

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 2 September 2019.

PRESENT

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

(# Ex-officio, Non-voting)

Officers in attendance: Abby Fettes, Sarah Hegerty and Paul Cracknell.

21. MINUTES

Councillor Cooper requested that it be noted that he had spoken and voted against the grant of planning permission for the development at Olivers Garage, 80-82 Main Road, Long Hanborough (Application No. 18/03403/FUL)

**RESOLVED:** That, subject to the amendment detailed above, the minutes of the meeting of the Sub-Committee held on 5 August 2019, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

22. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillors Mike Cahill, Nathalie Chapple and Nigel Colston. There were no temporary appointments.

23. DECLARATIONS OF INTEREST

Whilst not a disclosable interest, Councillor Beaney advised that the applicant in respect of Application No. 19/00920/FUL (Corner House, Church Road, Churchill) was known to him, they both having served as Governors of Enstone Primary School. He indicated that this was not such as to preclude his participation in consideration of the application.

As the applicant, Councillor Cotterill declared an interest in Application No. 19/01307/FUL (Car Park at Gulidenford, Burford). He advised that he would speak as the applicant in accordance with the Council's scheme of public participation but would then leave the meeting. Councillor Cooper declared an interest in Agenda Item No. 19/00927/HHD (Pinsley Farmhouse, 170 Main Road, Long Hanborough) as the owner of the neighbouring property was known to him.

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

## 24. APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Business Manager – Development Management, 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.

(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:-

19/00920/FUL, 19/00927/HHD, 19/01067/HHD, 19/02012/FUL, 19/01180/HHD and 19/01307/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 Business Manager – Development Management, subject to any amendments as detailed below:-

### 3 19/00920/FUL Corner House, Church Road, Churchill

The Principal Planner, Abby Fettes, introduced the application and advised Members that certain elements of the applicant's case as set out in the report referred to a previous application.

The applicant, Mr Peter Dunncliffe, 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 Principal Planner then presented the report containing a recommendation of refusal.

Councillor Owen expressed some concern at the manner in which this application had been dealt with and, in particular, with regard to communication between the Council's Officers and the applicant. He thanked Officers for their report and recognised their expertise but advised that he did not agree with their conclusion that the proposal would result in an overly urbanised development.

The Principal Planner advised that the Conservation Officer had been concerned over the siting of the proposed building adjacent to the boundary and its consequent visibility within the Conservation Area from the outset and throughout.

Councillor Owen expressed his support for the application and Councillor Davies agreed that permission should be granted.

Councillor Beaney proposed that consideration of the application be deferred to enable a site visit to be held in order for Members to assess the potential impact of the development on the site.

In seconding the proposition, Councillor Cotterill indicated that he would like to see the footprint of the building pegged out and a physical indication of its height.

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

Deferred to enable a site visit to take place.

9 19/00927/HHD Pinsley Farmhouse, 170 Main Road, Long Hanborough

The Planning Officer, Sarah Hegerty, introduced the application.

The applicant, Mr Nick Snell, 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.

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

Councillor Davies agreed that this was a huge extension but suggested that it would still appear linear in form. She did not consider that it would be over-dominant and believed it to be subservient to the host property.

The applicant had worked hard to follow the Council's design guidelines and Councillor Davies considered these to be urban based. She believed that there should be a mechanism to consider such development in a rural setting and look behind the objectives of planning legislation.

Councillor Davies did not feel the proposed development would impact upon the neighbouring property and believed that a precedent for such development had already been set by permitting the extension of the Old Police House.

The Planning Officer advised that each application had to be considered on its own merits with regard being taken of the specific location. This application differed significantly from that at the Old Police House. Councillor Davies maintained that the development at the Old Police Station had been poor and ought not to have been permitted.

Councillor Postan was puzzled that the extension to the rear of the property which faced out onto the open countryside was allowed under permitted development. However, this was an ugly old house and, whilst he considered the design to be somewhat pedestrian, the proposed development was an improvement upon the existing dwelling and would not be harmful to the settlement.

Councillor Cotterill noted that this appeared to be a large plot and questioned whether the new house constructed adjacent to the site was of a similar size to that proposed. The Planning Officer agreed that the new house was large but not quite as big as that currently proposed. She also acknowledged that there was a significant separation distance between the two. Councillor Cotterill questioned whether the site could take a large property if the design was modified. In response, the Planning Officer advised that the applicant had wished to pursue the current application.

Councillor Saul indicated that he had some sympathy with the applicant and agreed that there would be no adverse impact upon the amenity of adjacent residents. However, the extension was clearly not subservient to the host dwelling and Officers had been correct in identifying it as being contrary to Policies OS2 and OS4 of the adopted Local Plan. He suggested that the applicant be invited to discuss modifying his proposals.

Councillor Haine agreed with Councillor Saul.

Councillor Bishop indicated that he knew the site well and whilst the proposal was for a large extension that would increase massing on the site, he did not think that it would be out of place or have an adverse impact. He considered that it would be unjust to refuse the application and believed that, on balance, the application was acceptable.

Councillor Davies reiterated that the development would still appear linear in form and advised that the applicant had not wished to revise the layout as it was intended to arch across from the new dwelling. It was not a reluctance to reduce the size of the extension but a question of design and layout.

Councillor Jackson agreed with Councillor Bishop that it would be unreasonable, on balance, to refuse consent. Councillor Bishop questioned whether the applicant had been adamant in his refusal to amend the plans and the Planning officer confirmed that he had rejected suggestions to do so, wishing the current proposals to come before Members. The principal Planner advised that this was not an unusual situation.

Councillor Cotterill suggested that the precedent set by the Old Police House would make a refusal difficult to defend on appeal.

Councillor Beaney noted that the extension was not subservient to the host dwelling, representing an increase in footprint of some 80%. He expressed concern that approval of the application would set an undesirable precedent and saw no reason that it should be permitted, cautioning Members accordingly.

It was proposed by Councillor Davies and seconded by Councillor Cotterill that the application be approved and on being put to the vote the proposition was carried.

Permitted subject to such conditions as the Business Manager – Development Management, considers appropriate in consultation with the Chairman of the Sub-Committee.

(Councillor Cooper left the meeting during consideration of the foregoing application)

*Post Committee Note – The following conditions were approved in consultation with the Chairman:-*

- I. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. That the development be carried out in accordance with the approved plans listed below.  
Reason: For the avoidance of doubt as to what is permitted.
3. The development shall be constructed with the materials specified in the application.  
Reason: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
4. Before first occupation of the building/extension hereby permitted the window(s) serving any WC/bathroom shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
Reason: To safeguard privacy in the adjacent property.
5. Before above ground building work commences, a sample of the cedar cladding to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
Reason: To safeguard the character and appearance of the area.
6. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
Reason: To ensure the architectural detailing of the buildings reflects the established character of the area.

13 19/01067/HHD Eleftheria, Hastings Hill, Churchill

The Principal Planner, Abby Fettes, introduced the application.

The applicant, Mr Tom Burdett, 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.

In response to a question from Councillor Owen, he confirmed that it was and would remain possible to drive into the rear of the property.

The Principal Planner then presented the report containing a recommendation of Refusal.

Whilst acknowledging the Policy imperatives, Councillor Owen considered that the impact of the proposed development could only be fully assessed on site and proposed that consideration of the application be deferred to enable a site visit to be held. The proposition was seconded by Councillor Jackson who considered that the impact upon the neighbouring property would be minimal.

Councillor Haine advised Members to be mindful of the concerns raised by the neighbour and indicated that this was the second such application in the settlement.

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

Deferred to enable a site visit to be held.

17 19/01180/HHD 2 Church Street, Fifield

The Principal Planner presented the report containing a recommendation of approval. She made reference to the comments set out in the report of additional representations and recommended that a note be added to any consent drawing the applicant's attention to the provisions of the Party Wall Act and reminding them that planning permission does not override personal property rights.

Councillor Haine indicated that it was regrettable that the rear wall of this 17<sup>th</sup> Century property could be destroyed under permitted development rights but saw no grounds upon which to refuse consent.

The revised Officer recommendation was proposed by Councillor Haine and seconded by Councillor Beaney. Councillor Beaney questioned why the application had been brought before Members and Councillor Haine explained that the neighbour had intended to speak against the application until it had been established that works could be carried out as permitted development.

Councillor Cooper questioned whether a response had been received from the Parish Council. Councillor Haine advised that, whilst he understood that the Parish Council was opposed to the development, no formal response to the consultation had been received.

In response to a question from Councillor Cotterill, the Chairman advised that the replacement of the windows to the rear of the building had been previously agreed.

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

Permitted, the applicant's attention being drawn to the provisions of the Party Wall Act and reminded that planning permission does not override personal property rights.

21 19/01307/FUL Car Park, Guildenford, Burford

The applicant, Councillor Derek Cotterill, addressed the meeting in support of the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

(Councillor Cotterill then left the meeting during consideration of the application)

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

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

Permitted

The Planning Officer, Declan Jermy, introduced the application and made reference to the comments set out in the report of additional representations. He advised that the applicants had submitted revised plans earlier that day to address the comments made.

Ms Fiona Bradley of Attwells Solicitors addressed the meeting on behalf of owner of the property immediately adjoining the application site in opposition to the application. A summary of her submission is attached as Appendix E to the original copy of these minutes.

Mr Iain Summerwood of Edgars Limited then addressed the meeting in support of the application. A summary of his submission is attached as Appendix F to the original copy of these minutes.

Councillor Cooper expressed concern at the submission of revised plans on the day of the meeting and, in the absence of sufficient time to examine them, proposed that consideration of the application be deferred. The Principal Planner explained that the revised plans had been submitted in response to the comments of the Council's Landscape Officer and simply provided details of landscaping proposals that would be required by condition.

The proposition of deferral was seconded by Councillor Davies and on being put to the vote was lost.

The Officer recommendation was proposed by Councillor Postan and seconded by Councillor Saul. In doing so, Councillor Saul indicated that he could see no harm in the proposals which would not have any significant impact upon neighbouring amenity.

Councillor Cooper questioned how landscaping was to be addressed and expressed concern over the quality of the submitted plans. He asked how enforcement legislation had changed since 1990, indicating that the Council had taken enforcement action against a comparable development in Grove Road in 1991.

Councillor Cooper questioned why the proposed amendments to the external fenestration were considered acceptable in such proximity to a world heritage site given recent enforcement action taken in relation to property in the vicinity of Edinburgh Castle and suggested that the comparison between the current and previously un-kept condition of the bank was unhelpful and likely to encourage landowners to neglect their property in order to secure planning consent.

In conclusion, Councillor Cooper indicated that he considered this to be a sub-standard development in the vicinity of a world heritage site that could have been better resisted had a buffer zone been established. He stated that he could not support the proposal.

The Principal Planner advised that this was a re-application of a previously approved proposal and that only the specified amendments were open to consideration; specifically landscaping and visual appearance.

Concerns over highway issues had been addressed during consideration of the previous application.

The Planning Officer advised that the new planting scheme had been submitted in response to comments made by the Parish Council and would now be secured by condition. Concerns over potential overlooking/overbearing of 36 Grove Road had also been assessed during consideration of the previous application when it had been concluded that no undue overlooking would result. The current application sought minor modifications to the approved scheme and no policy objections had been raised.

In response to a question from Councillor Davies it was confirmed that no windows would overlook the neighbouring property. Further, it was explained that the revised landscape plans received earlier that day and displayed at the meeting had been submitted to pre-empt the proposed landscaping condition. However, the Principal Planner advised that further details of the landscaping proposals would be required.

Councillor Cotterill sought clarification of the concerns expressed by the occupier of the adjacent property in relation to access to his property and the sweep of the driveway. The Planning Officer advised that he understood that the neighbour was concerned about the possibility of hitting the wall.

Councillor Cotterill also suggested that planting ivy on the wall as proposed would be damaging to its structure.

Councillor Ted Fenton considered this to be an improvement upon the original proposal but stressed that he was opposed to retrospective planning applications and would have preferred to have had the opportunity to consider the proposals prior to the commencement of development. He expressed sympathy with Councillor Cooper's concerns over the late submission of plans, indicating that, given that this was a somewhat contentious scheme, it would have been helpful to have received these sooner. Councillor Owen Concurred.

Councillor Beaney questioned whether the three high level windows would give rise to potential overlooking. In response, the Principal Planner advised that the windows were at such a level to obviate any such potential as the development site was set down from the adjoining land. Councillor Beaney suggested that the window frames should be wood rather than UPVC and sought confirmation that the construction of the driveway had now reverted to that originally approved. The Principal Planner confirmed that, as concerns had been raised with regard to drainage issues, this was the case.

Councillor Beaney questioned the purpose of the hedge and it was explained that this was intended as a physical barrier to protect residents from the drop from the garden to the driveway. The Principal Planner also confirmed that there would be no overlooking and only minor visual impact on the neighbouring property.



Given that it was a safety related issue, Councillor Beaney suggested that the hedge should be required to be retained in perpetuity. He also agreed with Councillor Cooper that the comparison between the current and previously un-kept condition of the bank was unhelpful.

Having visited the site during consideration of the previous application Councillor Postan considered the proposed development to represent a great improvement. It was a positive step and an example of good quality design. The need for the amendments currently before Members had only come to light during the course of development.

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

Permitted

25. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined under delegated powers was received and noted.

The meeting closed at 3.40pm

CHAIRMAN