

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 4 November 2019.

PRESENT

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

(# Ex-officio, Non-voting)

Officers in attendance: Phil Shaw, Kelly Murray, Sarah Hegerty, Tara Hayek and Paul Cracknell.

33. MINUTES

**RESOLVED:** That the minutes of the meeting of the Sub-Committee held on 7 October 2019, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

34. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

35. DECLARATIONS OF INTEREST

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

36. 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.

(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:-

19/01954/HHD, 19/01955/LBC, 19/02266/FUL, 19/02332/FUL and 19/02236/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:-

The Business Manager – Development Management presented his report containing a recommendation of conditional approval.

Councillor Haine indicated that, whilst the impact of the construction of the track upon the underlying archaeological features was regrettable, the current proposals represented the best possible way in which this harm could be remediated. However, he considered the proposed hedge would be inappropriate and out of keeping with the rural nature of the site and felt that the track should simply be treated as suggested and allowed to become grassed over.

Councillor Colston concurred and also suggested that the fencing erected adjacent to the track was an alien feature which should be removed. He agreed that the track should be grassed over and become naturalised and that steps should be taken to ensure that it was not hard surfaced in the future. The harm already done could not be remedied and the Council was now engaged in damage limitation. Councillor Colston proposed the Officer recommendation of conditional approval, subject to the removal of the fencing and the omission of the proposed hedge planting as part of any landscaping scheme.

Councillor Beaney expressed some concern over the development and suggested that it should be made clear that the track was to be used for agricultural purposes only. The Business Manager – Development Management stressed that it was clear that the use of the track was for agricultural purposes only and advised that the current proposals would see the recently laid surface removed and the track covered with a soil and seed mix. Once these ameliorative measures had been undertaken, the track would be required to remain as such.

Having received this assurance, Councillor Beaney seconded the proposition.

Councillor Jackson acknowledged that this application placed Officers in a difficult position. He made particular reference to the concerns expressed by the Sanford St Martin Parish Council as set out in the report but recognised that the current proposals were the only practical remedy. Councillor Jackson also queried the status of Beaconsfield Farm and the Business Manager – Development Management advised that the archaeological knowledge gained from the recent survey work was such as to limit its future development potential.

Councillor Postan emphasised that the best way of preserving archaeological remains was to leave them covered. He agreed that no trees or hedgerows should be planted as their root growth could damage the underlying archaeology.

Councillor Fenton asked how the track could be prevented from being widened over time if it was simply grassed over and not clearly delineated. The Business Manager – Development Management indicated that it was anticipated that the track would be defined by wheel ruts with grass to either side and between.

Councillor Owen questioned the benefit of leaving these archaeological remains in the ground. The Business Manager – Development Management advised that the archaeological evaluation had revealed features of equivalent significance to scheduled monuments and therefore subject to the policies of designated heritage assets. It was best that these were left unexcavated for the benefits of future generations who may be better able to interpret their significance.

Councillor Bishop reiterated his distaste for retrospective applications and his view that appropriate sanctions should be put in place for those undertaking works without the benefit of planning consent.

From his own personal experience, Councillor Postan reiterated that the best way of dealing with sites of archaeological significance was to leave them alone.

Councillor Colston indicated that he did not anticipate that the track would see significant use and expected that Beaconsfield Farm would be redeveloped at some future date.

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

Permitted subject to the following conditions, the applicants being advised that this track has been approved for agricultural purposes only and that any use for non-agricultural purposes (e.g. as a residential access to Beaconsfield Farm) would require planning permission. Further, that they be reminded of the extent and sensitivity of the archaeological remains in the vicinity and advised that the farm was formerly a model farm and its architectural importance should be reflected in any proposed works as may be considered in future. There is also scheduled monument adjacent to the farm. This clearly extends well beyond the scheduled area as clearly shown by the results of this geophysical survey and evaluation. Any such features will be subject to the same policies for designated assets. It is therefore essential that a geophysical survey of the area is undertaken before any works are undertaken so the landowner can be fully aware of the extent of the archaeology and can consider an appropriate development without having an invasive effect upon below ground archaeological features which if it does occur will need to be considered in the light of the need to ensure that such remains are safeguarded and where they are deliberately damaged contraveners are suitably dealt with:-

1. No use shall be made of the track hereby approved, or within 2 months of the date of this permission whichever is the sooner, until such time as a revised landscaping scheme (detailing the removal of the post and rail fence in its entirety and the non-provision of the hedge adjoining the track) along with the provision of the other proposed landscape works has been submitted to and approved in writing by the LPA. The approved landscaping details shall be implemented in full in the first planting season following the agreement of the said details, and shall be retained in place thereafter.

Reason: To ensure that the visual harm of the track is reduced to acceptable levels.

2. The track hereby approved shall only be surfaced as per the details contained in the application and shall not be repaired, upgraded or resurfaced other than as approved without the prior express planning permission of the LPA.

Reason: To ensure that the track retains a rural appearance once the ameliorative works have been implemented.

3. In the course of undertaking all works or remediation and landscaping, measures shall be put in place to ensure that contractors are aware of and undertake works to avoid damage to the remaining archaeological remains alongside the track in accordance with a briefing note first agreed in writing by the LPA.

Reason: To ensure no further archaeological harms are caused.

#### 11 19/01954/HHD 48 Oxford Street, Woodstock

The Planning Officer, Sarah Hegerty, introduced the application and reported receipt of revised plans indicating that the door at first floor level being replaced by a window.

Mr Bruce Mullet, the applicant's agent, 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.

Given that the existing windows had only been installed some 20 years previously, Councillor Saul asked what they had replaced. Mr Mullet advised that the ground floor opening had been a window serving a WC whilst the first floor opening had been a door to a storage area. It had originally been intended to reinstate this as part of the current application but, as this had been viewed negatively at the previous meeting, the amended plans referred to by the Planning Officer had been submitted. His client had a preference for a window but the original plans had proposed a door as this had been considered to be more sympathetic to the original design of the building.

In response to a question from Councillor Chapple, Mr Mullet advised that, whilst his client would prefer a window, she was prepared to accept whichever option Members favoured.

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

The Council's Conservation and Design Officer, Tara Hayek, then addressed the meeting, setting out the rationale behind her recommendation.

In response to a question from Councillor Beaney, she advised that, whilst a review was underway and a draft conservation area appraisal was in the course of preparation, the existing conservation area status remained relevant, the site being within a conservation area since 1975.

In response to a question from Councillor Postan, the Conservation and Design Officer advised that there was no information on the original form of the door at first floor level and, whilst a plank door or shuttered window could be acceptable in design terms, the proposed extension would still obscure the façade of the building and detract from the original L shaped footprint.

Councillor Chapple noted that the building would retain an L shaped form but the Conservation and Design Officer advised that this form would be diminished and the passageway would be lost. Councillor Chapple suggested that the L shaped form could be retained if the bi-fold door was to continue to follow the line of the passageway but the Conservation and Design Officer indicated that this would result in the loss of the original form and definition.

In response to a question from Councillor Davies, the Conservation and Design Officer advised that, regardless of the unauthorised nature of the existing extension, Officers would wish to see an ethereal, glazed link that did not impact upon the façade of the property or the adjacent building.

The Planning Officer advised that the application offered no public benefit as the property was in the private realm. Continued domestic use was not conditional upon the grant of planning permission.

The Business Manager – Development Management advised Members that the National Planning Policy Framework required Members to be particularly diligent when assessing applications involving listed buildings as only 2% of buildings were listed and they represented an irreplaceable resource.

Members had to be mindful of the impact upon heritage assets and any harm to or loss of a heritage asset required clear justification. Less than substantial harm could be weighed against public benefit which could include securing an existing use. However, in this instance, whilst desirable, the proposed extension was not considered to be essential to the building's continued use.

Councillor Cooper expressed his thanks to the Conservation and Design Officer for her impressive and knowledgeable presentation but indicated that he disagreed with her conclusion. He agreed that it was essential that Members continued to place great emphasis on applications involving listed buildings as it was important that their decisions were correct. However, on balance, he believed that the current application enhanced the listed building.

Whilst this may have been considered to be an unusual stance, Councillor Cooper made reference to an earlier approval for a similar extension at 38 Oxford Street and questioned how this could be differentiated from the current application.

Councillor Cooper considered the application to comply with Policy EH11 and, whilst his personal preference was for a window not a door, he considered either to be acceptable. Accordingly, he proposed that the application be approved.

The proposition was seconded by Councillor Postan who considered that the development would provide a public benefit. The principle of conservation ought not to seek to freeze a building at a particular point in time. The existing extension was an eyesore and the proposed replacement would be an improvement. Councillor Postan considered the first floor opening to be significant but felt that this could be adequately addressed by the use of a shuttered window. The public benefit would be the retention of the building in domestic use and the design of the extension was such that the evolution of the building could be clearly seen.

The Business Manager – Development Management stressed that it was not Officers' intention to freeze the building at a single point in time and it had already been indicated that some form of alteration would be acceptable. However, it was important to preserve as much of the existing form of the building as possible and the current application was considered to be a step too far.

Councillor Davies expressed her sympathy for the applicant but agreed with the Officer recommendation as the proposal was clearly contrary to local and national policy. Councillor Haine concurred.

Councillor Cotterill agreed that the existing extension was an eyesore but considered that the current proposals were in need of redesign incorporating increased glazing to retain the character of the L shaped layout, the line of the passageway and the existing apertures in the building. A better design would enable the applicants to gain approval for an extension but the current proposals failed to comply with the NPPF.

Councillor Owen agreed with Councillor Cooper's 'on balance' assessment and, whilst recognising the importance of conservation, considered that this had to be balanced against the need to move on. Councillor Owen also thanked the Conservation and Design Officer for her illuminating presentation.

Councillor Saul agreed with Councillors Cotterill and Davies in that the proposals did not meet local or national planning policy. Members could not take account of the existing unauthorised extension and Councillor Saul agreed that the applicants should reconsider their approach.

Councillor Chapple considered that the history of the building was extensively documented and sufficient to enable the past to be traced. The proposed design also allowed the existing form to be traced and seen and new technology enabled any damage to the fabric of the existing property to be mitigated and allow the development of the property to be seen. The proposed extension would be adding to the property's history.

Councillor Jackson indicated that this was a difficult application but agreed with the Officer recommendation. Although the existing extension was an eyesore, he agreed with the Conservation Officer's justification for the recommendation of refusal and did not see the size of the extension to impact unduly on the functionality of the house.

Councillor Bishop indicated that he had initially been in favour of accepting the application. However, in view of the Conservation Officer's presentation and the comments made by the Business Manager – Development Management regarding the requirements of the NPPF he would now support the Officer recommendation of refusal.

Councillor Haine advised that he was not aware of the application at 38 Oxford Street referred to by Councillor Cooper but suggested that the decision might pre-date the NPPF.

The recommendation of approval was put to the vote and was lost.

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

Refused

15 19/01955/LBC 48 Oxford Street, Woodstock

Listed Building Consent be refused

19 19/02266/FUL 2 Ashford Close, Woodstock

The Business Manager – Development Management, introduced the application

Mr David Burson, the applicant's agent, 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 Business Manager – Development Management then presented the report containing a recommendation of conditional approval.

Councillor Cooper advised that this building was the former Woodstock Railway Station and, as such, a special building in the town. He disagreed with the objections raised by the Town Council and expressed support for the Officer recommendation. Whilst recognising that there were pros and cons to the application and appreciating the intended retention of an element of employment use, Councillor Cooper noted that other similar parts of the building had been brought into residential use and proposed the Officer recommendation of conditional approval.

In seconding the proposition, Councillor Cotterill questioned who was responsible for the maintenance of the garden area and was advised that this fell to the management company.

Councillor Colston agreed that the property needed to be kept heated and in use in order to prevent its deterioration.

Councillor Postan considered that the workshop should be retained as such as, if it was used for residential purposes; it was unlikely that it would ever revert to its former use. Councillor Haine indicated that the application would enable either use but Councillor Postan felt that, given the disparity in values, it would continue to be retained for residential purposes.

Councillor Chapple expressed her support for the proposition as it would allow both alternative uses and retain the building's viability.

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

Permitted

43 19/02332/FUL The Old Barn, East End, Chadlington

The Senior Planning Officer, Kelly Murray, introduced the application.

Mr Neil Warner, the applicant's agent, addressed the meeting in support of the application. The applicant, Mr David Townsend, also addressed the Meeting setting out his case for the application. A summary of their submissions is attached as Appendix C to the original copy of these minutes.

In response to a question from Councillor Davies it was confirmed that the proposed dwellings would be served by the existing site access.

Councillor Cooper indicated that he had not received the letter referred to by Mr Warner and noted that there had been no report of additional representations. It was explained that the letter in question had been sent directly to Members by email by Mr Warner and not through the Council's Officers.

Councillor Chapple noted that the land adjacent to the development site was shown as being in the applicant's ownership and questioned its future development potential. Mr Warner advised that this land comprised the existing dwelling and adjoining paddock and did not form part of the application site.

In response to a question from Councillor Saul, Mr Townsend advised that the site had not been in use as a haulage yard since the mid to late 1990's.

The Senior Planning Officer then presented her report containing a recommendation of refusal. She made reference to Policy EI which made it clear that, in addition to sites which include predominantly office-based, industrial or storage and distribution uses (B class uses) as quoted by Mr Warner, employment sites also included those with related sui generis uses. The Business Manager – Development Management suggested that Mr Townsend had been selective when quoting from this policy during his presentation.

Councillor Owen acknowledged the policy constraints but questioned their applicability in this instance as the site had not been in active employment use for some time. He felt that there was nothing wrong with the application and noted that there were no objections from local residents.

Councillor Owen found difficulty in recognising the importance of adhering to policy and proposed that the application be approved. Given that the land was not in active employment use, the proposition was seconded by Councillor Davies who indicated that she would have wished to see more detail of the proposed development.

The Business Manager – Development Management cautioned against adopting such an approach as the value of residential land far exceeded that of employment land and to do so would simply encourage landowners to close existing employment uses.

The Council wished to retain employment opportunities within the District to reduce the need for residents to travel to surrounding areas for work. However, whilst it had adopted a policy to protect employment sites from alternative uses, this was not an absolute as a change of use could be permitted if applicants were able to demonstrate that a site was no longer suitable for employment use.

He reminded Members that the Local Plan Inspector had removed residential sites from within the AONB and that no windfall allowance had been made in the Local Plan. The applicants had failed to put forward a case to demonstrate that the site was no longer suitable for employment use and Members were obliged to give weight to the landscape harms of development within the AONB. The current application represented a fairly dense form of development which would have an urbanising impact within the AONB and the Business Manager – Development Management emphasised that there were significant issues of principle resting on the application.

Councillor Cotterill indicated that, should the application be approved, a precedent would be set that would make it difficult for the Council to resist further development on the adjoining land within the applicant's ownership.

Councillor Postan suggested that an element of employment use could be retained in a live/work residential development with associated workshop facilities.

Councillor Colston indicated that there were more significant employment sites elsewhere and that the current application was for two units only. The site was not in active employment or agricultural use and he was sympathetic to the proposition to grant consent.

Councillor Chapple agreed with Councillor Davies in wishing to see more detail of the proposed development but noted that the form of development appeared to be dense. She also expressed support for Councillor Postan's suggestion of retaining an element of employment use on the site as this would not set a precedent for unrestricted residential development.

Councillor Cooper acknowledged that this was a difficult debate but stressed that development ought not to be permitted simply because a site was an eyesore. This was an employment site and the Council wanted to reduce out-commuting from the District. Councillor Cooper drew a comparison with a previous application at Groves Wood Yard and urged Members to support the Officer recommendation of refusal.

Councillor Beaney concurred and, whilst expressing his sympathy with the landowner's aspirations and acknowledging that the site was an eyesore, he reminded Members of their role as a planning committee in determining applications in accordance with planning policy.

Councillor Saul considered that the application did not offer high quality design, indicating that the proposed dwellings were large on a fairly confined site and out of keeping with existing development in the vicinity.

Councillor Fenton cautioned against approving applications contrary to policy and considered that the current application was clearly such. He also reminded Members that it was not their role to redesign an application and noted that, if the applicants considered that their proposals were policy compliant, they had the right to appeal to the Planning Inspectorate. He considered that the sub-committee would be failing in its duty if it did not comply with policy.

Having heard the debate, Councillor Davies withdrew her seconding of Councillor Owen's proposal to approve the application and that proposition failed to attract an alternative seconder.

The Officer recommendation of refusal was then proposed by Councillor Bishop and seconded by Councillor Cotterill.

Councillor Owen indicated that he believed that the site could accommodate two dwellings and questioned whether the applicants could withdraw the site from employment use. The Business Manager – Development Management explained that the site had an established employment use in land use terms which could not be negated by the landowners. However, he stressed that this decision did not close the door on any future redevelopment, applicants being required to satisfy the three stage process set out in the Local Plan by demonstrating compliance with employment, housing and AONB policies.

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

Refused, the applicants being advised that, in considering the impact of the proposed development on the Area of Outstanding Natural Beauty, Members were of the opinion that the scale, poor design and density of development were key urbanising factors resulting in harm to the settlement and to the wider AONB.

52 19/02459/FUL Tennis Courts, Beaconsfield Hall, Station Road, Shipton under Wychwood

Members noted that this application had been withdrawn by the applicants.

37. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

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

The meeting closed at 4.05pm

CHAIRMAN