had been for use by family members and had now been removed.

In response to a question from Councillor Cooper, Councillor Colston advised that an agricultural use enabled year round use of the land whilst a grazing lease was seasonal. Consequently, the applicant was unable to use the rented land during lambing.

Councillor Cotterill advised that he was content to propose approval of a personal, seasonal consent. Councillor Beaney suggested inclusion of a further condition requiring the removal of all structures once the permitted use had ceased and Councillor Haine considered that a note should be added relating to restricting advertising on highway verges.

The revised Officer recommendation was proposed by Councillor Cotterill and seconded by Councillor Postan and on being put to the vote was carried.

Permitted subject to the following conditions:-

1. The use of the site for the stationing of the caravan hereby permitted shall be discontinued when the use of the land for seasonal lambing and turkey rearing has ceased; and the caravan shall be removed, within one month of the date of the discontinuance of the use.
Reason: The mess facility is unsuitable for occupation beyond the scope of this application and permanent residential use would be contrary to the housing policies of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.
2. The use of the caravan shall be limited to use as a mess facility and shall only be occupied between March and May in any given year (in association with lambing) and for the month of December in any given year (in association with the rearing and slaughter of turkeys).
Reason: The mess facility is unsuitable for occupation beyond the scope of this application and permanent residential use would be contrary to the housing policies of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.
3. The occupation of the caravan as a mess facility hereby permitted shall be limited solely for the use of Stephen Holmes and Jeremy Sealey in connection to the use of the land for lambing purposes and the rearing and slaughter of turkeys.
Reason: The mess facility is unsuitable for occupation beyond the scope of this application and permanent residential use would be contrary to the housing policies of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.

8 18/03491/FUL Orchard Cottage, Old London Road, Chipping Norton

The Planning Officer presented her report containing a recommendation of conditional approval. She drew attention to the additional information provided by the applicant's solicitor which was set out in full in the report of additional representations.

Councillor Saul considered that the proposed approach was correct and agreed that the applicant should be granted a personal consent, subject to a legal agreement. He also agreed that the previous decision to take enforcement action should be rescinded on completion of the legal agreement.

The Officer recommendation was proposed by Councillor Saul and seconded by Councillor Cotterill.

Councillor Beaney noted that the recommended conditions did not include a personal occupancy restriction. In response, the Development Manager advised that any necessary restrictions would be addressed through the Section 106 agreement. In response to a further question, he advised that the agreement would require the land to be returned to agricultural use once the applicant ceased to occupy the site.

Councillor Cooper stated that he could see no planning benefit in permitting the application. The Development Manager agreed that, had the application related to a greenfield site, it would have been resisted by Officers. However, the particular circumstances outlined in the report were considered sufficient to justify an exceptional departure provided that permission was restricted to personal occupation by the applicant.

Councillor Poskitt questioned whether the Council would be responsible for meeting the cost of returning the land to its original state. The Development Manager advised that this would be addressed through the legal agreement which would require reinstatement of the land within a specified timeframe. The cost of this work would fall to whoever took title to the land and, should there be an issue, the Council could undertake the work in default and recover the cost as a civil debt.

Councillor Saul acknowledged Councillor Cooper's concerns but considered that the specific circumstances and potential impact upon the applicant's Human rights were sufficient to warrant a personal permission.

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

Permitted subject to the applicant entering into a legal agreement limiting the use to her personal occupation of the site and requiring that, once she ceases to live on the site, it is restored to agricultural use and the mobile home and all structures on site are promptly removed. On completion of the legal agreement, the Sub-Committee's decision at Minute UL/45/2018/2019 to initiate enforcement action be rescinded.

13 18/03634/HHD 16 Abelwood Road, Long Hanborough

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

The Officer recommendation was proposed by Councillor Cotterill and seconded by Councillor Postan.

Councillor Beaney sought clarification of reference in the Parish Council's response to the 45 degree angle for light and the Planning Officer explained that the 45 degree rule was a method used to assess the impact of a development proposal on sunlight and daylight to neighbouring properties. In this instance, given that the proposed extension was single storey, it would not give rise to an unacceptable loss of light.

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

Permitted.

16 19/00059/LBC Middle Farm, Taston

The Development Manager introduced the application.

Councillor Neil Owen 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 Councillor Beaney, Councillor Owen indicated that it was his belief that if the roof was not replaced, the building would be at risk of further deterioration.

Councillor Jackson questioned whether it was possible to obtain replacement Stonesfield slates. Councillor Haine advised that only salvaged slates were available and that these were difficult to source.

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

Examples of both types of slate were distributed and the Development Manager emphasised that the Conservation Officer was of the opinion that Cardinal slate was not an acceptable replacement for Stonesfield slates on a listed building in this location.

Councillor Cottrell-Dormer indicated that he had some experience of using Stonesfield slates and explained how they differed from modern substitutes. Whilst salvaged slates could be mixed with new material, in his experience, Councillor Cottrell-Dormer had found that only some 30% of those removed from a building were capable of re-use and it was necessary to source replacements from elsewhere. Councillor Cottrell-Dormer suggested that planning permission should be granted as there were more important buildings elsewhere.

Councillor Colston concurred as Stonesfield slates were difficult to source. He did not consider the use of Cardinal slates to be problematic in this location and Councillor Cottrell-Dormer indicated that it was difficult to tell the two types apart from a distance.

Councillor Postan advised that he had found some 70% to 80% of those Stonesfield slates on his own property had been re-usable when it had been re-roofed. Whilst quarried tiles might be indistinguishable from mined Stonesfield slates at a distance, he suggested that a requirement to use Stonesfield slates would ensure a continuity of supply.

Councillor Postan agreed that the original slate was expensive to purchase but believed it to be a necessary feature of the building as their irregular shape was quintessential to the character of the Cotswolds.

It was noted that Cardinal slates were available in a range of differing sizes and that the moulds were created from original examples.

Councillor Jackson indicated that, as original slates were difficult and costly to obtain, he was minded to approve the application.

The Development Manager advised that the NPPF advised that scarcity and cost were not appropriate matters to take into account when assessing planning merits.

Councillor Bishop agreed with Councillor Cottrell-Dormer that the use of Cardinal slates was acceptable in this location as the difference would be hardly discernible. Further, the applicant's intention to donate the recovered slates for use by the neighbouring church would benefit the local community.

Councillor Haine stressed that this was a Grade II listed building.

Councillor Cottrell-Dormer advised that Cardinal slates were delivered in a range of sizes suitable for the area to be covered and instructions as to how these were to be laid were provided

Councillor Beaney reminded Members that this was a Grade II listed building and expressed concern that approval would set a precedent for further applications.

Councillor Saul noted that there had not been a technical assessment hence the proportion of reusable material was uncertain. He questioned whether consideration of the application should be deferred to enable an assessment to take place. The Development Manager advised that the proportion of recoverable material could not be established until work commenced and applications of this nature tended to come forward when work revealed that an insufficient number of original slates could be recovered.

Councillor Postan noted that the geological source material was identical; the difference being that Stonesfield slates were mined and left to split through the action of frost whilst quarried slates were split mechanically.

Councillor Cooper reiterated that this was a Grade II listed building and did not feel that the cost of the replacement materials nor the potential that the recycled slate would be gifted to the church were relevant considerations.

Cardinal slates would stand out if not laid properly and Councillor Cooper considered that the applicant should be required to carry out a 'proper job'.

The Officer recommendation of refusal was proposed by Councillor Cooper and seconded by Councillor Postan and on being put to the vote was carried.

Refused

24 19/00069/HHD 15 Rectory Crescent, Middle Barton

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

The Officer recommendation was proposed by Councillor Jackson and seconded by Councillor Bishop and on being put to the vote was carried.

Permitted

29 18/03673/FUL Land at London Road and Russell Way, Chipping Norton

The Senior Planner presented her report containing a recommendation of approval and drew attention to the observations set out in the report of additional representations. She confirmed that the County Council's observations had been received and were set out at paragraph 5.27 of the report and recommended an additional condition to incorporate the mitigation measures identified in the revised plans.

Councillor Saul expressed his support for the proposal and reiterated the need for housing for elderly people. He acknowledged the concerns expressed by local residents and the Town Council regarding need, style and design and massing. He highlighted that this was a different type of development to those considered previously which had been for market housing which would only benefit those who could afford it.

The Council's Housing Officers had provided evidence of the need for such accommodation and the proposed development would address this gap in the market. Design was a subjective issue and Councillor Saul noted that the proposed building was similar to other modern buildings in the vicinity. In addition, the site was close to the doctor's surgery, hospital and new retail development.

In response to a question from Councillor Saul, the Senior Planner confirmed that, whilst it was intended to remove the conifers on the site, the mature trees on the highway verge were located on highway land and were to remain. The Senior Planner also advised that, whilst it was not proposed to require the financial contribution to provide a bus sought by the County Council as this would prejudice the viability of the scheme, it was thought likely that this would be secured through the adjacent strategic development site.

Councillor Saul also sought clarification of arrangements for cycle parking as this was not shown on the amended plans. The Senior Planner advised that this matter could be addressed by way of a further additional condition.

The revised Officer recommendation was proposed by Councillor Saul and seconded by Councillor Postan. In response to a question from Councillor Haine it was confirmed that only cycle parking was to be addressed through the additional condition; the cycle path being provided through the strategic development site.

In response to questions from Councillor Cotterill, the Senior Planner confirmed that the distance that the building would be set back from the highway was broadly the same as the properties opposite and that all of the dwellings would be in the ownership of a Registered Social Landlord.

Councillor Cottrell-Dormer expressed his disappointment with the design which did not feel was suitable at one of the main entrances into Chipping Norton. Councillor Colston concurred, indicating that, whilst he was supportive of the principle of development, he considered the design to be poor.

Councillor Beaney noted that the design was driven by functionality but suggested that the project ought not to be compared to recent market housing and favoured for providing social housing but should be assessed on its own merits. However, given that it was to provide 100% affordable housing, he agreed that no developer contribution should be made to the County Council.

Councillor Beaney suggested that a traffic management plan would be required to avoid disruption during construction. He questioned whether a minimum age limit of 55 was appropriate and queried the adequacy of parking provision. Councillor Beaney went on to suggest inclusion of conditions requiring the provision of electric vehicle charging points and mobility scooter storage.

The Senior Planner advised that the provision of electric vehicle charging points and mobility scooter storage could be addressed by way of conditions and explained that 55 was the minimum age limit for developments of this nature set down in national planning policy. Whilst the County Council had no specific parking standards for development of this nature, its Officers were satisfied that the proposed arrangements were satisfactory.

The Development Manager advised that, whilst the minimum age limit was set at 55, the average age of residents in similar accommodation was in the mid 70's. The nature of the accommodation was such that it was found to be self-governing.

Councillor Haine expressed his support for the application and suggested that the location of the development minimised the need for personal car ownership. In addition, he considered that the new development had the potential to free up a large number of homes for families.

Councillor Poskitt questioned whether this development would provide young extra care and was advised that it was for those aged over 55 only. Councillor Poskitt stressed the need for a bus stop in the vicinity and the Senior Planner advised that the County Council's request was for funding to provide a shelter at an existing stop, Councillor Poskitt then questioned the need for a pedestrian crossing to serve the stop and was advised that the County did not consider this to be necessary as there was already a crossing serving the new retail development. Councillor Poskitt also questioned the adequacy of the parking provision and queried Thames Valley Police's request for a condition requiring 'Secured by Design' accreditation.

The Senior Planner advised that Officers had not recommended this condition be included as it was thought to be unnecessary and unduly onerous. However, the applicants had indicated their intention to secure such accreditation.

Councillor Poskitt stated that she would have preferred to see planting to the frontage of the development. In response, the Senior Planner advised that the existing stone wall to the frontage was to be retained and repaired and that planting was to be carried out behind it. In addition, there was to be evergreen hedging within the site.

Councillor Poskitt also questioned why the previously approved scheme which incorporated an element of affordable housing on the site had not progressed. In response, the Senior Planner advised that the previous scheme had been found to be undeliverable.

Councillor Cooper made reference to the objections raised by the Chipping Norton Town Council and indicated that he could not support the application as he considered that the proposed design did not warrant approval.

Councillor Jackson disagreed with Councillor Cooper, indicating that the design was governed by the building's function. He agreed that the development would free up other accommodation in the town and stated that he would support the proposition.

Councillor Saul acknowledged that the Town Council would have preferred the previously approved scheme but noted that this had incorporated market housing whilst the current scheme served a different purpose and was a functional development.

Councillor Postan suggested that the Council should consider rooftop parking.

In response to a question from Councillor Beaney, the Senior Planner advised that provision for mobility scooter storage and biodiversity arrangements were shown in the amended plans.

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

Permitted subject to the amendment of Condition 3 to refer to the plans submitted on 27 February 2019, to the amendment of Condition 4 to read as follows:-

4. The application shall be constructed in accordance with drawing 5977_W_3040 Materials Schedule submitted 27.2.19. Sample panels of the artificial stone and buff brick identified in the schedule of materials shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
Reason: To safeguard the character and appearance of the area.

and to the following additional conditions:-

11. Other than the erection of the site compound, above ground development 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 construction.
Reason: In the interests of Highway safety.
12. Prior to first occupation of any unit, details of cycle parking space(s) and electric car charging points shall be submitted to and agreed in writing by the Local Planning Authority. The cycle parking and electric car charging points will be permanently retained and maintained for the parking of cycles in connection with the development.
Reason: To ensure appropriate levels of cycle parking and electric charging points are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

13. The application shall be constructed in accordance with drawing 5977_P_0101B Proposed landscape plan (1) submitted 27.2.19, and the mitigation measures set out on that drawing. The planting and mitigation works shall be carried out prior to first occupation of the building.

Reason: To provide new features for roosting bats and nesting birds, increase biodiversity features and ensure permeability for hedgehogs, as biodiversity enhancements in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

and to the applicants being advised that Members commended the intention for the scheme to achieve Secured By Design accreditation.

64. 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 3.40 pm.

CHAIRMAN