

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Lowlands Area Planning Sub-Committee
held via video conferencing at 2.00pm on **Monday 15 June 2020**

PRESENT

Councillors: Ted Fenton (Chairman), Carl Rylett (Vice Chairman), Owen Collins, Maxine Crossland, Harry Eaglestone, Duncan Enright, Hilary Fenton, Steve Good, Jeff Haine, Nick Leverton, Kieran Mullins and Harry St John.

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

5. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 26 May 2020, copies of which had been circulated, be approved as a correct record and signed by the Chairman.

6. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

7. DECLARATIONS OF INTEREST

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

8. 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 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:-

16/01851/FUL - Barn at Weald Manor Farm, Weald Street, Weald, Bampton

The Planning Officer, Miss Clark introduced the application and outlined the report which contained a recommendation of refusal. The reason for refusal was read out in full as detailed on page 8 of the report.

Councillor Enright thanked officers for the report and proposed that the application be refused as per officers' recommendations. This was seconded by Councillor Ted Fenton.

In response to a query raised by Councillor Haine, officers confirmed that the enforcement team would be looking to take the necessary enforcement action, following any decision made at the meeting.

Following a question from Councillor St John, Miss Clark explained that the land marked in pink on the plans related to the land to be put into the legal agreement. Details of the extent of ownership were not available.

The Officer recommendation of refusal was then put to the vote and was carried, for the reason outlined below.

Refused

- a) In the absence of a legal agreement to ensure that sufficient land remains available to justify the creation of a dwelling in a location where one would not normally be allowed, and due to the extensive rebuild and remodelling of the building itself, it has not been demonstrated to the satisfaction of the LPA that the retrospective occupancy of the now converted barn is justified on its planning merits and as such it is contrary to Policies OS2, H2 and E3 of the adopted West Oxfordshire Local Plan that seek to control unjustified dwellings in unsustainable rural locations and the provisions of the NPPF 2019.

19/02736/RES - Land North and West and East of Belclose Cottage, Witney Road, North Leigh

The Planning Officer, Mrs 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.

A public submission had been received and was read out on behalf of Mr Angus Cook representing Bewley Homes. A summary of his submission is attached as Appendix A to the original copy of these minutes.

Information contained in the follow on report advised that updated Ecology and Biodiversity comments had been received along with additional conditions a) to e). Further comments were also outlined from North Leigh Parish Council.

The Planning Officer then presented her report containing a recommendation of approval, advised that there was an amended site layout and Thames Water had no technical objection to the application. Members were reminded that references to an 'LEAP' were a Locally Equipped Area of Play.

Concerns were raised regarding the access point onto the A4095 but the Committee were reminded that the access had been approved at outline stage.

Councillor St John raised a number of concerns including the reduction in size of the open space compared with the original illustrated plans and the number of emails that Members had received suggesting that the foul drainage system would not be able to cope. He therefore proposed that the application be deferred until a satisfactory answer had been received from Thames Water.

In response, Mrs Fettes explained that the open space appeared slightly smaller than on the indicative plan but this had been looked at with the Landscaping and Ecology Officers who had proposed that additional planting and a buffer be introduced. With regard to drainage, Mrs Fettes drew attention to conditions 6 and 12 which required consultation and sign off before work commenced on site.

The public open space and connectivity contributions were discussed and Members were advised that the open space would be secured under the S106 agreement.

Councillor Rylett queried the inclusion of climate change measures and a Construction Management Plan. In response, Mrs Fettes advised that a condition could be added to the permission requesting that a portion of the properties be supplied with electric vehicle charging points, along with an informative asking the developer to ensure climate change measures were included. In addition, she advised that a Construction Noise Management Plan had been covered by condition at the outline permission stage and was under discussion with the County Council.

Councillor Haine raised a concern that the LEAP was in the wrong position and he was not comfortable with the use of red brick, which he felt was out of place. He also asked if the applicant had included any carbon free or energy efficient dwellings.

In response, officers advised that the location of the LEAP had been detailed and agreed at the outline stage. With regard to the use of red brick, this was included in the design guide for North Leigh and officers had already negotiated the use of this down to a smaller amount. There were currently no details regarding energy efficiencies but the development would need to comply with Building Control standards. This could also be further highlighted in an informative note.

Further debate continued relating to the location of the LEAP and the potential for this to cause anti-social behaviour. Some Members felt it would benefit from having more space around it but noted that this would require an amendment to the location of the dwellings.

Councillor Leverton proposed that the application be granted as per officers recommendations with the inclusion of the additional Biodiversity conditions and an informative relating to climate change measures.

This was seconded by Councillor Mullins who agreed with the inclusion of electric vehicle charging points and the Climate Change informative and requested that the applicant look at the potential of relocating the LEAP, in consultation with officers and in agreement with the Chairman.

The Officer recommendation of approval was then put to the vote and was carried, subject to the conditions in the report and with the additional conditions and informatives detailed below.

Approved

- a) The additional Biodiversity conditions a) to e) detailed in the update report;
- b) An additional condition requesting EVCP's at a portion of the properties (number to be agreed with officers in conjunction with the Chairman);
- c) An Informative advising the applicant of the Council's commitment to Climate Change and requesting consideration of appropriate measures;
- d) Officers will liaise with the applicant over the location of the LEAP and the potential for relocation or additional mitigation measures.

Councillor St John requested that his vote against the permission be noted for the minutes.

20/00244/OUT - Fairseat, Arkell Avenue, Carterton

The Planning Officer, Miss Clark introduced the application and advised that the report contained a recommendation of approval subject to a Legal Agreement. The application was for the demolition of an existing dwelling and outbuildings and the construction of five houses and seven flats, together with associated works and formation of a new vehicular access.

Additional information in the follow on report advised that the agent had agreed to the affordable housing calculation of 35% and suggested additional conditions relating to car charging points, biodiversity enhancement features and climate control related features. Three further representations had been received relating to tree maintenance, demolition of the house and parking.

Councillor Good felt that this was a good proposal and he welcomed the inclusion of one bedroom units, which were much needed in the area. He therefore proposed that the application be granted as per officers' recommendations.

This was seconded by Councillor Crossland who advised that this was a large plot which would provide homes for twelve families. She highlighted that the Highways objection had been resolved and although the potential of using the existing, Victorian structure as a museum was nice, the funding was not available. Councillor Crossland was satisfied that the design was in keeping with the surrounding area and would have good transport links.

Councillor Leverton reiterated the comments made by Councillor Crossland and stressed that the town needed this type and style of accommodation.

Councillor St John raised a concern regarding vehicles reversing out onto the street and the queried if there was a root plan for the number of trees on site. Miss Clark explained that the County Highways team had assessed the application and had asked for an amended plan. With regard to the trees, a survey had been submitted but landscaping aspects were not part of this application. However, an informative to the applicant could be included regarding tree root systems.

The Officer recommendation of approval, subject to the conditions in the report and with the inclusion of the additional conditions and informative detailed below, was then put to the vote and was carried.

Approved

- a) Subject to a Legal Agreement as per officers' recommendation plus:
- b) Additional conditions covering car charging points, biodiversity enhancement features for the site and climate control related features; and
- c) An informative regarding the tree root systems.

9. PLANNING APPLICATION NO. 19/02809/FUL: ERECTION OF 214 DWELLINGS WITH ASSOCIATED LANDSCAPING, SURFACE WATER ATTENUATION AND PARKING (AMENDED DESCRIPTION AND PLANS); LAND SOUTH OF MILESTONE ROAD, CARTERTON

The Sub-Committee considered a report from the Locality Lead – Development Management which asked it to reconsider the above application following its original

resolution on 16 March 2020. At the time of the meeting, there had been significant pressure for the applicants to meet a 31 March 2020 funding deadline from Homes England, and the application was brought before Members before Officers felt it was ready to be fully considered with all the relevant technicalities resolved.

At that meeting, the Sub-Committee resolved to delegate the approval of the application to officers, in conjunction with the Chairman, subject to no further technical objections, where officers deemed it necessary for Sub-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).

The report advised that officers considered the County Council and Ecology objections specified in section 2 of the report were technical objections and Members should reconsider the application in light of these comments.

Additional information in the follow on report advised that a further letter from the agent had been sent directly to Members of the Sub-Committee and outlined detailed comments from the Biodiversity officer. For clarity, the addendum included the reasons for refusal in full.

A public submission had been received and was read out on behalf of Andrew Gore from Marrons Planning in support of the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

Mrs Fettes addressed Members and explained that an amended layout had been received from the applicant a short while ago but the application was before Members due to the technical objections received.

The technical objection received from Oxfordshire County Council was detailed in full in paragraph 2.1 of the report and advised that the applicant was unable to fund the required S106 financial obligation, which was required to mitigate the impact of the development. The objection also advised that a contribution would be required to the Education department and that additional school capacity would be required in the area as a result of housing development.

The objection from Ecology centred round the number of habitat units likely to be lost, resulting in a net % change in Biodiversity of -87.4%. The update report outlined further detailed comments from the Biodiversity officer and summarised their objection which was due to biodiversity harm and insufficient assessment, mitigation and compensation details for protected species, priority habitats, biodiversity net gain and ecological networks.

Councillor Haine stated that he remembered the application from the March meeting, which had been in front of Committee due to a desire from the applicant to hit a funding deadline. He felt that the application was strictly against policy on Biodiversity terms, and was concerned by the lack of a contribution to the County Council when the development would result in an increase of cars and a need for education provision. He surmised that the number of units could be reduced to assist with the impact on Biodiversity. He therefore proposed that the application be refused for the two reasons detailed in the update report.

This was seconded by Councillor Enright.

Councillor Leverton addressed Members and stated that he did not feel the proposal would provide high quality homes and he highlighted the lack of garages. In addition, he felt that the increase in cars and lack of parking would cause social issues and the scheme came across as a backwards step to the 'old market value houses'.

Members were reminded that page 16 of the Local Plan outlined that there was limited or no capacity in local primary schools.

Councillor St John directed Members to the comments made by Thames Water who had objected on the grounds of limited capacity.

Councillor Crossland echoed the comments made by Councillor Leverton and, despite not being present at the March meeting, was disappointed by the tone of the applicant. She felt that officers had worked hard to uphold the Local Plan policies and she supported the recommendation to refuse the application.

Having considered the report and having heard the representations made at the meeting, it was agreed that the application should be refused for the reasons outlined below.

Refused

1. In the absence of an agreement or commitment to an agreement to secure the provision of: public transport; education; sport and leisure; public art; primary healthcare; and ecological and landscape management the local planning authority cannot be satisfied that the impacts of the development can be made acceptable or adequately mitigated and as such the scheme is likely to give rise to education, transport, sport and leisure, health and ecological harms. The viability assessment shows that the scheme would be viable if it was policy compliant with CA2 of the West Oxfordshire Local Plan 2031 and those harms would not arise. Consequently, the proposal conflicts with West Oxfordshire Local Plan 2031 Policy CA2, EH3, EH5, T3 and OS5 and paragraphs 54 and 56 of the NPPF; and
2. The proposed development would result in significant biodiversity harm as insufficient survey, mitigation and compensation details have been submitted to ensure that impacts on protected/priority species and priority habitats are minimised or adequately compensated, and that a biodiversity net gain can be achieved. The green infrastructure provision within the proposal is also deemed to be inadequate. The proposal is therefore contrary to Local Plan policies EH3 and EH4, and paragraphs 170 (d), 174 (b), 174 (d), 175 (a) and 175 (b) of the NPPF.

10. APPLICATIONS DETERMINED UNDER DELEGATED POWERS, APPLICATIONS WITHDRAWN, AND APPEAL DECISION

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

The Chairman suggested that if Councillors had any questions or queries on specific items, they contact him in advance of the meeting or by using the chat facility in Webex.

Miss Clark outlined the appeal decision detailed in the report and advised that the Inspector had concluded that the land in question could be classed as previously developed land. It was noted that this came down to a matter of planning opinion but that costs had been dismissed in this instance.

Councillor Fenton thanked the officers for their presentations and advice and thanked all Councillors for attending before closing the meeting.

The meeting closed at 4:50 pm.

CHAIRMAN