



## SANDFORD ON THAMES PARISH COUNCIL

93 Church Road  
Sandford-on-Thames  
Oxford OX4 4YA

15<sup>th</sup> May 2019

Mark Stone, CEO, South Oxfordshire District Council  
Steven Corrigan, Democratic Services Manager, Legal and Democratic, SODC

By email to [mark.stone@southandvale.gov.uk](mailto:mark.stone@southandvale.gov.uk) and [Steven.Corrigan@southandvale.gov.uk](mailto:Steven.Corrigan@southandvale.gov.uk)  
from [sandfordparish@gmail.com](mailto:sandfordparish@gmail.com)

Dear Sirs,

### **FORMAL COMPLAINT: concerning approval of Planning Application P18/S20196/PEM and P18/S3069/FUL: Redevelopment of Cabora Bassa, Sandford-on-Thames.**

Further to my email of 1 April 2019, I am writing to make a formal complaint about SODC's handling of Planning Application P18/S20196/PEM and P18/S3069/FUL, concerning the redevelopment of Cabora Bassa, Church Road, Sandford-on-Thames. The complaint concerns procedure and progress of the application, which we feel may have contributed to a perverse decision to grant approval, with the potential for longer term consequences on future planning applications in the village by setting an inappropriate precedent.

Through this complaint we seek the following outcomes:

- clarification of the validity of using a Permitted Development (PD) approval as part of the process of justifying a further enlarged building even when the PD proposal has not been built.
- an independent exercise to be carried out on the vision / splay lines at the junction of the driveway and Church Road.
- a review by SODC of the conduct and recording of Planning Committee meetings, to address the points raised in the body of this letter concerning the discussion of material matters and recording of discussions.
- a recognition by SODC that when a Neighbourhood Plan is being undertaken that discussions should be allowed recognising that a local community knows more about the Character and Local Distinctiveness of the area than the planning department does.

### **Basis of Complaint**

There are two main strands to our complaint. The first concerns the procedures and protocols prior to and during the Planning Committee meeting on 20 February 2019. The second concerns the soundness of the District Planning Officer's and County Highways Officer's decision making process during the consultation period and their conclusions on several material planning aspects of the scheme. We are concerned that on a number of material issues the Planning Officer has favoured the applicant by giving insufficient weight to the legitimate concerns of neighbours, the Parish Council and our District and County Councillors. The cumulative effect of these issues is a significant over-development and over-intensification of the site. We are concerned at the precedent that this sets for future planning applications and the potential for a significant adverse impact on the quality of life for residents of Sandford-on-Thames in the future.

Of particular concern was the failure by the Planning Committee to take into account a request from the District Councillor and the planning consultant acting on behalf of the nearest neighbour (Kiln House), for the Planning Committee consideration to be deferred by one month to allow for further clarification of disputed issues. This had been necessary due to the difficulty the Parish Council experienced in engaging with the Planning Officer and County Highways Officer. The latter in particular had declined to respond to attempts to contact him, despite a request from our County Councillor for him to do so.

### **Strand 1: Preparation for and Conduct of the Planning Committee Meeting**

I set out below a summary of our concerns.

- **Site Visit:** The site visit on Monday 18 February provided misleading information on the visual splay lines, which was a disputed issue. See the section on access parking and highway safety under Strand 2 below for further details.
- **Chairmanship of the Discussion:** The stand-in Chair of the meeting appeared, through no fault of his own, to be inadequately briefed on the contentious issues associated with this application and therefore was unable to steer the discussion towards these or to ensure that they and the request for a one month delay were properly considered. See Annex A for further details.
- **Request for a One Month Delay:** The request from several parties for a one month delay to allow further clarification of material planning issues was not discussed or voted on. See Annex A for further details, and Annex B for the text of the District Councillor's submission to the Planning Committee.
- **District Councillor's Written Submission to the Planning Committee:** We were surprised that the written submission from the District Councillor (see Annex B), who was unable to attend the meeting, was not read out at the meeting and therefore did not factor in discussion, apart from one brief reference. The objections that she raised and her request for a deferment of one month did not appear to be taken into account by the Committee.
- **Quality of Discussion:** The quality of the questioning and discussion were not of a diligence or relevance acceptable for a representative body accountable to the electorate and did not address the material planning issues.
- **Inadequate Minutes:** The minutes of the meeting are woefully inadequate: they fail to meet the minimum standards of transparency one would expect of an accountable body, in terms of recording the key points of the discussion and the basis of the decision. As a result, we understand that there cannot now be a review of the proceedings, which could have adverse legal consequences for any parties involved. At Annex C I attach a copy of a note of the meeting prepared by the Chair of the Sandford-on-Thames Parish Council after the event.

### **Strand 2: Material Planning Objections.**

Our main complaint with regard to material planning issues concerns what appears to be inappropriate bias in favour of the applicant on various items he raised in his pre-application response of 16 July and his report to the Planning Committee. There is a sense that he has favoured the applicant by giving insufficient weight to the legitimate concerns of neighbours, the Parish Council and the District and County Councillors, and where marginal issues appear not to meet SODC / NPPF planning policy he has given the applicant the benefit of the doubt. We would argue that his conclusions do not reflect a reasonable balance of the competing interests or the wider public interest when considering this controversial proposal.

In order to highlight this sense of bias we outline below examples of material planning issues which the Parish Council consider to be of significant concern.

- **The principal of development in terms of housing policy**

The Core Strategy CSR1 policy is referred to in terms of numbers of dwelling units allowed in a 'small village' being limited to 5-6. In his pre-app response, the Planning Officer refers to CSH4, where the SHMA mix of dwelling types, i.e. 1-bedroom, is shown as **6%**. The 2011 Census shows that Sandford has an **18%** mix of 1-bedroom units, thus indicating an over-provision of units. He then in his Report ignores this reference and uses CSR1 instead, and whilst allowing a gain of 1-unit he ignores the loss of a family house and does not address the material issue of overdevelopment of one type of housing mix on a

relatively small plot. This intensity of 1-bed units will consequently add greatly to the intensity of activity on the site and the driveway on to Church Road, ie 10 spaces for residents' car parking (a family house might have a requirement for 3 or 4 parking spaces), delivery vans servicing 8-units rather than one house, the unsupervised collections of waste bins, and likely use of Church Road for visitors car parking, all contributing to an overdevelopment of the site. Finally, he then relates this additional 1 bed unit to the CSRI 'overall housing strategy' in the District, disregarding the impact on the village. We see this judgement as being biased towards the developer.

- **The re-development of an existing building in a Green Belt village and the question of 'very special circumstances'**

The Parish Council do not agree that the Planning Officer has presented sufficient grounds to justify 'very special circumstances' in his assessment of this material planning issue. In fact, his argument supports the fact that the development is inappropriate and harmful to openness in Sandford-on-Thames.

The Planning Officer has used the argument that the Permitted Development (PD) Right allows for an additional 25% volume in this infill edge of village location and that this does not impact on the 'openness' of the Oxford Green Belt. The Carter Jonas letter of 18 October 2018 also makes reference to a court case regarding 'visual appearance', and that it is a 'very relevant' factor.

The unbuilt PD shows that the front elevation of the existing bungalow remains unchanged when viewed from Church Road. The PD single-storey rear extension scheme is only visible from the rear, where at present there are trees obscuring views to the site from the adjacent field. The replacement building is 3-stories in height and clearly visible from Church Road. Carter Jonas are incorrect where they say it may not be seen from Church Road. The replacement building is more like 50% increase in volume when viewed from Church Road, and therefore does have a significant impact on 'openness'. If the trees are cut down at some time in the future, then the openness of the Green Belt when viewed from the south will be significantly impacted. This issue also raises the Planning Officer's judgement in relation to NPPF 144 (d) and (g) – where the replacement building is materially larger and does have a greater impact on openness. Therefore, we would argue that the Planning Officer's argument in item 6.8 of his report is incorrect where he links the volume argument to the unbuilt PD single storey to the replacement building – the difference in volume should be judged between the existing bungalow when viewed from Church Road. His mitigating argument of lowering the replacement building by approx. 1.4m at the rear does not relate to the front elevation facing Church Road, which will be at existing Ground level.

We see that the Planning Officer's logic in his argument is flawed and that his judgement is biased towards the developer.

- **Impact on character and appearance of the area.**

The Parish Council strongly objects to the way in which the changes to the drive from Church Road up to the site have been manipulated to suit Highways requirements on width. During the summer of 2018, the developer removed mature tree branches on the east side of the drive and has erected a 1.8m high closed boarded timber fence. This has totally changed the rural village character of the drive and has a negative impact on the appearance of the area. It has also meant the loss of wildlife habitat in favour of the motor vehicles. It also now appears that Highways are requiring the mature hedge on the west side of the drive to be removed to accommodate 'shyness' of vehicles passing each other, again with the loss of an established wildlife habitat. The erection of a timber close boarded fence in this location, and possibly a further similar fence on the west side of the drive changes the character of the drive from a rural appearance to an alien sub-urban or urban appearance. This change goes against one of the policy requirements in the emerging Sandford Neighbourhood Plan. Again, we see that his judgement is biased towards the developer. It is also disappointing that the Neighbourhood Plan group were not consulted by the SODC planning department on this issue of 'character' and 'local distinctiveness'

- **Neighbour impact**

We agree with the Planning Officer's observation that the neighbouring property most impacted by the replacement building will be Kiln House. However, we do not agree with the logic of his argument using the unbuilt PD rear extension as it is a diversion to the significant impact the replacement building will have on the amenity of the rear of Kiln House. An examination of the architects' drawings in conjunction with a site visit clearly show that the replacement building can be seen to be oppressive and overbearing in its scale and massing and as a consequence is contrary to SOLP Policies and SODC Design Guide. The

replacement building will block out sunlight during the autumn to spring months and will overshadow the amenity of Kiln House. The Planning Officer makes an irrelevant comment regarding the garden to the east of Kiln House.

It is also worth making the point that the replacement building contravenes the 45deg rule in the SODC Design Guide when the Kiln House sitting room french doors are considered. This important information appears to have been left off the architects' drawing, and therefore would not necessarily have come to the attention of the Planning Officer.

The replacement building is in this regard unneighbourly, oppressive and overbearing. It is unclear whether the Planning Committee members took a careful look into this aspect of the development on their site visit.

- **Access, parking and Highways Safety**

There is disagreement between the planning consultant for Kiln House and the Highways Officer on this important issue. The Parish Council is also very concerned that due regard has not been given over the splay lines from the access drive onto Church Road. Prior to the Planning Committee meeting, parish councillors had tried on three occasions to meet with the Highways Officer to discuss the measurement that we undertook showing that the splay and distance measurements did not comply with statutory requirements. An email and sketch drawing were sent by a parish councillor on 15 February 2019 to show our concerns, with no response from either the Planning Officer or the County Highways Officer. This was a specific issue that could have been discussed and checked prior to the Planning Committee meeting or during a one-month postponement of the application coming to Committee. We wish to advise that during the Planning Committee members' site visit on 18 February 2019 the Planning Officer did not carry out a proper explanation with regard to viewing the splay lines from 90cm from above ground level (as if one was sitting in a car) as we understand is required by the legislation. All the members were standing when viewing the splay lines, and one member was seen having to lean forward to view the person standing at the prescribed distance up east on Church Road. This failure was witnessed by the PC Chair and a parish councillor.

A further email was sent to both the Planning and Highways Officers on 20 February 2019 again requesting a delay in the application going to the Planning Committee meeting.

- **Amenity space**

This material planning issue was raised at the Planning Committee meeting by a councillor, to which the Planning Officer explained that there was precedent in recent applications for this not to be a significant consideration. We consider that the outside amenity space in the replacement building development is woefully inadequate and is contrary to SODC D3. The front two garden flats, in particular, fail to provide adequate private amenity space in that all that is allowed is a minimal space of a small round table and two chairs on the east and west side boundaries – see architect's plan 16113 PP0010 D (please note that the drawing reference in the approval letter from SODC appears to be wrong). Added to this, these two north facing flats will have a row of cars only 1.2m from their sitting room and kitchen windows giving a significantly detrimental experience inside the flats. Again, we would contend that this shows the replacement building is an overdevelopment of the site

## **Summary**

Sandford Parish Council are extremely disappointed and concerned at both the procedure and assessment of this planning application. Ideally, the planning approval should be revoked and compensation awarded to all those inconvenienced with this controversial scheme. The way in which the PD procedure has been manipulated to argue for an overdeveloped and unnecessary scheme does not reflect well on the SODC planning department nor the members of the Planning Committee. We have set out the outcomes we are seeking at the start of this letter and wish the complaint to be taken to the highest level, to the planning ombudsman and possibly to judicial review, if necessary.

Yours sincerely,

Dr Julie Anderson  
Parish Clerk

Cc Mr Adrian Duffield, Head of Planning SODC by email to [planning@southoxon.gov.uk](mailto:planning@southoxon.gov.uk)  
The Rt Hon John Howell, MP by email to [HOWELLJM@parliament.uk](mailto:HOWELLJM@parliament.uk) and [patersonam@parliament.uk](mailto:patersonam@parliament.uk)

Attachments:

**Annex A Preparation for and Conduct of the Planning Committee Discussion-Additional Notes**

**Annex B Text of Email from District Councillor Sue Lawson to the Planning Committee on 17 February 2019**

**Annex C A Note of the SODC Planning Committee Consideration of Planning Application P18/S20196/PEM and P18/S3069/FUL: Redevelopment of Cabora Bassa, Sandford on Thames (Hilda Bailey, Chair of Parish Council)**

**Preparation for and Conduct of the Planning Committee Discussion  
Additional Notes**

**Chairmanship of the Meeting**

We understand that it is usual practice for the Chair and Vice-Chair of the Planning Committee to attend a briefing meeting in advance of the Committee meeting, at which the Planning Officers give them a general overview of the applications under consideration. We understand that this did not happen. Furthermore, the Vice-Chair, who had been due to chair the meeting in the absence of the Chair, was reportedly delayed. As a result, Councillor David Nimmo-Smith stepped in to chair the meeting at short notice, without the benefit of a pre-briefing. This departure from usual practice had the serious consequence that no guidance was given as to the contentious nature of this particular application or that an adjournment of one month had been requested.

**Request for a 1 Month Delay**

The request from the Parish Council, District Councillor and the consultant to the nearest neighbour (Kiln House) for a one month delay to allow further clarification of material planning issues was not discussed or voted on. A telephone conversation between Parish Councillor Iain Geddes and the Planning Officer held on the day of the committee meeting asking for a deferment was not mentioned at the committee meeting. The request for an adjournment was at no point put to the committee, which went on to grant planning permission. This failure to formally consider the reasons for requesting an adjournment, to enable well qualified material objections to the planning application to be reconsidered by the relevant officers is a key point to this complaint.

## Text of Email from District Councillor Sue Lawson to the Planning Committee on 17 February 2019

P18/S3069/FUL – Replacement building, Cabora Bassa

Dear all

I will not be able to attend the planning committee meeting on 20<sup>th</sup> February as it is my husband's birthday however, I wanted to give you the reasons why I do not agree with this application;

1. The application looks to replace a bungalow with 8 x 1 bedroom apartments. This is overdevelopment of the site (equivalent to 85 dwellings per hectare) and is both over bearing, unneighbourly and completely out of keeping with the character of the village. In the 2011 Census 548 dwellings were recorded in the village of which 18% were 1 bedroom (99 properties). For a small semi-rural village, this is a healthy proportion and negates the necessity to build more. The only advantage would be if the apartments were affordable however, due to the number of apartments being proposed there is no requirement for any affordable apartments to be built.
2. Planning application P18/S1434/FUL for a detached dwelling was recently refused in Sandford on Thames. One of the reasons given for refusal referred to policies CS1, CSS1, CSR1 and made reference to the NPPF confirming that Sandford was a 'smaller' village with limited sustainability. As part of the conclusion, it was agreed that the proposal was unsustainable and contrary to the policies stated above.
3. Replacing one bungalow with 8 apartments will generate considerable traffic flow and noise that will negatively impact upon the immediate neighbours. This will include considerably increased car movements as 10 parking spaces have been proposed.
4. Existing driveway is very narrow and will require widening resulting in loss of established hedgerow that provides screening and privacy for the neighbours. This is a huge concern as you will see on the site visit and will result in a complete change to the character and setting of neighbouring properties. There is also concern over the siting and management of the waste bins.
5. Visibility splays – this is an area of disagreement as the PC does not agree with the Highways officer Thomas Cockhill that the visibility splays can be achieved. I attended a meeting on Saturday 16<sup>th</sup> February which amongst others included members of the PC and Cllr Lorraine Lyndsey-Gale from OCC. She had been invited to attend as the PC had been unable to make contact with Thomas Cockhill despite calling and subsequently leaving messages and I understand an email. We all looked at the splays and it was clear to me that the measurements did not reconcile. It is important to note that Church Road is not a quiet lane where people regularly drive at a slow speed. The access to the development is close to a 90 degree bend with a large extremely busy pub called the Kings Arms a short distance along the road by Sandford Lock. Cars can only travel in one direction from the pub as it is a no through road and I have seen people driving at excessive speeds around the blind bend. Cllr Lindsey-Gale will be speaking with Thomas Cockhill about this application on Monday 18<sup>th</sup> February and I have requested that it be pulled from the upcoming planning committee until the visibility splays can be confirmed. I realize how difficult it can be for planning committee members to go against the advice of highways officers and as such I want there to be a thorough dialogue and understanding between SODC, OCC highways, the PC and the neighbours before committee members make a decision. This has not occurred to date and is the reason why I have asked that the application be pulled to allow for all parties to understand how the visibility splays have been arrived at.
6. Land supply – we currently have in excess of a 5 year housing land supply within SODC.

Many thanks

Best Regards

Sue

Sue Lawson

Sandford and the Wittenhams

**A Note of the SODC Planning Committee Consideration of Planning Application P18/S20196/PEM and P18/S3069/FUL:  
Redevelopment of Cabora Bassa, Sandford on Thames.**

I attended the SODC Planning Committee meeting on 20 Feb 19, to speak on behalf of Sandford-on-Thames Parish Council (SoT PC) against Planning Application P18/S3069/FUL for the redevelopment of Cabora Bassa, Church Road, SoT. The meeting was also attended by Peter and Maggie Agulnik, the residents most affected by the proposal, their planning consultant, Martin Hubbard, and Tom Fox and Madhu Richards, whose properties abut the drive to Cabora Bassa and Kiln House. These notes have been written from memory as I did not take detailed notes during the meeting.

### **Process**

The process was:

- Planning Officer presentation
- Objections from PC (5 mins)
- Other objectors (Martin Hubbard on behalf of the Agulniks – 3 mins; Tom Fox – 2 mins)
- Presentation by Developer (Tom Kennedy) and his agent (a representative from Carter Jonas) – (5 mins in total)
- Planning Committee discussion and decision

As our District Councillor, Sue Lawson, was unable to attend the Planning Committee meeting, she had sent a written submission to Planning Committee members in advance of the meeting. She raised a number of objections and had requested a one month delay to allow the discrepancy over the visual display lines to be further investigated.

### **Planning Officer**

The Planning Officer, Paul Bowers, presented the case for recommending acceptance, as set out in his report to the Planning Committee. He also mentioned that he had received further representations from the PC (Iain Geddes) on the day of the Planning Committee meeting and that it was for the speaker from the PC to set out their objections.

### **Parish Council**

I set out the Parish Council's objections, as set out in my speaking note. Due to some last minute changes arising from Iain's exchanges with Paul Bowers and Sue Lawson on the day, I ran out of time and failed to sum up the PC's views. My main points were:

- Scale and nature inappropriate in a Green Belt village;
- Not consistent with national and local Green Belt policies;
- Overdevelopment and inappropriate intensification;
- Out of keeping with the immediate environment and wider village;
- Loss of semi-rural nature of the immediate area due to hedge removal;
- Unneighbourly (noise, traffic generation, loss of privacy, light pollution, bins, natural environment);
- Parking, risk of overspill to drive and road, shared drive and impact on Kiln House;
- Concern that visual splays have not been correctly measured and inability to contact OCC Highways;
- Nature of Church Road and why increased traffic is a concern (volume of traffic, major cycle route, parked cars on pavement and risk to pedestrians);
- It is incorrect to assume that because Sandford borders Oxford that it is well connected in terms of facilities, transport and infrastructure, including an infrequent day time only bus service to Oxford.
- Highlighted the high proportion of 1 and 2 bed properties in Sandford, to counter the 'need' argument.

A member of the Committee suggested that, as part of the Neighbourhood Plan work, we must have carried out a housing need assessment and asked what this had found. I replied that the outcome of the village consultation had shown a strong preference for affordable housing for those most in need. (Note. I have reviewed the feedback from the village consultation to confirm that this is indeed the case.)

### **Other Objectors**

Martin Hubbard set out objections as set out in his speaking note and requested a one month delay to allow outstanding issues, particularly with regard to visual splay lines, to be properly investigated. He also raised the possibility of a judicial review. Tom Fox spoke about the impact on his property, but ran out of time. The Planning Committee asked a couple of questions, but I cannot recall the detail.

### **Developer**



Tom Kennedy spoke of the genuine need in Sandford for the type of housing he was proposing, stressing the difficulty millennials are having getting on the housing ladder. He cited himself as an example, currently living in a one bed flat with his wife in Radley. He said that he was passionate about Sandford. He highlighted an isolated comment from the Neighbourhood Plan village consultation which suggested a need for this type of housing. The representative from Carter Jonas stressed that there was no reason for the Planning Committee to refuse or delay approval as the application had been recommended for acceptance by the Planning Officer, who had addressed all objections, including Green Belt and visual splays, in his report to the Committee.

Tom Kennedy was asked whether he had consulted locally. He said that he had consulted with the PC. He said that he had gained the impression that the PC had liked the proposal and cited a comment made at that meeting that 'people would be queueing up'. He expressed surprise that the PC had subsequently objected to the application. (Note: Tom Kennedy gave a presentation on the proposal to a small group of Parish Councillors on 23 Aug 18. The comment mentioned above was made, but at the conclusion of the meeting it was made clear to him that the sub-set of Councillors at the presentation were not in a position to offer an opinion and that we would report back to the full PC, which would form its formal opinion. We had no further contact with Mr Kennedy.)

Tom Kennedy also said that he had delivered the plans to Kiln House. At that time Mr Agulnik was out so he left the plans with Mrs Agulnik, with an invitation to contact him for discussion if they wished. He did not hear back from the Agulniks.

### **Planning Committee Discussion and Decision**

The main points to arise during the Planning Committee's discussion were:

- One Councillor expressed concern that the proposed amenity space did not meet SODC guidelines. The Committee were advised (by the Planning Officer) that there was precedent in recent applications for this not to be a significant consideration. It was mitigated by the close proximity of public amenity space (river and recreation ground). This Councillor voted to reject the application.
- The Developer was asked if he would consider adding solar panels, and he confirmed that he would happily do so.
- The Developer was asked whether the waste material from lowering the ground level could be removed via the river as a more eco-friendly route than road. The Carter Jonas representative quashed this as impractical.
- One Councillor referred to Sue Lawson's note circulated to Committee members.
- There was some discussion of the visual splay lines and one Councillor asked if they would still be achievable once the vegetation on the bank (which had been cut down to facilitate the installation of utilities to 37A Church Rd) regrew. However, the Councillors seemed reassured by the assurances from the Planning Officer that they had been approved by the Highways Officer and by the Councillors who attended the site meeting and confirmed that they were happy that they had been adequately demonstrated.
- During the discussion of the visual splay lines one Councillor asked if there had ever been a reported accident at the junction of the Cabora Bassa / Kiln House drive and Church Road. I replied that I was not aware of any actual accidents (as opposed to near misses).
- There was no discussion by the Committee of the requests from Sue Lawson and Martin Hubbard to defer the decision for one month in order to allow the question of the visual splays to be properly clarified.
- The majority of the Councillors spoke in favour of the application, feeling that it was a welcome development, would provide much needed residential accommodation, and, as set out in the Planning Officers report to the Committee, would not significantly adversely affect the openness of the Green Belt, would not alter the character of the area or significantly affect neighbours.
- The Councillor who asked about solar panels and waste removal by river, concluded by suggesting we speak to the bus company to get them to put in a bus stop and stop the fast bus services from Reading in Sandford.

At the vote, the majority voted in favour. One Committee member voted against, and the vote of another was unclear (to me). The Committee member who proposed the motion summed up by saying that she was sure that the residents of Sandford would welcome this development once it had been built.

**Hilda Bailey**

**Chair, Sandford-on-Thames Parish Council**

**12 March 2019**

