

## WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the  
**UPLANDS AREA PLANNING SUB-COMMITTEE**  
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon  
at 2.00pm on Monday 3 June 2019.

### PRESENT

Councillors: Jeff Haine (Chairman), Geoff Saul (Vice-Chairman) Andrew Beaney, Richard Bishop, Mike Cahill, Nigel Colston, Julian Cooper, Derek Cotterill, Merilyn Davies, Ted Fenton#, Dave Jackson, and Alex Postan

(# Ex-officio, Non-voting)

#### 4. MINUTES

**RESOLVED:** That the minutes of the meetings of the Sub-Committee held on 29 April and 15 May 2019, copies of which had been circulated, be confirmed as correct records and signed by the Chairman.

#### 5. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillor Owen who was absent on official business and from Councillor Postan for his late arrival at the meeting. There were no temporary appointments.

#### 6. DECLARATIONS OF INTEREST

Councillor Jackson advised that, whilst he lived in relatively close proximity to the application site to be considered under reference 19/00603/FUL (Land South of 19 Fox Lane, Middle Barton), given that the proposed development had no impact upon his property, he was satisfied that this did not give rise to a prejudicial interest and, therefore, he intended to remain in the meeting and participate in the debate.

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

#### 7. 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

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 Council's website.

**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

18/02574/RES Land East of Woodstock, Oxford Road, Woodstock

The Principal Planner, Joan Desmond, introduced the application.

Mrs Elizabeth Woodward addressed the meeting in objection to the application. A summary of her submission is attached as Appendix A to the original copy of these minutes.

Ms Joanna Bowyer, the applicant's agent, then addressed the meeting in support of the application. A summary of her submission is attached as Appendix B to the original copy of these minutes.

The Principal Planner then presented her report and reported receipt of additional observations submitted by Dr E M E Poskitt in a personal capacity.

Councillor Cooper advised that he did not consider that there was sufficient separation between properties in Hedge End and the proposed development and expressed concern over the 'nose to tail' parking referred to at page 6 of the report. He noted that no comments had been received from the Council's Housing enabler or Landscape and Forestry Officer and suggested that provision of a bus stop to serve the development should be required.

Councillor Cooper endorsed the comments made by Councillor Hudspeth regarding the provision of electric vehicle charging points and questioned the percentage of affordable housing to be provided. Whilst this would be a useful addition to social housing provision, Councillor Cooper questioned whether an appropriate level of affordable housing would be provided.

Councillor Cooper indicated that, whilst he was not opposed to development in the town, and had supported applications elsewhere, local residents did not 'buy in' to the Local Plan as they considered its proposals to represent over-development.

In response, the Principal Planner advised that tandem parking was restricted to less busy routes and that such arrangements had been employed successfully elsewhere in the District. The Highway Authority was satisfied that the proposed arrangements did not give rise to any concerns over road safety and the Principal Planner stressed that such arrangements were by no means uncommon.

The current application was for approval of reserved matters and the requirement to provide a bus stop had been addressed at outline stage and incorporated within the legal agreement relating to the outline consent.

With regard to the level of affordable housing provision, the Principal Planner advised that the application made provision for up to 50% affordable housing in accordance with the Council's requirements and the terms of the earlier legal agreement. Whilst the legal agreement allowed for the applicants to put forward a viability case, the current application demonstrated how 50% affordable housing provision could be achieved.

No conditions had been imposed regarding the provision of electric vehicle charging points at outline stage and such a requirement could not be introduced when considering reserved matters.

Phil Shaw, the Business Manager, Development Management, advised that provision of a bus stop had been debated at outline stage when the County Council had been keen to see the stop located on the main road rather than within the development as it would be difficult for buses to re-join the main carriageway.

Councillor Haine acknowledged the concern over loss of privacy expressed by Mrs Woodward and questioned whether an additional condition requiring a hedge to be planted could be applied. The Principal Planner advised that, whilst Officers were satisfied that the proposed landscaping arrangements were satisfactory and were concerned that the provision of a hedgerow could be a barrier to the integration of new and existing development, this could be addressed through the landscaping scheme.

Mr Shaw cautioned that, as the rear gardens of the existing properties were south facing and recognising that the separation distance was in excess of the accepted 21 metres, some residents might not wish to see them shaded by a hedgerow.

Councillor Cotterill noted that the first phase of the development had been permitted on the understanding that it would provide costings by which to assess the viability of the level of affordable housing provision and questioned whether 50% affordable housing had been provided under phase I.

Mr Shaw explained that the applicants had suggested that the development as a whole could not support 50% affordable housing provision whilst the Council's consultants were satisfied that this could be achieved. Accordingly, the Council and the developer had agreed to adopt an open book approach whereby the return achieved through phase I of the development would be used to assess the viability of affordable housing provision on the site as a whole. As not all of the properties in phase I had been sold, this calculation could not be made at this stage.

Councillor Cotterill also asked whether a condition requiring broadband to the properties had been applied to the outline consent and Ms Desmond confirmed that this was the case. Councillor Cotterill also enquired whether Mrs Woodward's assertion of a separation distance of only seven metres was correct and was advised that the separation distance quoted had been from the furthest extent of Mrs Woodward's property to the boundary of the nearest new dwelling, not to the property itself.

Councillor Beaney suggested that the value of phase I should be known and that it should be possible to assess the appropriate level of affordable housing. Mr Shaw advised that, until phase I was sold in its entirety, the level of return would remain uncertain, precluding an accurate assessment. That said, the current application demonstrated that 50% affordable housing could be accommodated on the site.

In response to a question from Mr Haine, Mr Shaw advised that no affordable housing was proposed on phase I of the development and the 50% provision was to be provided across the total development site.

Councillor Ted Fenton questioned whether, given the concerns expressed regarding separation distances, it would be appropriate to remove permitted development rights to prevent any further extensions to the rear. In response, Ms Desmond cautioned against doing so in relation to new development unless there were very good reasons for doing so. In this instance, the separation distances were in excess of those usually anticipated.

Councillor Davies suggested that the applicants should be well aware of the anticipated level of return and, therefore, whether the provision of 50% affordable housing was viable. Mr Shaw advised that, whilst the applicants would certainly have projections, until all properties in phase I were sold, the actual outturn would remain uncertain.

Councillor Jackson enquired whether solar panels were to be installed on any of the properties and was advised that none were shown.

Councillor Cooper considered that there should be no debate on the level of affordable housing provision as he thought that this had been determined at 50% during consideration of the phase I application. The Principal Planner advised that the current application showed a 50% provision and it would be up to the applicants to prove that such provision was not viable. Approving the current application would not prejudice the delivery of affordable housing in any way.

Councillor Cooper suggested that consideration of the application should be deferred pending confirmation of the level of affordable housing provision.

Councillor Saul indicated that the question of delivery of affordable housing was not for consideration that day as the parameters had been established at the outline stage. The applicants had accepted 50% provision unless they were able to demonstrate that this was not viable.

Councillor Cotterill concurred, indicating that the Council had approved the outline application on the basis that 50% affordable housing would be provided. If this could not be met then a revised application would have to be brought before the Sub-Committee for further consideration. Mr Shaw confirmed that the current arrangements simply allowed for the re-negotiation of the extent of affordable housing provision which could take place on any similar development. However, in this case, any re-negotiation would be on an open book basis.

Councillor Beaney expressed some concern that compared with another development recently approved in Burford, landscaping and other detailed requirements proposed were potentially excessive, thereby increasing the cost of development and prejudicing the delivery of affordable housing. Mr Shaw acknowledged that, in looking to industry standards, the cost of development would fall within the top quartile. However, should the applicants contend that the cost of development had been too high, the Council would counter that costs should have been more tightly controlled.

The Council's Officers and consultants were used to dealing with such negotiations.

Councillor Cotterill proposed that the application be approved subject to an additional condition requiring a hedge to be planted along the boundary of plots 216-224. In response to a question from Councillor Haine, it was confirmed that any lesser provision would have to be considered and approved by the Sub-Committee.

Having been duly seconded the proposition was put to the vote and was carried.

Permitted subject to the following additional condition, the applicant's attention being drawn to Condition 32 of the originating consent 18/02484/S73 which requires the provision of 50% of the dwellings as affordable housing unless a lower percentage is agreed in writing by the local planning authority following a review of development viability after the completion of Phase I and prior to the commencement of any subsequent phases delivering dwellings. The review shall include robust and detailed benchmarking data for values and construction costs on Phase I that has been verified by external independent audit. Notwithstanding the outcome of this review the affordable housing percentage shall be not less than 37%.

6. Prior to occupation of the dwellings at plots 216-224, a hedge shall be planted along the rear boundary in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of residential amenity.

22 19/00603/FUL Land South of 19 Fox Lane, Middle Barton

Sarah Hegerty, the Planner (Development Management) introduced the application.

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

In response to a question from Councillor Saul, Mr Lotter advised that he had owned the land for a year and had been using it for grazing during that time. He had no fixed plans for its future use but had considered using the land as an allotment. In response to a question from Councillor Jackson, Mr Lotter confirmed that the land had been fenced off to enable goats to be grazed on the site. In response to a question from Councillor Colston he confirmed that this was agricultural land.

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

Councillor Jackson advised Members that Fox Lane was a cul-de-sac which provided access to two properties and was used by dog walkers and children going to school. He noted that part of the soil bank would have to be removed in order to create an access and he queried how it would be disposed of.

Councillor Jackson also queried whether the site had an agricultural use, if sight lines were adequate and whether the proposed access was of sufficient width for agricultural use. He also indicated that there was some local concern over the future use of the land.

Mr Shaw advised that, whilst it was likely that it would be spread over the site, disposal of the excavated soil could be addressed by condition. He informed Members that the existing land use was not relevant as land could be changed to agricultural use without the need for planning permission. He acknowledged the concern over the adequacy of the vision splay but confirmed that the Highway Authority had required the plan and gradient and was satisfied with the proposals. Finally, it was confirmed that any future change of use would require planning permission and that approval of the current application would not allow residential use.

Councillor Colston indicated that agricultural land required an access but suggested that it should be constructed using hard-core rather than tarmac with a gate, not doors, so as to retain an agricultural rather than a domestic appearance. The Planning Officer advised that the plans showed the surface to be hard-core and that the provision of a gate could be governed by condition.

The Officer recommendation was proposed by Councillor Cotterill and seconded by Councillor Colston subject to an additional condition regarding permitted development rights.

Permitted subject to the following additional condition, the applicants being advised that prior to the commencement of development, a separate consent must be obtained from Oxfordshire

County Council's Road Agreements Team for the proposed access and off site works under Section 278 of the Highway Act 1980.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no gate or means of enclosure permitted under Schedule 2, Part 2, Class A shall be erected on site without the written permission of the Local Planning Authority.  
Reason: To safeguard the character and appearance of the area.

Councillor Cooper noted that the Westcote Barton Parish Meeting had expressed concern over the quality of the submitted plans and questioned what was acceptable. Mr Shaw advised that some 75% of plans initially submitted were rejected as unsatisfactory. Whilst the plans accompanying the current application were poor, it was possible to establish the applicant's intent.

(Councillor Postan joined the meeting at this juncture)

27 19/00660/FUL Land at Garage South of Hunts Barn, High Street, Great Rollright

Ms Hegerty presented her report containing a recommendation of conditional approval.

Councillor Colston felt that the site was small and questioned what could be done with it.

Councillor Haine saw the proposals as an improvement to the current condition of the site.

Councillor Postan proposed the Officer recommendation as this would provide additional off street parking. The proposition was seconded by Councillor Saul who noted that the garage was smaller than that originally proposed and in keeping with its surrounding. However, he considered that its future use should be conditioned. Councillor Postan agreed to amend his proposition accordingly.

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

Permitted subject to the following additional condition:-

6. The garage accommodation hereby approved shall be used for the parking of vehicles or domestic storage only and for no other purposes.

Reason: In the interest of road safety and convenience and safeguarding the character and appearance of the area.

#### 8. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISION

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

#### 9. NON COMPLIANCE WITH APPROVED PLANS – 34 GROVE ROAD, BLADON – (APPLICATION NO. 18/00967)

The Sub-Committee received and considered the report of the Business Manager – Development Management regarding an enforcement investigation in relation to non-compliance with approved plans for the erection of a replacement dwelling at 34 Grove Road, Bladon.

The Planning Officer, Declan Jermy, introduced the report and made reference to an email submitted by Bladon Parish Council and circulated to all Members. A copy of the Parish Council's representations is attached as Appendix D to the original copy of these minutes.

Councillor Cooper noted that the site was within the Green belt and a Conservation Area and questioned why the Council had not served a Stop Notice as it had in relation to a nearby property some years previously.

Mr Shaw explained that serving a Stop Notice would leave the Council at risk of having to pay compensation for the resulting delay if the development was subsequently considered to be acceptable. It was not visible within the public domain and, whilst it differed from the approved plans, it was difficult to identify harm. Government guidance and the Council's own Enforcement Policy supported the course of action proposed; that a retrospective planning application be sought and considered.

Councillor Cooper questioned what had changed since the previous case he had referred to and Mr Shaw advised that the National Planning Policy Framework had come into force.

Councillor Cotterill questioned whether the works could result in damage to existing properties and Mr Shaw advised that this would be a civil matter between the parties concerned.

Councillor Postan asked whether it would make any difference if a garage had been constructed rather than the land laid to lawn. Mr Shaw advised that there was already parking provision to the front of the site but that such development to the rear of the property could potentially be carried out as permitted development.

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

**RESOLVED:** That progress to date be noted and that no formal enforcement action be taken at this stage.

(Councillor Cooper requested that his vote against the foregoing resolution be so recorded)

The meeting closed at 3:25pm

CHAIRMAN