

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Uplands Area Planning Sub-Committee
Held in the Council Chamber at 2.00 pm on **Monday, 18 October 2021**

PRESENT

Councillors: Councillor Jeff Haine (Chairman), Councillor Julian Cooper (Vice-Chair), Councillor Alaa Al-Yousuf, Councillor Andrew Beaney, Councillor David Jackson, Councillor Elizabeth Poskitt, Councillor Alex Postan, Councillor Geoff Saul, Councillor Dean Temple and Councillor Alex Wilson

Officers: Joan Desmond (Principal Planner)

30 Minutes of Previous Meeting

The minutes of the meeting held on 20 September 2021 were approved and signed by the Chairman as a correct record.

31 Apologies for Absence and Temporary Appointments

Councillor Elizabeth Poskitt substituted for Councillor Nathalie Chapple and Councillor Alaa Al-Yousuf substituted for Councillor Marilyn Davies.

32 Declarations of Interest

Councillor Saul declared an interest in application 21/02573/7 Cleveley Road Enstone, because he knew the applicant. He left the meeting whilst the item was considered

33 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.

RESOLVED: That the decision on the following applications be as indicated, the reasons for refusal to be as recommended in the report of the Business Manager – Development Management, subject to any amendments as detailed below:-

21/02110/FUL - Car Park Guildenford, Burford

The Principle Planner, Joan Desmond introduced the application for the expansion of the Guildenford car park northwards, to accommodate approximately 150 vehicles, to include two new footbridges, one alongside the existing road bridge and the second into the churchyard across the millstream. The report highlighted that this site was located in Cotswolds Area Of Outstanding Natural Beauty (AONB) and a flood zone. Mrs Desmond also highlighted the Additional Representations report, which included updates from, Oxfordshire County Council Transport and OCC LLFA (Local Lead Flood Authority).

The following people addressed the Committee:

Councillor Derek Cotterill, Burford Town Council in support of the application.

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The Principal Planner then continued with her presentation, and highlighted a number of photographs of the site. The report highlighted the principle of development, the impact on heritage assets and the AONB, flood risk, biodiversity and highways issues. The Principal Planner advised that the officer recommendation was one of refusal as officers did not feel that it had been sufficiently demonstrated that any public benefits derived from additional parking in Burford would outweigh the significant harm identified to both the built and natural environment in Burford. In addition, the proposal was contrary to policies OS2, OS4, EH1, EH3, EH7, EH9, EH10, EH11, EH13, EH15, EH16 of the adopted West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF. She signposted Members to the three refusal reasons detailed in the report.

Councillor Cooper addressed the meeting and thanked those Councillors who had attended the recent site visit. Councillor Cooper also noted that the Bowls Club, as an alternative site for a car park, was impracticable. He therefore, proposed that the application be refused as per officers recommendations, and as outlined on pages 24 and 25.

Councillor Saul stated he was very sympathetic to Burford Town Council in their efforts to find alternative parking, but added he seconded the proposal from Councillor Cooper.

Councillor Poskitt expressed her thanks to the local Councillors that joined that site visit, added that she could not see the application working in practice, and that she agreed with Councillor Cooper and Councillor Saul.

Councillor Postan agreed that the Bowls Club suggestion was unsuitable. and added that the current application should be revisited, and improved upon, especially with regards to drainage and the flow of the river, pedestrian access and the design of the bridge.

Mrs Desmond explained that the application would require extra costs to review the parking issue in Burford, and that many areas suffered parking issues. She reminded Members that the recommendations were for the application in front of the committee today.

The Chairman agreed with officers, stating many areas who were suffering with the same issue.

Councillor Beaney advised that the Bowls Club was used by Cadets and the nearby nursery and agreed it was unsuitable to take additional parking.

Councillor Fenton raised a concern about the site in respect of flood risk and Mrs Desmond clarified that planners have guidance for any development on the risk to flooding, and that this site had been subjected to a flood risk assessment too. Councillor Poskitt commented that floods often happened, not only in winter, and could take days to drain away.

Councillor Jackson asked how often the car park was full, particularly when Warwick Hall functions were on. He did not feel the problem of parking would go away, but advised that he would not abstain from voting as he did not have policy reasons for going against Officers recommendation.

Mrs Desmond clarified that no evidence that this was the case only statements. Mrs Desmond also referred to the late representation reports.

The Chairman reminded the Committee that they must have policy reasons for going against the officers recommendations.

Councillor Al-Yousuf did not feel that much had changed from the last time this application was considered and recognised that it was the Committee's role to look at the application in front of them. He queried whether Burford Town Council needed to look at other solutions. He felt that the reasons for refusal were quite compelling, and advised that he would support the officer recommendation.

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The Chairman then put the proposal to accept the Officers recommendation of refusal to a vote, which was carried.

Refused for the following reasons:

1. The proposed car park and footbridges, by reason of their siting, design and scale, would appear incongruous features in the landscape negatively affecting views, eroding historic landscape character, harming the appearance of the Conservation Area, and the setting of listed buildings; particularly the grade I listed Church, therefore failing to preserve the character of the heritage assets and their settings. It has not been sufficiently demonstrated that the public benefits of the development would outweigh the harm identified. Further, the proposed development, by reason of its siting, scale and nature would have an urbanising impact failing to conserve or enhance the landscape and scenic beauty of the Cotswold AONB. The proposed development is therefore contrary to policies EH1, EH9, EH10, EH11, EH13, EH15, EH16, and OS4 of the adopted West Oxfordshire Local Plan 2031, and Section 16 and paragraph 172 of the National Planning Policy Framework 2019.
2. The proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. This site lies within Flood Zone 3b functional floodplain, which is land defined by the PPG and the WODC Strategic Flood Risk Assessment as having a high probability of flooding. The development is classed as Less Vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted. In addition, the Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in the PPG. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to consider how people will be kept safe from the identified flood hazards; consider how a range of flooding events (including extreme events) will affect people and property and fails to take the impacts of climate change into account as flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they propose inadequate flood storage compensation for the increase in flood risk resulting from this development.
3. It has not been demonstrated that the proposed development would protect or enhance the nature conservation value of the site, which is listed as being a habitat of 'principal' importance under s41 of the Natural Environment and Rural Communities (NERC) Act 2006. The proposed development is therefore contrary to policy EH3 of the adopted West Oxfordshire Local Plan 2031 and paragraphs 170 and 175 of the National Planning Policy Framework 2019.

21/02573/OUT - 7 Cleveley Road, Enstone

The Principle Planner, Joan Desmond introduced the outline application for the erection of four dwellings, the closure of existing access, and the creation of a separate access for No. 7 Cleveley Road and a new access for the proposed dwellings, with parking layout and landscaping scheme (with some matters reserved) (Amended Plans).

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Mr Graham Sloane addressed the Committee in support of the application.

Mrs Desmond continued with her presentation, highlighted photographs of the site and the beech tree mentioned in Mr Sloane's address to the Committee. Mrs Desmond advised that the proposed development, by reason of its layout and scale would not form a logical complement to the existing scale and pattern of development and character of the area. It would be harmful to the rural edge setting of the village by reason of its visual intrusion and projection of development further to the east. In addition, inadequate ecological information had been submitted, and the Biodiversity Plan did not sufficiently compensate for vegetation lost. The proposed development was therefore considered to be contrary to the provisions of policies OS2, OS4, EH3 and H2 of the adopted West Oxfordshire Local Plan 2031 as well as the relevant paragraphs of the NPPF 2021. The Principal Planner concluded by outlining the two refusal reasons detailed in the report.

Councillor Beaney advised that he supported the second refusal reason, however, he raised a query relating to the first refusal reason. He referred to four nearby sites that had similar applications approved and asked for clarification on the differences with this proposal, in response, the Principle Planner explained that this was due to the level of projection, and the site was sensitive to the rural edge, especially with the proposed additional parking. She also felt it appeared out of context to the surrounding edge.

The Principal Planner confirmed that, in principle, the site may be suitable for development, but when the detail of the plans submitted was considered and the associated parking included, it did not follow the line of the existing area.

Councillor Wilson queried if it would be possible to postpone making a decision until additional ecological information was available, however, the Chairman reminded Members that they were there to make a decision on the application as submitted.

Following a question from Councillor Poston, Mrs Desmond provided clarification of the site boundary.

Councillor Poskitt felt that it was difficult to imagine the proposed development from the photos and the report, and proposed a site visit. This was seconded by Councillor Jackson and having been put to the vote, the proposal was carried.

Councillor Beaney wanted clarity on the reserve matters, and Mrs Desmond confirmed you can unreserve, the only thing that is not fixed is the appearance.

Councillor Al-Yousuf asked if there had been any formal pre-consultation with planning officers before the application was submitted and Mrs Desmond confirmed there had not.

Deferred for site visit.

34 Applications Determined under Delegated Powers and Appeal Decisions

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

There were two appeal decisions report and these were introduced and summarised by the Principal Planner as per the details in the report.

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The Meeting closed at 3.00 pm

CHAIRMAN