

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of a Meeting of the
LOWLANDS AREA PLANNING SUB-COMMITTEE
Held in Committee Room I, Council Offices, Woodgreen, Witney, Oxon
at 2.00 pm on Monday 20th January 2014

PRESENT

Councillors: W D Robinson (Chairman); Mrs M J Crossland (Vice-Chairman); M A Barrett; M R Booty; D S T Enright; Mrs E H N Fenton; S J Good; J Haine; P J Handley; H J Howard; R A Langridge; B J Norton and L D Poole MBE

Officers in attendance: Miranda Clark, Kim Smith, Phil Shaw and Paul Cracknell

58. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 16th December 2013, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

59. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

60. DECLARATIONS OF INTEREST

Mr Booty declared an interest in application No. 13/1663/P/FP (1 Colwell Drive, Witney) the applicants being known to him in both a personal and a professional capacity. The Chairman declared a corporate interest in application No. 13/1654/P/FP (Unit 6, Woolgate Shopping Centre, Witney) by virtue of the Council's freehold interest in the site.

61. APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Head of Planning and Sustainable Communities giving details of applications for development, copies of which had been circulated. A schedule outlining additional observations received following the production of the agenda was circulated at the meeting, a copy of which is included within the Minute Book.

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 Head of Planning and Sustainable Communities, subject to any amendments as detailed below:-

(In order to assist members of the public, the Sub-Committee then considered applications in the following order: 13/1534/P/FP; 13/1596/P/FP; 13/1703/P/FP; 13/1654/P/FP; 13/1453/P/FP and 13/1628/P/FP. The results of the Sub-Committee's deliberations follow in the order in which they appeared on the printed agenda.)

3 13/1453/P/FP 27 Burwell Drive, Witney

The Planning Officer presented her report containing a recommendation of refusal. Mr Good and Mr Howard indicated that they did not consider the proposed scheme to be such as to warrant refusal and expressed their support for the development.

Mr Langridge disagreed and proposed the Officer recommendation of refusal. The recommendation was seconded by Mr Booty and on being put to the vote was carried.

Refused

(Having expressed their support for the application, Mr Enright, Mr Good, Mr Howard and Mr Poole requested that their votes against the recommendation of refusal to be so recorded)

6 13/1534/P/FP Westerfield Farm, Carterton

The Area Planning Manager introduced the application and drew attention to the further observations set out in the report of additional representations. He also advised that the applicants had requested that he clarify that the site did not have the highest agricultural land grading and had Agricultural Land Grading 3b.

Mr Alex Poston, the Chairman of the Shilton Parish Council, addressed the meeting setting out his Council's concerns. He indicated that the application before Members differed little from that refused by the Sub-Committee at its October meeting, contending that only minor cosmetic changes had been made.

Mr Poston considered the impact upon the hamlet of Stonelands to be critical, indicating that this historic settlement was already bounded on two sides by quarry workings and on a third by an industrial estate. He contended that permitting the current application would close the last open boundary of the settlement and suggested that the rights of individual residents should outweigh the commercial interests of the applicants.

Ms Penny Laurenson, the applicant's agent, then addressed the meeting in support of the application. A summary of the points she raised is attached to the original copy of these minutes as Appendix A.

The Area Planning Manager then presented his report containing a recommendation of refusal and stressed that landscape impact was key to the determining the application.

Mrs Crossland acknowledged that the applicants had sought to address the concerns expressed in relation to the earlier application on the site but indicated that, in her opinion, they had been unable to do so. Accordingly,

she proposed the Officer recommendation of refusal. This was seconded by Mr Howard.

Mr Langridge indicated that, whilst the Council supported the development of solar energy in principle, the current application was inappropriate. Mr Handley concurred.

Mr Booty noted that, given the high landscape value designation placed upon large parts of the Uplands area, development of this nature was more likely to be acceptable in the south of the District. Given that installations of this nature were temporary, he suggested that the Sub-Committee should be prepared to compromise to meet energy requirements.

Mr Norton reminded Members that three similar applications had been approved in West Oxfordshire, one of which was the largest to receive consent in the Country. Whilst the Council recognised the need to develop alternative energy sources, the current site would be more visible than those approved elsewhere. In addition, Mr Norton reiterated his concerns over the cumulative impact that could result from the proliferation of such developments.

Mr Enright and Mr Poole expressed their support for the development, indicating that there was a need to achieve a balance of interests in order to meet the Country's energy needs. Mr Enright noted that the open vista over the site had been created by the removal of hedgerows in the more recent past and suggested that the proposed landscaping would not represent an alien and incongruous feature. Mr Poole also indicated that the site was in a remote area and suggested that the Sub-Committee needed to look at the bigger picture.

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

Refused

(Mr Enright and Mr Poole requested that their votes against the recommendation of refusal be so recorded)

17 13/1551/P/FP

40 Market Square, Witney

The Planning Officer presented her report. The officer recommendation of conditional approval was proposed by Mr Langridge and seconded by Mr Booty and on being put to the vote was carried.

Permitted

20 13/1552/P/LB 40 Market Square, Witney

The Planning Officer presented her report. The officer recommendation of conditional approval was proposed by Mr Langridge and seconded by Mr Booty and on being put to the vote was carried.

Listed Building Consent be granted

22 13/1596/P/FP The Old Barn, Worton

The Planning Officer introduced the application. Ms Suzi Coyne, the applicant's agent, then addressed the meeting in support of the application. A summary of the points she raised is attached to the original copy of these minutes as Appendix B.

In response to a question from Mr Good, Ms Coyne indicated that, whilst she was confident that any extensions constructed by her clients under permitted development rights would be to a high standard in terms of design and materials, they would be unable to achieve Code 3 sustainability standards. Further, extensions under permitted development would impact upon the character of the existing barn to a far greater extent than the proposals now before Members.

The Planning Officer then presented her report containing a recommendation of refusal. The recommendation was proposed by Mrs Crossland and seconded by Mr Barrett.

Mr Langridge indicated that he considered that the proposals would have no or minimal harm in terms of visual amenity and that the application should be approved. Mr Handley and Mr Poole concurred with this view. The Area Planning Manager reminded Members of the great importance attached to the Green Belt by the Government's National Planning Policy Framework and emphasised that the scale of the extension proposed was contrary to both policy NE5 of the West Oxfordshire Local Plan and the NPPF rendering it 'inappropriate' in terms of both National and Local Green Belt policy.

Mr Handley, Mr Haine and Mr Norton expressed their support for the Officer recommendation which was then put to the vote and carried.

Refused for the following amended reason:-

The proposed extension by reason of its size, design and materials results in a disproportionate addition over and above the size of the original building which fails to respect the agricultural character and appearance of the converted dwelling and which obscures the form of the original building. As such, the proposal is considered inappropriate development contrary to Green Belt policy NE5 of the adopted West Oxfordshire Local Plan and paragraphs 79, 87, 88 and 89 of the NPPF and BE2 and BE10 of the adopted West Oxfordshire Local Plan. The contemporary design of the

extension together with its sustainable construction and potential fallback position is not considered sufficient to outweigh the harm identified to policies NE5, BE2 and BE10 of the West Oxfordshire Local Plan and paragraphs of the NPPF.

(Mr Enright, Mr Howard, Mr Langridge and Mr Poole requested that their votes against the recommendation of refusal be so recorded)

28 13/1628/P/FP 2 Valiant Court, Black Bourton Road, Carterton

The Planning Officer presented her report containing a recommendation of approval. Members expressed some concern at the loss of this communal facility to residents of the adjoining properties but it was explained that the existence or otherwise of any rights to have use of the Community Room was a civil matter and not one which could properly be taken into account in determining the planning application.

Members acknowledged that, following the removal of the age limitation on occupancy of the flats, there were no sustainable planning reasons upon which permission could be refused. With some reluctance the Officer recommendation was proposed by Mrs Fenton and seconded by Mr Langridge and on being put to the vote was carried.

Permitted

29 13/1654/P/FP Unit 6, Woolgate Shopping Centre, Witney

The Area Planning Manager presented his report, drew attention to the further observations set out in the report of additional representations and went on to make a recommendation of conditional approval.

Members expressed some concern at the potential impact of the external seating area upon pedestrian flows within the centre and, in proposing the Officer recommendation, Mr Enright suggested that the applicants should also be advised of the need to keep the covered walkway between the unit and the external seating area clear.

The recommendation was seconded by Mr Langridge and on being put to the vote was carried.

Permitted subject to conditions to be determined by the Head of Planning and Sustainable Communities in consultation with the Chairman of the Sub-Committee, the applicants being advised that other than the barriers, chairs, tables and umbrellas hereby approved, the walkway should be kept free of other obstructions or impediments.

Post Committee Note: The following conditions were agreed by the Head of Planning and Sustainable Communities in consultation with the Chairman of the Sub-Committee:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 The development shall be carried out in accordance with the plans accompanying the application as modified by the applicant's agent's letter(s) dated 15/1/2014 and accompanying plan(s).
REASON: The application has been amended by the submission of revised details.
- 3 The outside seating shall be restricted solely to the area detailed on the approved plans and all the seating, shelters and enclosures shall be removed from the seating area when the shop is not open for trading.
REASON: To avoid the use spilling beyond the approved area and in the interests of pedestrian safety, amenity and visual appearance of the Conservation Area.
- 4 Prior to the first use of the unit hereby approved as a mixed A1/A3 use the existing bench in the pedestrian aisle outside the unit shall be removed and details of the provision of alternative public seating, including the timing of its provision, shall be agreed in writing by the Local Planning Authority and provided in accordance with the agreed details.
REASON: To maintain sufficient pedestrian aisle width and ensure adequate public seating is provided/retained.

(Mr Handley requested that his vote against the recommendation of conditional approval be so recorded)

32 13/1663/P/FP

1 Colwell Drive, Witney

The Planning Officer presented her report and drew attention to the conditions proposed by the Highway Authority as detailed in the report of additional representations. She reported receipt of representations regarding school signage received from a Governor of the Queens Dyke Primary School and advised Members that the development would not impact upon this.

The Planning Officer went on to make a recommendation of conditional approval subject to the conditions requested by the Highway Authority and to those outlined verbally at the meeting.

The Officer recommendation was proposed by Mr Enright and seconded by Mr Poole and on being put to the vote was carried.

Permitted subject to the following conditions, the applicants being advised that works to the highway (forming the access) are subject to a separate permission, under S184 Highways Act, issued by the Local Highway

Authority and that during the implementation of the consent the school crossing sign located on the lamppost adjacent to the site shall not be removed. Should there be a requirement to remove the sign at any time the applicants shall first consult with the governors of Queens Dyke Primary School.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 That the development be carried out in accordance with plan No(s) CD1, CD2 and CD3.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Prior to the commencement of development the siting/positioning of the dwellings hereby approved shall be pegged out on site and the said pegging out shall be approved in writing by the Local Planning Authority.
REASON: To ensure that the siting of the development within the plot accords with drawing CD2 submitted with the application.
- 4 Before building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 5 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 6 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. To inform the design the fence fronting onto Burwell Drive will be replaced by a wall. The boundary treatment shall be completed in accordance with the approved details before the dwellings hereby approved are occupied.
REASON: To safeguard the character and appearance of the area and in the interests of highway safety. (Policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011)
- 8 The repositioned rear boundary treatment to Plot 2 resulting from of widening the access shall be sited and splayed as shown on approved drawing CD2 and retained as such thereafter.
REASON: In the interests of highway safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 9 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 10 The dwellings shall not be occupied until works for the disposal of surface water have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To secure adequate and sustainable means of disposing of surface water from the site and to avoid flooding.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no extensions or outbuildings shall be constructed.
REASON: To avoid over-development in an area of high density housing. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road or footpath.
REASON: To safeguard the open plan character of the development. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

(Mr Booty left the meeting during consideration of the foregoing application)

35 13/1689/P/AC The Old Chapel, Union Way, Witney

The Planning Officer presented her report containing a recommendation of conditional approval. The Officer recommendation was duly proposed and seconded and on being put to the vote was carried.

Advertisement Consent be granted

37 13/1703/P/FP 18 and 20 Woodstock Road, Witney

The Area Planning Manager introduced the application. Mr Mile Gilbert, the applicant's agent, addressed the meeting in support of the application. A summary of the points raised is attached to the original copy of these minutes as Appendix C.

The Area Planning Manager then presented his report and made a recommendation of conditional approval. The Officer recommendation was proposed by Mr Enright and seconded by Mr Handley.

Mr Norton indicated that, whilst the current application represented a significant improvement upon earlier proposals for the development of the site, he would have preferred to have seen the dwelling on plot 4 moved even further away from the boundary of 2b The Crescent. The Area Planning Manager advised that, whilst any significant amendment to the proposal would require its re-advertisement, a condition could be imposed to allow for the minor relocation of the property in question. It was agreed that such a condition be incorporated into any consent.

On being put to the vote the recommendation was carried.

Permitted subject to conditions to be determined by the Head of Planning and Sustainable Communities in consultation with the Chairman of the Sub-Committee.

Post Committee Note: The following conditions were agreed by the Head of Planning and Sustainable Communities in consultation with the Chairman of the Sub-Committee:-

- I a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission; and
 - (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- REASON: To comply with the requirements of S.92 of the Town and Country Planning Act 1990.

- 2 Details of the landscaping, (herein called "the reserved matter") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 That the development be carried out in accordance with plans accompanying the application except where modified by the following conditions.
REASON: For the avoidance of doubt as to what is permitted and because some details are unacceptable.
- 4 As part of the submission of the reserved matters application described above full details of the following matters, including a timetable for implementation/removal of the said matters shall be submitted and the said works shall be implemented solely in accordance with the agreed details and retained in place thereafter:
1. details of any sewerage or drainage runs and connections
 2. details of the means to avoid damage to the frontage street trees
 3. details of tree protection generally during building works
 4. details of the proposed boundary enclosures
 5. details of the ecological enhancement and mitigation measures to be employed.
- REASON: For the avoidance of doubt as to what is permitted and because some details are unacceptable.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows shall be constructed in the elevation(s) of the buildings.
REASON: To safeguard privacy in the adjacent properties.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no domestic permitted development falling within parts A to E inclusive shall be undertaken than those expressly authorised by this permission.
REASON: Control is needed to preserve the amenity of neighbours and control works in proximity to the trees on site.
- 7 Before building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.

- 8 All external rainwater goods shall be in black.
REASON: To safeguard the character and appearance of the area.
- 9 All new external joinery shall be white or cream and shall thereafter be retained in that colour.
REASON: To safeguard the character and appearance of the area.
- 10 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before the dwellings are occupied.
REASON: To ensure a safe and adequate access.
- 11 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 12 No building shall be occupied until the sustainable urban drainage scheme for the site has been completed in accordance with the submitted details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
REASON: To secure an adequate and sustainable means of disposing of surface water from the site and to avoid flooding.
- 13 Notwithstanding the submitted details the exact siting of the unit on plot 4 shall be agreed in writing by the Local Planning Authority prior to works commencing.
REASON: To seek to limit the impact on 2B The Crescent.

40 13/1710/P/FP 35 Burford Road, Witney

The Planning Officer presented her report and made reference to a letter sent by the occupier of 51 Davenport Road to all Members of the Sub-Committee.

The Officer recommendation of conditional approval was proposed by Mr Enright and seconded by Mrs Fenton. Mrs Crossland suggested that the landscaping proposed would be better planted directly rather than in pots. The Planning Officer advised that this could be dealt with through approval of the landscaping scheme required by condition 3.

Permitted

(Mrs Fenton left the meeting at this juncture)

42 13/1730/P/S73 Land at Black Bourton Road, Carterton

The Area Planning Manager presented his report containing a recommendation of refusal. In addition to the unrelated breach of the legal agreement referred to in the report, Members also expressed their concern over the installation of security spikes atop the service area wall, the display of advertisements thereon and the Company's failure to adhere to the agreed routeing agreement for delivery vehicles. The area Planning Manager undertook to raise these additional issues with the Company.

The Officer recommendation was proposed by Mrs Crossland and seconded by Mr Howard and on being put to the vote was carried.

Refused, the applicants being advised that there is an unrelated breach of the extant section 106 agreement for the store, that unauthorised adverts are being displayed and the service yard boundary wall security measures do not have consent. These are matters which should be addressed as a matter of urgency if more formal action is to be avoided.

62. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined by the Strategic Director with responsibility for development under delegated powers, together with appeal decisions, was received and noted.

The meeting closed at 4.55pm.

CHAIRMAN