

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the **Uplands Area Planning Sub-Committee** held via video conferencing at 2.00pm on **Monday 1 June 2020**

PRESENT

Councillors: Jeff Haine (Chairman), Geoff Saul (Vice-Chairman), Andrew Beaney, Richard Bishop, Mike Cahill, Nathalie Chapple, Nigel Colston, Derek Cotterill, Merilyn Davies, Ted Fenton (ex-officio, non-voting), David Jackson, Neil Owen, Elizabeth Poskitt and Alex Postan.

Officers: Phil Shaw (Business Manager Development Management), Abby Fettes (Interim Locality Lead Officer Development Management), Stephanie Eldridge (Senior Planner), Keith Butler (Head of Democratic Services) and Amy Barnes (Strategic Support Officer).

1. MINUTES

Councillor Beaney requested that in future the comments made on Enforcement Cases and Appeals be minuted in more detail, as he felt that some relevant points were often raised and should be recorded.

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 2 March 2020, copies of which had been circulated, be approved as a correct record and signed by the Chairman.

2. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence.

Councillor Poskitt substituted for Councillor Cooper.

3. DECLARATIONS OF INTEREST

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

4. 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 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:-

19/02863/FUL- Greystones, Hook Norton Road, Great Rollright

The Planning Officer, Ms Fettes introduced the application which contained a recommendation of refusal.

A public submission had been received and was read out on behalf of Ms Louisa Harvey, in support of the application. A copy of her submission is attached as Appendix A to the original copy of these minutes.

The Planning Officer presented her report and explained that officers felt that the proposal was still too big. Although it had been accepted that amendments had been made to the proposal, evidence had not been provided as to why other available buildings could not be used for the purposes required. The officers concerns had not been addressed satisfactorily and the need had not been evidenced.

Councillor Beaney felt that the applicant had done a lot to meet officers' requirements and highlighted that these concerns had not been raised at the pre-application stage. However, he also felt the application was not in a position to be approved and therefore suggested that the application be deferred for officers to continue to work with the applicant and resolve the outstanding issues.

In response, Ms Fettes reminded Members that pre-application advice was caveated to make it clear that it could change and stated that there had already been substantial negotiations with the applicant. However, officers were not comfortable with the scale of the proposal in the landscape.

Councillor Colston stated that he had driven past the site recently and although he was not in favour of the structure protruding into the field, he did feel that there was potential for the applicant to achieve what they wanted by moving the proposal to within the existing curtilage. He also confirmed that he was content with the menage.

In response to a question from Councillor Davies, Ms Fettes explained that the initial pre-application advice had been provided by a relatively new officer and, when reviewed by a senior officer, the advice was altered to reflect the concerns raised.

Councillor Chapple queried how high the proposed roof would be in relation to the current stable blocks but officers explained they did not have the measurements of the existing buildings. However, officers advised that the proposed roof height of 4.5m was relatively low. Councillor Chapple felt that the proposal could be acceptable if additional planting was used along the wall but did not feel there was enough information available to make a decision at this stage.

In response, Ms Fettes reminded Members of the open landscape and character of this Area of Outstanding Natural Beauty and did not feel that additional planting would protect the special landscape in this case.

Councillor Postan advised that he did not agree with officers' recommendations and thought it was natural and appealing to see equestrian buildings and activity in this setting. He did not feel that the design was intrusive but requested that if granted that conditions be added to ensure an appropriate finish to the buildings. Councillor Postan proposed that the application be granted, contrary to officers' recommendation. The proposal did not find a seconder at this stage.

Councillor Jackson stated that he felt the proposal was appropriate for a rural location and typical of the area. In response to a query regarding materials, officers advised that the elevation joints were proposed in white stone and tile.

Councillor Bishop saw little argument in favour of refusal and felt that the views to or from the village were not a problem.

Councillor Cotterill agreed that the location was appropriate for a rural pursuit and agreed that if adequate planting was introduced, it would be acceptable. He queried if the permission could be restricted to the person but officers were not certain as the proposal fell outside of the curtilage of Greystones.

Councillor Beaney proposed that the application be deferred to enable officers to continue to negotiate with the applicant to resolve the issues. This was seconded by Councillor Chapple.

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

Deferred.

19/03407/FUL - Marshalls Barn, Church Enstone

The Planning Officer, Ms Fettes introduced the report which contained a recommendation of approval. The application was in front of Committee due to an objection having been received from Enstone Parish Council.

A public submission had been received and was read out on behalf of the applicant, Mrs Susan Speed. A copy of her submission is attached as Appendix B to the original copy of these minutes.

The Planning Officer then presented the application and advised that this was a reinstatement of a building on the site. Whilst the initial scheme had been considered too large, the plans had been amended and officers were now satisfied that the accommodation would be ancillary to the main house. Members noted that the Conservation Officer was also content with the application and any permission would be subject to the conditions detailed at the end of the report.

Councillor Beaney proposed that the application be granted as per officers recommendations as he felt that it complied with policy.

This was seconded by Councillor Colston who stated that he did not agree with the parish council's objection.

Whilst discussing the application Members noted that this was a good application, there were no parking issues and the proposal was felt to be an improvement on the existing building. Following a question from Councillor Poskitt, officers advised that the 'slit' windows had been removed from the amended drawings and the structural soundness of the wall had been considered sustainable.

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

Approved

19/03504/OUT - Cotswolds Hotel And Spa, Southcombe, Chipping Norton

The Planning Officer, Ms Fettes introduced the application and highlighted that the follow on report contained a rebuttal statement from the applicant's agent. The application was for the erection of up to 73 holiday homes and associated infrastructure in connection with existing facilities.

A public submission had been received and was read out on behalf of Ms Nayan Gandhi, in support of the application. Her submission is attached as Appendix C to the original copy of these minutes.

Information contained in the follow on report provided a detailed submission from the applicant's agent, addressing a number of issues including transport, Ecology, noise and Section 106 obligations. The report also included a response from the Biodiversity Officer in response to the additional information submitted by the applicant.

The Planning Officer then presented her report containing a recommendation of refusal for a number of reasons. She advised that the proposal was contrary to Local Plan Policies OS2, EH2, E4 and CN2 and the relevant paragraphs of the NPPF. Mrs Fettes advised that the applicants agent had requested that the application be deferred for further consideration of their rebuttal statement to strike out reasons for refusal 2-5. Since receiving their comments on Thursday Mrs Fettes re-consulted with the consultees and she outlined their comments in turn.

Condition 3 of the report related to the Chipping Norton Air Quality Management Area. The Environmental Health officer had reviewed the information submitted and did not agree with the consultant's suggestion that the proposals were compliant with Policy EH8 of the Development Plan and the NPPF Paragraph 181 without this assessment of the impact on this key route.

Condition 4 of the report related to drainage and the County as Lead Local Flood Authority (LLFA) had submitted comments which were read out by Mrs Fettes. In summary the LLFA felt that Members should refuse the application on the basis the applicant had not provided the evidence or justification they had requested. Referencing a previous condition relating to a different planning reference was not acceptable, in their opinion.

Members were advised that Condition 5 of the report was a standard reason for applications that would be subject to legal agreements and, if the application went to appeal, this would be addressed at that time.

In summary, officers did not feel that the technical matters had been sufficiently addressed to remove any of the reasons for refusal, the scheme was totally disproportionate to the existing site, and would be tantamount to a new residential development in the open countryside, for which there was no justification. In addition, a scheme of the size proposed would have an unacceptable urbanising impact on the countryside, and it was not considered that it would conserve and enhance the quality, character and distinctiveness of the landscape.

Officers did not accept that the benefits outweighed the significant harm the proposal would cause and officers' recommendation remained as before with an amendment to refusal reason number 2, to reflect the Ecology officer comments.

Councillor Saul felt that the Conservation Officer comments summed up the situation well and felt that this would result in a residential estate in the countryside, outside of any identified settlement. He referred to the lack of sustainable transport near the service centre and did not feel there was a strong business case for the development because the self-catering units had only just been introduced and there had not been sufficient testing of the

market. He therefore proposed that the application be refused as per officers' recommendations.

This was seconded by Councillor Beaney who agreed that officers were correct on this occasion. In response to a query regarding the driving range, officers confirmed that this was not in use at the moment so it could be tenuous to make reference to losing the service.

During discussions, Members noted that the plans reflected a housing estate not a holiday village and this was not an appropriate place for this type of development. Concerns were also raised about the potential impact on traffic and the need had not been evidenced.

Councillor Postan highlighted the comprehensive reasons supplied by the planning officers and compared the application to a similar site at Bradwell village.

Following a concern raised by Councillor Beaney regarding the entrance through Faerytale Farm, Ms Fettes explained the complexities of the site development which could not be accessed from the golf club entrance.

The Officer recommendation of refusal was then put to the vote and was carried, subject to an amendment to refusal reason 2. For clarity, the refusal reasons are detailed in full, below.

Refused

- I The proposal is for up to 73 holiday homes to the south east of Cotswold Hotel and Spa and to the south of the A44. The site is therefore in the open countryside. It has not been demonstrated that there is a functional link to the existing business or a demonstrable need for this development. There would be a substantial adverse impact on the character and appearance of the site and the nearby area arising from the extent and scale of built form and the countryside would be urbanised and its tranquillity disturbed to a significant and harmful degree. There would therefore be an unacceptably harmful impact on the character and appearance of the area which is not outweighed by any benefits. There are no material considerations that indicate that the development plan should not be followed. The proposal is thus contrary to West Oxfordshire Local Plan 2031 Policies OS2, EH2, E4 and CN2, and the relevant paragraphs of the NPPF;

- 2 It has not been demonstrated that the proposed development would not result in biodiversity harm through increased surface water run-off, pollution and recreational pressure at nearby designated sites, insufficient mitigation for protected and priority species and the fragmentation of the ecological network. This is contrary to Local Plan Policy EH3 and paragraphs 170 (d), 174 (b), 174 (d), 175 (a) and 175 (b) of the NPPF;
- 3 It has not been demonstrated that the proposal would not unacceptably impact the Chipping Norton Air Quality Management Area (AQMA) and is therefore contrary to policy EH6 of the West Oxfordshire Local Plan 2031 and paragraph 181 of the NPPF;
- 4 It has not been demonstrated that the proposal can be implemented with adequate sustainable drainage systems without impacting on the existing drainage network, and exacerbating flood risk. The proposal is therefore contrary to policy EH7 of the West Oxfordshire Local Plan 2031 and the relevant paragraphs of the NPPF; and
- 5 The applicant has not entered into a legal agreement or agreements to secure the provision of: Travel Plan monitoring or Public Art. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently, the proposal conflicts with West Oxfordshire Local Plan 2031 Policies OS5, CN2 and T3 and paragraphs 54 and 56 of the NPPF.

20/00032/FUL - Land South of Dark Lane, Wilcote Riding, Finstock

The Planning Officer, Ms Fettes introduced the application for the removal of existing stables and storage units and the erection of a new storage building.

A public submission had been received and was read out on behalf of the Local Member, Councillor Liz Leffman. A summary of her submission is attached as Appendix D to the original copy of these minutes.

Information contained in the follow on report advised that the Council's Biodiversity Officer had raised no objection subject to the inclusion of three additional conditions and an informative which should be added to any consent granted.

Following a question from Councillor Colston, officers confirmed that land ownership was not a material consideration and was a civil issue. With regards to the access track, officers had been in contact with the County Council and were awaiting a response.

Councillor Haine highlighted that Thames Water also had access to the area in order to access their pumping station.

The Planning Officer then presented her report containing a recommendation of approval and advised that the proposal was to replace three buildings with one more appropriate building in the site context.

Councillor Chapple raised a concern that this was a public right of way and the proposal was for an expansion of the buildings which could result in an increase in traffic. She felt that the application should be deferred until a response had been received from the County Council. This was seconded by Councillor Poskitt who had concerns that this was a restricted bridleway and could result in extra traffic.

Mrs Eldridge advised that although there was some addition to the footprint, it was not conclusive that this would result in an increase in traffic.

Councillor Poskitt queried what would be stored there and officers advised that these details had not been provided but the lawful use was for storage and workshop.

Councillor Beaney advised that he would be happy to support officers recommendations subject to the inclusion of a condition restricting the use to storage only.

Councillor Davies did not feel there was a suitable reason to defer the application and was comfortable that the pathway was a Highways issue. She did not feel the proposal would be detrimental to the Area of Outstanding Natural Beauty and was happy with officers' recommendations.

Member agreed that the proposed building would be an improvement to the existing shipping containers and the access was already being used for vehicles by Thames Water.

The proposal to defer the application was put to the vote but fell.

Councillor Davies proposed the application as per officer's recommendation with the inclusion of an additional condition restricting the use to storage only and the additional conditions and informative from the Biodiversity officer as detailed below. This was seconded by Councillor Postan.

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

Approved

- a) The development shall be completed in accordance with the recommendations in Section 5 of the Phase 1 Bat and Nesting Bird Survey report, dated 6th May 2020, prepared by Ridgeway Ecology, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, as modified by a relevant European Protected Species Licence, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.

REASON: To ensure that the bat and bird species are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- b) Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and nesting opportunities for birds (e.g. open-fronted bird boxes, house sparrow terrace, starling box, swift brick, house martin nest cup and/or integrated barn owl box on the north or east-facing elevations), integrated within the walls of the new building as well as erected onto the external walls of the buildings and/or onto trees within the wider site, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

- c) Before the erection of any external walls, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any new roosting features and that light spillage into wildlife corridors (e.g. along the northern and southern boundaries of the site) will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging, commuting and roosting bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Informative

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017, which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England is required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest. If this is not possible then a nesting bird check will need to be carried out before the commencement of the works.

20/00287/FUL - Unit 7, Wychwood Business Park, Shipton under Wychwood

The Planning Officer, Mrs Eldridge introduced the application for external alterations to Unit 6 and Unit 7 to include additional windows and re-cladding and removal of the roller shutter. There was also a request to change the use of the units from office/ storage to light industry with the installation of an external staircase.

The Planning Officer advised that condition 4 in the report needed to be updated to reflect the latest drawing numbers.

In response to a query from Councillor Beaney, officers advised that the application had been called in by Councillor Acock whose concerns correlated with those of the Parish Council, relating to the cladding and traffic.

Councillor Beaney felt that it was appropriate for cladding to be present in an industrial yard setting and he proposed that the application be granted as per officers' recommendations.

This was seconded by Councillor Postan who stated that good quality materials should apply to industrial buildings, with a view to improving the quality of them.

In response to a question from Councillor Haine, officers advised that there was no need to request obscure glazing to the windows to Ballards Close if the use class was limited to light industry.

Councillor Cotterill asked if there had been any noise complaints from residents in relation to the air conditioning units and what type of business would be operating from there. Mrs Eldridge advised that she could not state for certain but was aware that it was currently used to manufacture wireless headsets and did not feel this would result in an increase in noise.

With regard to the addition of the external fire escape, Members were advised that Unit 6 did not have a first floor, only Unit 7.

Councillor Poskitt clarified that Councillor Acock's concerns had related to the appearance of the building and the potential use of advertising. Officer confirmed that advertising would be covered by a separate application.

The Officer recommendation of approval, with the additional condition relating to light industry and an amendment to condition 4 to reflect the updated drawing numbers, was then put to the vote and was carried.

Approved

20/00515/FUL - Heythrop Hunt Kennels, Kennels Lane, Chipping Norton

The Planning Officer, Mrs Eldridge introduced the application for the construction of a detached dwelling.

A public submission had been received and was read out on behalf of the applicant, Mr John Nutbourne. A summary of his submission is attached as Appendix E to the original copy of these minutes.

The Planning Officer presented her report containing a recommendation of refusal. She advised that the site fell within the open countryside as agreed by the Planning Policy team however, the applicant argued that this was garden land. In addition, the applicant felt that the principle for residential development had been established via a previous approval for the

redevelopment of the hunt kennels. However, Mrs Eldridge explained that this had been approved on the basis that it comprised the re-use of existing buildings. Officers felt that this application would result in infill an area of open space and no essential operational need had been demonstrated.

Councillor Saul agreed with the officers conclusions and did not feel that the application was securing the use of an existing heritage asset. In addition he noted that no operational need had been identified and he proposed that the application be refused as per officers' recommendations.

This was seconded by Councillor Cahill who felt that this was an opportunistic application and he could see no good reasons for the development.

Councillor Beaney agreed that the application was opportunistic but did not agree with officers that the site was in open countryside. He was therefore not happy to support the proposal.

In response, Mrs Eldridge advised that the site had been accepted as being located in the open countryside when the previous application had been considered. She reiterated that the application would have an impact on the character of the area.

Following discussions relating to the location of the site and its proximity to the built up area of Chipping Norton, Mrs Eldridge reminded Members that a local need had to be identified and it was felt that the proposal would result in an intensification of land and infilling of open space.

Councillors Cotterill and Haine agreed that the area was open in character and the proposed design was incongruous and of poor quality which would spoil the vernacular.

Councillor Colston felt that care should be taken with this application as he was not convinced that the site should be classed as open countryside. He referred to the setting of the Tweed Mill which he felt was some way away and the Worcester Road Industrial Estate. He highlighted that neither the Town Council nor the Highways department had raised objections. He did not feel there was a lot wrong with the application and raised the potential of the development providing employment for six months.

In response to this, Councillor Davies reminded the meeting that the provision of jobs was not planning law. She felt this was clearly infill and was not satisfied with the removal of three trees either. She supported the officers' recommendation.

To provide the meeting with some clarity, Mr Shaw addressed Members on the issue of open countryside and reminded them that it was important to have regard to the implications if they chose to go against Local Plan policy. In response to a question from Councillor Postan, Mr Shaw advised that the definition of open landscape was that it was open countryside and sat outside the built settlement.

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

Refused

20/00516/FUL - Heythrop Hunt Kennels, Kennels Lane, Chipping Norton

The Planning Officer, Mrs Eldridge introduced the application for the conversion of an existitng steel framed barn to form one new dwelling.

A public submission had been received and was read out on behalf of the applicant, Mr John Nutbourne. A summary of his submission is attached as Appendix F to the original copy of these minutes.

The Planning Officer then presented her report containing a recommendation of refusal. She advised that the site was classed as open countryside and no essential operational need had been evidenced. In addition no specific local need had been demonstrated and the development was contrary to policies OS1, OS2 and H2 of the adopted Local Plan. Members were advised that a second refusal reason could be added relating to the design of the proposal if Members were so minded.

Councillor Saul did not feel that the proposal was a viable use of a heritage asset and noted that the original application had proposed demolition of the building. He agreed with the officers that the application was contrary to the policies listed and therefore proposed that the application be refused as per officers' recommendations. In addition he did not feel that the proposal was of high quality design and would be incongruous in the countryside setting. He requested that a second refusal reason be added stating that the application was contrary to Local Plan Policy OS4.

This was seconded by Councillor Crossland who agreed with the comments made by Councillor Saul.

In response to a query, officers advised that the original application dated 2016 had shown parking in the location of the Dutch barn, which would have resulted in its demolition. However, the need for parking for ancillary buildings had been removed, thereby retaining the structure.

Members were in agreement that the design was not appealing and were happy to support the additional refusal reason. Councillor Ted Fenton queried if the existing building was suitable for conversion and officers noted that this could also be added as a refusal reason.

The Officer recommendation of refusal, with additional refusal reasons relating to design and conversion as detailed below, was then put to the vote and was carried.

Refused

- 2) Design is incongruous in the setting and contrary to LP Policy OS4; and
- 3) The existing structure is not suitable for conversion to a dwelling.

5. APPLICATIONS DETERMINED UNDER DELEGATED POWERS, APPLICATIONS WITHDRAWN, AND APPEAL DECISIONS

The report giving details of (i) applications determined under delegated powers or withdrawn; and (ii) appeal decisions, was received and noted.

Ms Fettes outlined the first three appeals detailed and following a question from Councillor Beaney officers explained that the Certificate of Lawfulness attached to 19/00301/CLE had related to the property being occupied by a person who was not solely employed by the farm. The inspector did not feel that there had been enough evidence provided by the appellant and the appeal was subsequently dismissed.

Following on from the question above, Councillor Haine queried whether the Council would be in a position to take enforcement action against the breach of the Certificate. Mrs

Eldridge confirmed she would take advice and respond to both Councillors Beaney and Haine after the meeting.

Councillor Poskitt left the meeting at this juncture.

Prior to the Chairman closing the meeting, Councillor Postan took the opportunity to thank the planning officers for their presentations which had been thorough as result of the process of video presentation and paper copies of the slides used.

The meeting closed at 5.07 pm

CHAIRMAN