

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
LOWLANDS AREA PLANNING SUB-COMMITTEE
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon
at 2.00pm on Monday 16 March 2020

PRESENT

Councillors: Ted Fenton (Chairman), Carl Rylett (Vice Chairman), Harry Eaglestone, Duncan Enright, Hilary Fenton, Jeff Haine, Nick Leverton, Kieran Mullins, Alex Postan, Carl Rylett and Harry St John.

Officers in attendance: Abby Fettes, Joan Desmond, Stuart McIver, Kim Smith, Phil Shaw and Amy Barnes.

55. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 10 February 2020, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman subject to the following amendments:

The attendance be updated to include Councillor Enright.

56. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillors Maxine Crossland and Owen Collins.

Councillor Alex Postan substituted for Councillor Steve Good.

57. DECLARATIONS OF INTEREST

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

58. APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Business Manager – Development Management, giving details of an application for development, copies of which had been circulated.

RESOLVED: That the decision on the following application 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:-

3 19/02516/FUL Twelve Acre Farm, Chilbridge Road, Eynsham

The Planning Officer, Ms Desmond introduced the application.

Councillor Gordon Beach addressed the meeting, on behalf of Eynsham Parish Council. A summary of his submission is attached as Appendix A to the original copy of these minutes.

Councillor Dan Levy addressed the meeting in his capacity as Local Member, in objection to the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

Councillor Charles Mathew addressed the meeting in his capacity as County Councillor, in objection to the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

Ms Sue Raikes, of Green Transition Eynsham Area, addressed the meeting in support of the application. A summary of her submission is attached as Appendix D to the original copy of these minutes.

Mr James Hartley-Bond, addressed the meeting in support of the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

Information contained in the follow on report outlined additional representations from Eynsham Parish Council, South Leigh Parish Council and the agent. An update was also provided on the public right of way (footpath) and the bridleway to the south. As the agent had agreed to limit the maximum height of the panels to 2.7m, officers had requested that a condition be added to any permission securing this.

Following a question from Councillor Enright, clarification was provided on the legal default position when the land ceased to be used for this purpose and what Members could expect to be removed from site and what would most likely remain in situ.

Following a question from Councillor Leverton, the applicant confirmed that once construction was complete, the site could expect to attract three to four vehicular movements per week.

The Planning Officer then presented her report containing a recommendation of approval. She explained the areas of clarification that had been worked on since the previous deferral and highlighted to Members the indicative layout plan and the areas of the development that had been amended. Examples of the type of cabin storage, battery storage and fencing were presented and access routes for both the construction and operational phases of the development were discussed. The Access would be controlled by condition, and suggested measures would include a raised kerb at the junction and signage details..

Councillor Enright raised a slight concern that the width of the path could attract vehicles, but felt that overall the benefits the development provided, outweighed the costs.

Councillor Rylett raised a number of concerns including the potential to increase the length of time that the developer should replace trees from the usual five year limit. He also queried the powers that the Council had to

monitor the site and any potential problems that could arise from the site access off the A40.

Councillor Rylett reminded Members that this was a special site, as seen at a recent site visit and was saddened that the residents of Eynsham would have to lose something valuable but recognised that this was for the greater good of society. He also felt it would be valuable for the Parish Councils to see the Biodiversity Management Plan before it was agreed.

Councillor Enright proposed that the application be granted as per officers recommendations subject to an amendment to Condition 7 to extend the necessary replacement of any trees to the lifetime of the development, an addition to condition 17 to include circulation of the Biodiversity management Plan to the Parish Council's and the additional condition detailed in the additional representations report, restricting the height of the PV panels to 2.7 metres.

This was seconded by Councillor Postan who referred to other similar developments in his Ward. He also reiterated the need for the developer to include Biodynamic planting where possible.

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

Approved subject to:

- a) An amendment to condition 7 to refer to the 'lifetime of the development';
- b) An addition to condition 17 to allow Parish Council's to comment on the Biodiversity Management Plan prior to approval; and
- c) The additional condition detailed in the Additional Representations report restricting the height of the PV Panels to 2.7m.

32 19/02809/FUL Land South of Milestone Road, Carterton

The Planning Officer, Ms Fettes introduced the application and advised that the applicant had requested that the Committee be informed of an update relating to the Homes England Grant Funding as detailed in the Additional Representations report.

At section 4.3 of the additional representations report, officers had outlined a number of options that the committee could take when determining the application. The applicant had requested that option d) be amended to include the words 'where officers deem it necessary for committee input'.

Mr Andrew Gore addressed the meeting in support of the application. A summary of his submission is attached as Appendix F to the original copy of these minutes.

Councillor Leverton queried the number of dwellings on site and raised a concern that there were no play facilities for children. Mr Gore explained

that the density of the site was not tested in the initial stages and the site was now marginally smaller.

In addition, Councillor Leverton had concerns with the parking provision, the narrow footpaths and the lack of a cyclepath to the main road. Mr Gore advised that the applicant had worked with the County Council who had now removed their objection.

Councillor St John queried the number of dwellings that the application was for and was advised that grant funding would not apply if 5% was set aside for self-build.

Mr Harry Watts addressed the meeting in support of the application. A summary of his submission is attached as Appendix G to the original copy of these minutes.

Information contained in the follow on report advised that whilst OCC highways and drainage engineers had removed their technical objections, a formal consultation response had yet to be received. In addition, MOD Safeguarding had yet to submit comments on the amended plans.

The follow on report also detailed a further letter of representation from Mr Harry Watts, provided a statement from the applicant and advised on the latest Planning update. This proposed a number of options for Members to consider due to the limited time constraints and the desire from the applicant for a determination at this stage of the process.

The Planning Officer then presented her report and advised that officers had concerns that the application was being presented prematurely due to the lack of financial information from the applicant. In addition, formal responses and conditions had not been received as yet. The Highways Authority had confirmed they were satisfied verbally as had Flood officers. Responses were still outstanding from Ecology and Natural England. Therefore, officers did not feel they were in a position to make any recommendations but had brought the application to Committee at the request of the applicant.

Councillor Haine queried if the MoD had included a specific condition relating to crane development and was advised that there would not be anything exceeding ten metres in height. He reminded Members that it was the applicant's responsibility to submit viability details and S106 contributions prior to the 31 March deadline. He therefore proposed 4.3 d) as detailed in the Additional Representations report, with the suggested wording from the applicant.

This was seconded by Councillor Postan who stated that Carterton should benefit from the development and there was a need for housing. He also queried the main sewerage run off and hoped that proper consultation would be carried out.

Councillor Leverton reiterated his concerns regarding the sustainability of the site which appeared cramped and contrived with nowhere for children to play.

Councillor St John received clarification on S106 contributions and stated that he felt uncomfortable determining the application without further information.

Councillor Mullins stated that he was in favour of sustainable development and would be interested to see where the money would be spent with regards to schools. Officers confirmed that they had been in discussions with the applicant since last February and throughout the pre-application stage.

Councillor Haine's proposal that authority be delegated to officers, in conjunction with the Chairman, to approve the application was then put to the vote and was carried.

Delegated to officers, in conjunction with the Chairman, to approve the application, subject to no further technical objections, where officers deem it necessary for committee input, any changes members may require of the design, and the necessary infrastructure contributions being secured (and/or reducing the amount of affordable housing in order to increase the contributions to an appropriate level).

70 20/00195/HHD 34 Woodford Mill, Mill Street, Witney

The Planning Officer, Ms Smith introduced the retrospective application and advised that the report contained a recommendation of refusal. She advised that the permitted development rights to the property had been removed at the development stage and that the property was located in the Conservation Area.

Dr Haar, addressed the meeting in support of the application. A summary of his submission is attached as Appendix H to the original copy of these minutes.

The Planning Officer then presented her report and highlighted that none of the other properties in the vicinity had 'top hung' lights and, despite the materials being altered, the pattern across the development was now interrupted. In the officers' opinion, this adversely affected the character of the Conservation Area and could set an unwanted precedence.

Councillor Leverton agreed that the officers recommendation should be supported and proposed that the application be refused.

This was seconded by Councillor Enright.

Following a query from Councillor St John, the Committee was advised that the development had been built in 1999 and clarification as to how the windows and doors opened to ventilate the properties was given.

Councillor Postan felt that the alterations to the property were preferable but accepted that this was a matter of opinion.

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

Refused

54 19/03403/FUL Land South of Elmside, Greenacres Lane, Aston

The Planning Officer, Mr McIver introduced the application.

Mrs Marianne Cole addressed the meeting in support of the application. A summary of her submission is attached as Appendix I to the original copy of these minutes.

Information contained in the follow on report advised that an additional letter of representation had been received from a neighbouring resident in support of the application.

The Planning Officer then presented his report containing a recommendation of refusal. He outlined the reasons for refusal as detailed in the report and explained that the development as proposed would fail to complement the existing pattern of development and the character of the area. He advised that one of the reasons the application was not suitable was because it did not comply with Policy H2 which allowed new dwellings in villages, where it constituted infilling or a rounding off of the existing settlement area. Officers did not feel that this proposal was either infilling nor rounding off.

Following a question from Councillor St John, the Committee received clarification on paragraph 5.18 of the report which referred to 'less than substantial harm'. Councillor Postan also queried if there was a mechanism to add an agricultural tie to Kingsway Farm,

Whilst Councillor Haine expressed sympathy toward the applicant he felt it was not possible to go against policy on this occasion and proposed that the application be refused as per officers recommendations.

This was seconded by Councillor Leverton.

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

Refused

(The Committee took a break at this stage of the proceedings and reconvened at 4.03pm)

27 19/02591/HHD Razzi House, 31 Moorland Close, Witney

The Planning Officer advised that this item had been withdrawn from the agenda and would be deferred to a later meeting. This was as a result of the applicant submitting revised plans.

50 19/02914/S73 Morrisons, 20 Black Bourton Road, Carterton

The Planning Officer, Ms Desmond introduced the application and advised that the request was for a change to delivery times. The report contained a recommendation of approval subject to conditions.

Councillor Leverton raised a concern that the lorries undertaking deliveries had loud reversing sensors fitted and any conditions added to the permission would need to be managed. In addition, the metal cages used to manoeuvre

the goods from vehicle to store created noise. He did not feel confident that the mitigation measures would be enforced

The Committee discussed whether it would be possible to have the noise emitting reversing sensors removed or turned off when on site and if this could be considered for inclusion in the Noise Management Plan. Officers agreed that this could be explored.

Councillor Mullins raised a concern that there were already two other supermarkets in the town and this approval would create more lorry movements. He therefore did not feel he could support the application.

Councillor Postan proposed refusal of the application and suggested that lorries could enter into a queuing system or an alternative scheme should be submitted where unloading did not create noise issues.

Councillor Enright reminded Members that the store was surrounded by commercial buildings and noted that, in general, towns were noisier places to live. In addition, the air base was close by and he felt the noise mitigation measures were reasonable. He therefore proposed approval.

This was seconded by Councillor St John.

Following further discussions with officers, Members noted the need to be mindful of the latest information regarding the emerging Coronavirus crisis and the need to maintain the supply of goods to the general public. In addition, there was no evidence from the Environmental Health Officer to suggest that the noise mitigation measures would be inadequate.

It was therefore proposed by Councillor Haine and seconded by Councillor Leverton the application could be approved on a time limited basis subject to the inclusion of conditions from the Environmental Health Officer.

The recommendation of approval, time limited to six months, was then put to the vote and was carried.

Approved

61 20/00016/HHD 50 Richens Drive, Carterton

The Planning Officer Ms Kelly Murray introduced the retrospective application which requested approval for the erection of a porch. She advised that permission had been refused previously and subsequently dismissed at appeal. The report advised that the applicant could reduce the porch by 0.4 metres to fall within the permitted development rights level.

Councillor Leverton advised that this site was located in his Ward and he was aware that lengthy attempts with the applicant had been made to request compliance. However, this had not been achieved.

Councillor Leverton proposed that the application be refused as per officers' recommendations.

This was seconded by Councillor Rylett.

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

Refused

66 20/00099/HHD 8 Gloucester Place, Witney

The Planning Officer, Mr Stuart McIver, introduced the application and advised that the report contained a recommendation of approval. The application was in front of Committee due to the applicant being a Council employee.

The site was located in the Conservation Area and the Conservation Officer had raised no objection.

Councillor Enright proposed that the application be granted as per officers' recommendations.

This was seconded by Councillor Eaglestone.

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

Approved

59. 50 RICHENS DRIVE, CARTERTON

The Sub-Committee received the report of the Head of Planning and Strategic Housing which requested that Members consider if it was expedient to authorise the issue of an enforcement notice at the above property.

The Planning Officer outlined the report and advised that officers had received complaints about the erection of a porch at the property in 2017. The contravenor had not sought planning permission for the porch and a subsequent, retrospective planning application was refused by the Planning Committee in February 2018. The grounds for refusal were detailed in section 3.2 of the report and an extract of the minutes from that meeting were appended to the report.

This decision was appealed and subsequently dismissed in July 2018 and the Inspector's findings were outlined in 3.4 of the report.

Following the appeal decision, and at the Committee's request, officers tried to work with the contravenor to find a solution and various proposals were considered. When no progress was made, officers came to the conclusion that enforcement action needed to commence. An application for amendments to the porch were considered at the meeting, see Minute Number 58, and following refusal of this proposal, the Committee would need to consider commencing formal enforcement action.

Following a question from Councillor Postan, the Committee were assured that all staff members were aware of the importance of ensuring their own personal safety whilst delivering notices.

Following consideration of the related application earlier in the meeting, the Officer recommendation to authorise enforcement action was proposed by Councillor Haine and seconded by Councillor Rylett.

RESOLVED: That an enforcement notice to require an unauthorised porch to be removed, or reduced in size so that its' floor area does not exceed permitted development limits, be issued.

60. PROGRESS ON ENFORCEMENT CASES

The Sub-Committee received the report of the Business Manager – Development Management which provided information on enforcement cases where the requirements of a formal notice had not been complied with, the compliance period was yet to expire and where the expediency of enforcement action was yet to be considered.

The report advised that the update only included a small number of the overall enforcement caseload across the District. The caseload currently consisted of 312 live cases with the high priority cases totalling approximately 16% of the entire caseload.

Appendix A to the report outlined the progress of five cases where the formal notice had not been met within the compliance period.

Appendix B to the report detailed the progress on two cases where a notice had been served but the compliance period had not yet passed.

Appendix C provided information on 14 enforcement investigations that had been identified as high priority.

Members were asked to note the report.

The Officer recommendation that the progress and nature of the outstanding enforcement investigations detailed in Sections A to C of Annex A to the report be noted, was put to the vote and was carried.

RESOLVED: That the report be noted.

61. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

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

The meeting closed at 4:50 pm.

CHAIRMAN