

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Lowlands Area Planning Sub-Committee
held via video conferencing at 2.00pm on **Monday 14 September 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 Alex Postan.

Officers: Phil Shaw (Business Manager Development Management), Miranda Clark, (Senior Planner Development Management), Esther Hill (Planner); Kelly Murray (Senior Planning Officer); Keith Butler (Head of Democratic Services) and Amy Barnes (Senior Strategic Support Officer).

22. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 10 August 2020, copies of which had been circulated, be approved as a correct record and signed by the Chairman.

23. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence and Councillor Alex Postan substituted for Councillor Harry St John.

24. DECLARATIONS OF INTEREST

Councillors Enright and Ted Fenton disclosed an interest in planning application 20/00858/FUL by virtue of knowing the applicant, and left the meeting whilst the item was considered. Councillor Rylett took the Chair for that application.

25. 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:-

(i) **20/00858/FUL – Ash Close, Gloucester Place, Witney**

As detailed in Minute Number 24, Councillors Enright and Ted Fenton left the meeting whilst this application was considered. Councillor Rylett took the chair as Vice-Chairman.

The Planning Officer, Miranda Clark introduced the report and advised that the recommendation was to refuse the application. The report highlighted that a member of staff lived in the vicinity of the site, although they had not submitted any representation and

had no input into the application or recommendation. The application had been referred to the Sub-Committee for determination because of the wish to avoid any perception of any conflict of interest.

The site was located in the Conservation Area and planning permission had previously been approved for the addition of one new dwelling alongside alterations to the existing property.

Following a question from Councillor Collins, officers confirmed that there was a height difference between the previously approved dwelling and those being proposed today. This was approximately four feet.

Councillor Leverton addressed Members and made reference to sections 5.9 and 5.11 of the report which dealt with the previous application and the location of the site in the Conservation Area. He described the site as being in the older part of town, noted that the Local Plan encouraged 'like for like' proposals and felt that the site would be crowded with two dwellings.

Councillor Postan proposed that the application be refused as per officers' recommendations. This was seconded by Councillor Good. Councillor Haine advised that he agreed with the proposer and seconder and supported that the application be refused for the refusal reasons outlined in the report.

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

Refused

By reason of the scale, siting, and additional parking related to two properties, the proposed pair of semi-detached dwellings will not enhance the character and quality of the surroundings, be of a proportionate and appropriate scale to its context or form a logical complement to the existing scale and pattern of development and the character of the area. As such the proposal is contrary to Policies OS2 and OS4 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF.

It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed scheme for two dwellings would not affect the Witney Air Quality Management Area (AQMA) and the application makes no reference to the air quality issue and nor does it assess the potential effect that it might have on the air quality within the AQMA. As such the proposal is contrary to Policy EH8 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF.

(Councillors Enright and Ted Fenton were re-admitted to the meeting and Councillor Fenton took the Chair)

(ii) 20/01117/S73 – Land North of Burford Road, Witney

The Business Manager, Development Management, Phil Shaw introduced the application and advised that the report contained a recommendation of approval.

This application was taken in conjunction with application 20/01118/S73 which requested a variation of condition 2 of permission 17/03338/RES to introduce new approved plans to reflect an additional ten dwellings on site.

A public submission had been received and was read out on behalf of local members, Councillors Lucy Ashbourne and Andrew Coles objecting to the application, followed by a submission from the applicant, Rachel Clare, representing Barratt David Wilson Homes. Summaries of their submissions are attached as Appendices A and B to the original copy of these minutes.

Mr Shaw reminded Members that although this site was very controversial, this was not a planning reason for refusal. He reminded them that officers had had to identify the planning harm and had found none arising from the amendments proposed.

With regard to the site's location adjacent to the Flogas site, Mr Shaw advised that the Health and Safety Executive (HSE) were content with the proposal.

Councillor Enright queried why the application had not been submitted with this number of properties initially, noted that there was no change to the play area, considered the layout to be overcrowded and felt it was 'bit by bit encroachment'.

Councillor Good recognised the need for one bedroom accommodation in the District and asked if there were any proposed in this development.

In response, Mr Shaw explained that the applicant had pitched the original number at 260 due to the HSE modelling and had been advised by the marketing team to offer five bedroom homes. However, there had since been a rebalancing of the market and affordable housing was now being offered. With regard to the overcrowding issue, Mr Shaw highlighted that the garden size was not miniscule and there was no objection from the Highways Department.

Councillor Postan recalled the application when it was originally submitted and had raised concerns about the risk and danger from the adjacent gas site. He felt that the addition of the Local Plan should encourage an increase in quality and desirability and did not feel the application offered this.

Following a question from Councillor Haine, Mr Shaw agreed that permission could be agreed subject to satisfactory answers being received from Thames Water in relation to the capacity of the foul water drainage, prior to occupation of any properties.

Councillor Haine therefore proposed that the application be granted as per officers' recommendation subject to written confirmation being received from Thames Water that the Foul Water Drainage system had been extended sufficiently to manage the additional dwellings. He reiterated the importance of ensuring that satisfactory answers had been received from Thames Water.

The Committee discussed a number of elements of the application including garage size, needs of the community and the original objection received from the gas company, Flogas. Mr Shaw reiterated that Flogas were not a statutory body and their concern had been in relation to the original number set by HSE.

Councillor Leverton raised concerns about the Inspectors report and the issue relating to Thames Water. He queried if a guarantee could be given that there would be no discharge into the river and suggested that this amendment would set a precedent for developers to alter their numbers.

In response to a query from Councillor Ted Fenton, officers confirmed that an additional condition to request Electric Vehicle Charging Points could be included.

Mr Shaw explained that the number of dwellings was being altered due to the change in the HSE's rules and advised that officers could identify no harm in relation to the additional dwellings. In addition, Thames Water was satisfied that permission could be approved subject to conditions.

Some Members felt that a deferment would be preferential in the circumstances to enable Thames Water to respond and to request information from the Housing Officer regarding the number of one bedroom units needed.

Councillor Haine repeated his proposal that the application be granted subject to confirmation from Thames Water that the foul water system was sufficient and the additional condition relating to EVCP's. The proposal was duly seconded.

The Officer recommendation of approval was then put to the vote and was carried subject to the amendments detailed below.

Approved

Subject to receipt of confirmation from Thames Water that the Foul Water Drainage system has been extended sufficiently to manage the additional dwellings; and

An additional condition to include Electric Vehicle Charging points.

Councillors Enright, Postan Mullins and Collins voted against the proposal.

(iii) 20/01118/S73 – Land North of Burford Road, Witney

The Business Manager, Development Management, Phil Shaw introduced the application and advised that the report contained a recommendation of approval.

This application was taken in conjunction with application 20/01117/S73 which requested a variation of condition 5 of outline permission 14/1215/P/OP allowing for the development to be constructed on site in line with the description of development and amend the restriction of numbers from 260 dwellings and increase to 270 dwellings.

The discussions detailed above also related to this application.

A public submission had been received and was read out on behalf of local members, Councillors Lucy Ashbourne and Andrew Coles objecting to the application, followed by a submission from the applicant, Rachel Clare, representing Barratt David Wilson Homes. Summaries of their submissions are attached as Appendices A and C to the original copy of these minutes.

Councillor Haine proposed that the application be granted subject to confirmation from Thames Water that the foul water system was sufficient and the additional condition relating to EVCP's. This was duly seconded.

The Officer recommendation of approval was then put to the vote and was carried subject to the amendments detailed below.

Approved

Subject to receipt of confirmation from Thames Water that the Foul Water Drainage system has been extended sufficiently to manage the additional dwellings; and

An additional condition to include Electric Vehicle Charging points.

Councillors Postan, Mullins and Collins voted against the proposal. Councillor Enright abstained.

(iv) 20/01648/FUL – Eynsham Filling Station, Eynsham

The Planning Officer, Miranda Clark introduced the application and advised that the report contained a recommendation of refusal.

A public submission had been received and was read out on behalf of Julian Sutton representing the applicant. A summary of his submission is attached as Appendix D to the original copy of these minutes.

Councillor Rylett addressed Members and confirmed that Eynsham Parish Council did not object or support the application. However, they had discussed landscaping concerns regarding the visual impact. He agreed with the officer's recommendation as he felt the proposal would be prominent.

Councillor Postan supported the comments made by Councillor Rylett and drew Members attention to the Oxfordshire Green Belt and the harm that the proposal would cause.

Councillor Leverton agreed and advised that he had considered should the facility prove busy, it may not be safe to reverse onto the A40 and HGV's using the facility could create traffic management problems.

Councillor Rylett proposed that the application be refused as per officers' recommendations and this was seconded by Councillor Postan.

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

Refused

(v) 20/01815/HHD – 12 Rack End, Standlake

The Planning Officer, Esther Hill introduced the application and advised that the report contained a recommendation of approval. She advised that the application was before Committee because the agent was related to a member of West Oxfordshire District Council staff.

The Planning Officer presented the report and guided Members through the application and slides outlining the site.

Councillor Good stated that this was in his and Councillor Hilary Fenton's ward and he supported the officers summary and conclusion. He therefore proposed that the application be granted as per officers' recommendations and this was seconded by Councillor Hilary Fenton.

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

Approved

26. ENFORCEMENT PROGRESS REPORT

The Committee received a report from the Principal Planner (Enforcement) Mrs Kelly Murray, which informed Members of the current position and progress in respect of a number of enforcement investigations.

Section A of Annex A listed the cases where a notice had been served but the requirements had not been met within the compliance period, or there had been an unauthorised display of advertisements. This meant that an offence could have been committed and the Council needed to consider the next steps in order to secure compliance. In some cases this would entail the initiation of legal proceedings to bring about a prosecution.

Section B of Annex A provided an update on cases where a notice had been served but the compliance date had not yet passed.

Section C of Annex A outlined the progress on other enforcement investigations which had been identified as being high priority.

The report also reminded Members that the cases detailed in Annex A were only a small number of the overall enforcement caseload across the District. At the time of writing the report, there were 256 live cases and the high priority cases for both Uplands and Lowlands constituted approximately 20% of the total caseload.

Mrs Murray introduced the report and advised Members on the progress of each of the cases listed.

Members asked questions relating to various cases in their areas and thanked officers for their work in progressing enforcement action. It was noted that some cases were awaiting the outcome of appeals and meetings with other partners were taking place and Members would be updated in due course.

Having considered the report and having clarified a number of queries relating to particular cases, the Committee

RESOLVED: That the report be noted.

27. 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) an appeal decision, was received and noted.

Members sought clarification on a number of details and the appeal decision was outlined by the Planning Officer, Miranda Clark.

Having considered the report and having clarified a number of queries relating to particular cases, the Committee

RESOLVED: That the report be noted.

The meeting closed at 4:00 pm.

CHAIRMAN