

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of a Meeting of the
DEVELOPMENT CONTROL COMMITTEE

Held in the Community Hall, Shilton Park, Carterton, Oxon at 2.00 pm
on Thursday 9 October 2014

PRESENT

Councillors: J Haine (Chairman); W D Robinson (Vice-Chairman); M A Barrett, A C Beaney, R J M Bishop, M R Booty, A S Coles, N G Colston, J C Cooper, D A Cotterill, C Cottrell-Dormer, Mrs E H N Fenton, S J Good, P J Handley, H J Howard, P D Kelland, R A Langridge, Ms E P R Leffman, J F Mills, T J Morris, B J Norton, T N Owen, G Saul and T B Simcox.

12. MINUTES

Mr Haine advised that there were errors in the appendix and delegations PE5, PE14 and PDM11 needed to be revised by removing the wording 'following prior consultation with the local member(s)'.

Mr Cooper clarified that his absence from the previous meeting had been due to him representing the council at a meeting in Cornwall and this had not been fully recorded despite it being highlighted at a recent Council meeting.

RESOLVED: That, subject to the changes to the Appendix specified above, the Minutes of the meeting of the Committee held on 18 September 2014 be approved as a correct record and signed by the Chairman.

(Mr Cooper asked that his vote against the foregoing decision be recorded).

13. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

The Chief Executive reported receipt of the following resignations and temporary appointments

A S Coles for D S T Enright
Ms E P R Leffman for Dr E M E Poskitt
J F Mills for Mrs M J Crossland

14. DECLARATIONS OF INTEREST

There were no declarations of interest from members or officers.

15. PARTICIPATION OF THE PUBLIC

Mr Haine referred to the extension of public participation for the applications that had been agreed at the last Development Control Committee.

The Chairman advised that Shilton Parish Council had made representation to make a submission in respect of application no I4/0482/P/OP on the basis that it was a neighbouring parish.

Mr Haine advised that he was minded to allow the parish council to speak and sought the agreement of the committee.

RESOLVED: That Shilton Parish Council be allowed to make a submission to the committee in respect of application no I4/0482/P/OP.

16. APPLICATION I4/0091/P/OP – DEVELOPMENT COMPRISING UP TO 700 HOUSES, AN EMPLOYMENT AREA OF 1.5 HECTARES (USE CLASSES B1 AND B8, TOGETHER WITH CAR SHOWROOM USE WHICH IS SUI GENERIS), A LOCAL CENTRE OF 1.0 HECTARE (USE CLASSES A1 TO A5, B1(A), C1, C2, C3, D1 AND D2), A PRIMARY SCHOOL WITH A SITE OF 2.2 HECTARES, PLAYING FIELDS, ALLOTMENTS, INFORMAL OPEN SPACE, LANDSCAPING, DRAINAGE IMPROVEMENTS AND ASSOCIATED ENGINEERING WORKS SUCH AS HIGHWAYS, CYCLEWAYS AND FOOTWAYS, EAST CARTERTON, CARTERTON

Mr Cooper proposed in accordance with Standing Order 12 (xiii) that the meeting be adjourned. He explained that he felt members did not have enough information to make decisions on the applications. In particular Mr Cooper suggested that issues such as the available land supply and counsel's advice had not been fully outlined and therefore it was difficult for the committee to make a decision on either application. Mr Cooper indicated that an adjournment would allow a more detailed report to be presented.

Ms Leffman seconded the proposal and highlighted the absence of a Local Plan and the importance of the decisions in respect of the applications. Ms Leffman concurred that further information was required and an adjournment would not be detrimental to the process.

On being put to the vote the proposition was lost.

The Head of Planning and Strategic Housing gave an overview of the procedure for considering and determining both of the applications before the Committee at this meeting, and highlighted the legislative context, the current position with the Local Plan, housing targets and the available housing land supply.

The Committee then received and considered the report of the Head of Planning and Strategic Housing on the above application, together with additional representations. The Area Development Manager advised that seven further letters of support for the scheme had been received.

The Area Development Manager then gave an overview of the application and outlined the site area and key issues for consideration.

The Committee then heard public participation as follows:

- Mr Pilbeam, Brize Norton Action Group spoke in objection to the application. A summary of the submission is attached at Appendix A to the original copy of these minutes. Mr Pilbeam confirmed that he had not had any contact with Councillor Cooper, whom he knew in a work capacity, in respect of the application.
- Mr Crapper spoke on behalf of Carterton Town Council. A summary of the submission is attached at Appendix B to the original copy of these minutes.
- Mr Squire spoke on behalf of Brize Norton Parish Council, in opposition to the application. A summary of the submission is attached at Appendix C to the original copy of these minutes. In response to Mr Owen it was clarified that the Parish Council had looked at the over delivery of housing in previous years in the district as the basis for suggesting that a five year land supply was available.
- Councillor Postan, District Councillor for the Brize Norton and Shilton Ward, spoke in opposition to the application. A summary of the submission is attached at Appendix D to the original copy of these minutes. In response to Mr Handley,

Mr Postan acknowledged that Brize Norton had previously not supported a buffer zone but this had been over 20 years ago.

- Councillor Mrs Little, District Councillor for Carterton South. A summary of the submission is attached at Appendix E to the original copy of these minutes.
- Mr MacPherson, Bloor Homes spoke in support of the application. A summary of the submission is attached at Appendix F to the original copy of these minutes.

The Area Development Manager presented the application in detail. It was acknowledged that the committee faced a difficult decision and this was one of a number of large applications coming forward for determination.

The Area Development Manager advised that the application was considered contrary to policy and had been advertised as a departure from the Local Plan. However the lack of a five year housing land supply meant that the application had to be determined in accordance with the National Planning Policy Framework (NPPF). The Area Development Manager reminded the committee that the site was identified in the emerging local plan as a strategic development area.

The Area Development Manager advised that the main areas for consideration were the principle of development, landscape and visual impact on Brize Norton, character and distinctiveness of the area, proposed mix of uses, housing mix/affordable housing, access and travel, drainage, pollution and flood risk, heritage assets, infrastructure, biodiversity and environmental impact.

In conclusion the policy considerations were reiterated, the limited weight that could be given to the existing Local Plan was outlined and the lack of suitable brownfield sites highlighted.

The Area Development Manager advised that the site was considered suitable with a buffer zone and the recommendation was therefore one of approval subject to a legal agreement and conditions as detailed in the report.

Mr Robinson thanked officers for producing a comprehensive report on the application and identifying the key issues for consideration. Mr Robinson referred to the views expressed in the public participation and the need for members to take a strategic view on development in the district.

Mr Robinson indicated that the emerging local plan focussed development on the main towns in the district where facilities were available and accessible. It was reiterated that the application site had been previously identified as being suitable for development and was close to employment land and services. In acknowledging the lack of a Local Plan Mr Robinson contended that determining the application was not premature, there was a demand for housing, and the provision of affordable housing would help in respect of the waiting list.

Mr Robinson proposed that the application be approved subject to the applicant entering in to a legal agreement, and to the conditions shown in the officer report. Mr Booty seconded the proposal.

Mr Booty suggested that a pragmatic approach needed to be taken and that the council needed to keep control of developments through conditions. Mr Booty advised that he did not agree with the Strategic Housing Market Assessment (SHMA) figures for the district but that was the current position and members needed to be cognisant of that.

Mr Booty highlighted that other sites had already been developed so it was inevitable that green field sites would be needed and that would always be contentious. Mr Booty highlighted the potential risk of an application going to appeal due to non-determination or refusal reasons that were difficult to defend. Mr Booty reiterated that the council could control the development.

Mr Cooper then proposed that in accordance with Standing Order 12(xii) the debate should be adjourned as the detailed advice from legal counsel had not been made available to members. Mr Cooper clarified that he was not necessarily against development but that full information should be provided.

The Head of Planning and Strategic Housing advised that such information would not be appropriate in the public domain and that, in any event, the advice had been verbal, with the officer report reflecting the advice given. It was considered that the recommendation was robust and defensible and was detailed enough for the committee to make a decision.

Mr Cooper's proposal was not seconded.

Mr Owen highlighted the large amount of correspondence he had received regarding the application and indicated he would not be supporting the proposal. Mr Owen suggested that the development was being squeezed between Carterton and Brize Norton and was in the wrong place. Mr Owen acknowledged the case put forward by officers but the buffer zone would be eroded and the village would be swallowed up by Carterton. Mr Owen highlighted the history of Brize Norton and that small communities should be protected and their historic fabric retained.

Mr Howard thanked officers and the applicant for their engagement with interested parties during the application process. Mr Howard indicated that there did not appear to be grounds to refuse the application, but that he still had concerns. He suggested that there would be an increase in commuter traffic out of Carterton and that there was inadequate allocation of employment land particularly as other sites in the town were now fully let.

Mr Howard, whilst noting it was not statutory, expressed disappointment at the lack of sports provision in the area, and concluded by referring to the lack of a five year land supply but suggesting that this should not be a reason for approving the application.

Mr Howard advised that there was a need for more infrastructure and indicated that he would abstain from voting.

Mr Handley advised that he would support the proposal and highlighted the changing role and nature of RAF Brize Norton and the impact this could have on the area. Mr Handley referred to the potential for new road links as part of the application. The Area Development Manager clarified that this did not form part of this application.

Mr Cotterill sought clarification of the arrangements for protecting the proposed buffer zone and the reference to broadband in the legal agreement. The Area Development Manager advised that he understood the land would be leased by the developer to the parish council for a period of 150 years thus protecting the land. In respect of broadband it was anticipated that the developer would provide the necessary trunking to allow an operator to provide broadband at a later date.

Mr Mills advised that he was substituting for Mrs Crossland and read out a statement on her behalf. The statement expressed disappointment at the level of employment land being provided and suggested that the site could be reconfigured to increase provision.

Mrs Crossland also raised concerns that the site did not provide flexibility for development

and was too cramped. A number of other concerns were outlined and Mrs Crossland expressed her preference for the Carterton West scheme.

Ms Leffman highlighted the articulate and heartfelt submissions in the public participation on what was a controversial application. Ms Leffman suggested that members needed to vote with their feelings on the issue.

Mr Morris made reference to differing opinions on the available land supply and sought clarification of the present position. The Head of Planning and Strategic Housing advised that the figures were based on interim household projections and not previous targets in the South East Plan, and had been assessed and agreed by Cabinet.

Mr Norton, in acknowledging the views of Brize Norton residents, indicated that the council was in a difficult position, and highlighted the fact that the figure of 9450 homes over the plan period was less than had been recommended by the SHMA.

Mr Norton suggested that deferral was not an option and that the application had to be determined. An approval would mean the council retained control through the legal agreement and conditions.

Mr Kelland advised that in Eynsham there had been two large developments that had settled down well and integrated with the existing village. Mr Kelland expressed his support for the application.

Mr Good outlined that the site had been earmarked in the Local Plan for some time and the decision needed to be made on planning policy only. Mr Good acknowledged the views of local residents but suggested that the proposed buffer zone would mean there was no coalescence with Carterton. Mr Good referred to the significant correspondence in support of the application and expressed his backing for the officer recommendation.

Mr Coles indicated that he was open-minded about the application and the representations made had been passionate and well-reasoned. Mr Coles referred to traffic issues and expressed disappointment at only 35% social housing being provided. Mr Coles highlighted the lack of suitable brownfield sites and Carterton's desire to expand, and advised that on balance he would be supporting the proposal.

Mr Langridge reiterated that the decision needed to be made on planning policy only and as the issue of coalescence had been addressed there was no reason to refuse the application.

The Area Development Manager highlighted the buffer zone being provided, that latest information suggested that commuting out of the area was around 60% not the 80% suggested by some objectors and acknowledged changes at RAF Brize Norton and options for future infrastructure delivery. He indicated that it was positive that the site would be fully built out as the council would know exactly what development it would be getting. He reminded the Committee that any appeal would be determined by an inspector purely on planning policy grounds. In respect of affordable housing, whilst a higher percentage was desirable, 35% was the ceiling in respect of the development due to infrastructure costs.

On being put to the vote the proposition was carried, and the Committee -

RESOLVED: That the Head of Planning and Strategic Housing be authorised to grant outline planning permission in respect of the application, subject to (i) the applicant first entering into a S106/278 agreement as referred to in the report; and (ii) the conditions specified in the report.

(Mr Cooper requested that his vote against the foregoing decision be recorded)

17. SUSPENSION OF STANDING ORDERS

Mr Haine proposed that Standing Order No. 9 be suspended to allow the meeting to continue beyond three hours. Mr Cooper seconded the proposal.

RESOLVED: That Standing Order No. 9 (Duration of committee meeting) be suspended.

18. APPLICATION NO 14/0482/P/OP - DEVELOPMENT OF APPROXIMATELY 1,000 HOUSES, LOCAL SHOPS AND COMMUNITY CENTRE, EMPLOYMENT AREA, PRIMARY SCHOOL, PUBLIC OPEN SPACE, SPORTS PITCHES AND PLAY AREAS, ECOLOGY PARK, ALLOTMENTS AND ANCILLARY WORKS, WEST CARTERTON, CARTERTON

The Committee received the report of the Head of Planning and Strategic Housing, together with additional representations in respect of the above application. The Area Development Manager gave an overview of the application and outlined the site area.

The Committee then received public participation as follows:

- Mrs Garbutt spoke in objection to the application. A summary of the submission is attached at Appendix G to the original copy of these minutes. Mr Cotterill sought clarification regarding the number of recorded accidents, and Mrs Garbutt confirmed there had been four road accidents on the Alvescot Road.
- Mr Munro spoke on behalf of Alvescot Parish Council, in opposition to the application. A summary of the submission is attached at Appendix H to the original copy of these minutes. In response to a query, Mr Howard was advised that approximately 1800 people had signed the petition referred to by Mr Munro.
- Mr Linney and Mr Heyworth spoke on behalf of Shilton Parish Council, in opposition to the application. A summary of the submission is attached at Appendix I to the original copy of these minutes. In response to Mr Howard, Mr Linney confirmed that the parish council was not against any development at all but it needed to be proportionate. Mr Howard asked about flooding and sewerage and the relevance to the application, and Mr Linney clarified that he was using the impact on Shilton of previous applications as an example.
- Mr Crapper spoke on behalf of Carterton Town Council. A summary of the submission is attached at Appendix J to the original copy of these minutes.
- Councillor McFarlane, District Councillor for Alvescot and Filkins, spoke in opposition to the application. A summary of the submission is attached at Appendix K to the original copy of these minutes. Mr Howard asked if the Alvescot Downs was designated as an Area of Outstanding Natural Beauty. Mr McFarlane acknowledged it was not but stated that it made an important landscape contribution. Mr Howard asked about flooding in Alvescot in previous years, and Mr McFarlane advised that there had been some 257 properties flooded across his ward during the 2007 floods.
- Councillor Mrs Little, District Councillor for Carterton South. A summary of the submission is attached at Appendix L to the original copy of these minutes.
- Mr Willcox, Crest Nicholson, spoke in support of the application. A summary of the submission is attached at Appendix M to the original copy of these minutes. Mr Cotterill asked about access to the proposed ecological park, and Mr Willcox advised that access would vary across the site with some areas being restricted at all times with other parts only being available seasonally.

The Area Development Manager presented the application in detail and advised that the application was considered contrary to policy and had been advertised as a departure from the Local Plan.

The Area Development Manager highlighted that the site was ranked lowest of the submitted sites in respect of landscape impact. The land supply position was clarified and it was acknowledged that the previous decision in respect of another site added some weight to local plan policies. The landscape implications were outlined together with the sensitivity of the site and as such the development was considered to have a demonstrable harm.

The Area Development Manager acknowledged that the principle of a 'garden village' was supportable but density of development on parts of the site was unacceptable. It was confirmed that the proposed housing mix, affordable housing provision and traffic implications were all considered acceptable.

Confirmation was given that parts of the site were in flood risk zones 2 and 3 but that the Environment Agency had not objected. The Area Development Manager confirmed that there were no objections on grounds of sewerage, archaeology, biodiversity/ecology, noise and air quality.

The Area Development Manager summed up the application and advised that the recommendation was for refusal on the grounds of harm to the character and landscape of the area and the poor relationship to existing built development together with the lack of a planning obligation to secure mitigation of the impact of development.

Mr Howard thanked all relevant parties for their willingness to discuss the application and seek to address issues. Mr Howard highlighted references to links from the development to Carterton and that many places had rivers splitting communities but this could be mitigated by providing links such as bridges. Mr Howard advised that he had carefully considered all the issues and suggested that phased development may help to deliver infrastructure at key points.

Mr Howard indicated that the site offered some benefits such as a new cemetery, high quality development and public access to the Shill valley. He reiterated that further employment land was needed and suggested that some development could be accommodated on the site. Whilst noting that there was no highway objection, Mr Howard proposed that the application be deferred to allow a full transport assessment to be undertaken. Mr Handley seconded the proposal and suggested that other issues including infrastructure needed to be addressed further to ensure that the committee had full information to be able to make a decision.

Mr Barrett advised that he supported the officer recommendation and expressed concern at the potential for flooding elsewhere as a result of development. Mr Cotterill concurred and highlighted the situation in Burford where it was detached from neighbouring communities by the river.

Mr Robinson questioned whether a deferral was necessary as the highway authority had not objected and their views were clear. Mr Robinson highlighted the potential for an appeal on the grounds of non-determination if a decision was delayed further. Mr Good agreed and suggested the officer recommendation was correct.

The Area Development Manager clarified that a lot of the issues raised were not relevant to the applications but would need to be addressed through the new local plan. It was confirmed that there had been a lot of discussion with the applicants throughout the process and there was no agreed Section 106 package in place. It was reiterated that the application was not being recommended for refusal on flooding or traffic grounds.

On being put to the vote the proposition was lost.

Mr Robinson then proposed the officer recommendation of refusal and this was seconded by Mr Beaney.

Mr Norton suggested that there could be further reasons for refusal such as the council now having an adequate land supply. Mr Norton highlighted continued concerns regarding flooding. The Area Development Manager cautioned against a refusal in respect of flooding due to the lack of objection from the responsible body and it was confirmed that the views of the Environment Agency had been clarified with them.

In respect of land supply the Head of Planning and Strategic Housing confirmed that advice had been sought regarding this and it was considered that the first refusal reason which made reference to relevant housing policies was sufficient for these purposes and could be used as necessary in the event of an appeal.

Mr Cooper suggested that the relevant scrutiny committee should have looked carefully at the proposed housing figures for the district and made recommendations. Mr Cooper indicated that a notice of motion would be submitted in respect of chairmanship of committees seeking to address this.

On being put to the vote the proposition was carried.

RESOLVED: That the application be refused, for the reasons specified in the report.

The meeting closed at 6.05pm.

CHAIRMAN