

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 17th February 2014

PRESENT

Councillors: W D Robinson (Chairman); Mrs M J Crossland (Vice-Chairman); M A Barrett;
M R Booty; H B Eaglestone; S J Good; J Haine; H J Howard; R A Langridge; Mr J F Mills;
B J Norton and L D Poole MBE

Officers in attendance: Phil Shaw and Paul Cracknell

63. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 20th January 2014, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

64. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr D S T Enright and the Chief Executive reported receipt of the following resignations and temporary appointments:-

Mr H B Eaglestone for Mr P J Handley
Mr J F Mills for Mrs E H N Fenton

65. DECLARATIONS OF INTEREST

In connection with application No. 14/0016/P/FP (Marriotts Stadium, Downs Road, Curbridge), Mr Mills indicated that, whilst not a disclosable pecuniary interest, he wished to put on record his membership of the Witney Rugby Football Club which was a Community Partner of London Welsh, the prospective future users of the ground.

Mr Norton declared an interest in application No. 14/0100/P/FP (Westbourne, Shilton), having acted as election agent for the applicant, and indicated his intention to withdraw from the meeting during its consideration. Subsequently, the Chairman, Mr Robinson, declared an interest in application No. 14/0071/P/FP (Land adj Glebe Cottage, Bampton Road, Curbridge, the applicants being known to him in a personal capacity.

66. 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: 13/1465/P/OP; 14/0016/P/FP; 14/0005/P/RM and 14/0071/P/FP. The results of the Sub-Committee's deliberations follow in the order in which they appeared on the printed agenda.)

3 13/1465/P/FP Land to the North of New Road, Bampton

The Area Planning Manager introduced the application. He drew attention to the observations of the Bampton and Aston, Cote, Shifford and Chimney Parish Councils set out in the report of additional representations and reported receipt of observations received from Mr Michael Montgomery.

Mr Trevor Milne-Day of the Society for the Protection of Ancient Buildings and Save Bampton's Future addressed the meeting setting out their objections to the proposed development. A summary of the points he raised is attached to the original copy of these minutes as Appendix A.

Mrs Pauline Smith, representing the Bampton Parish Council then addressed the meeting. 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 Mrs Crossland, Mrs Smith advised that 23 households with a local connection had indicated a wish to reside in Bampton in response to the Parish Council's consultation, six of which were already resident in the village. The consultation had been conducted throughout Bampton and Weald.

The applicant's agent, Mr Steve Louth of Turley Associates, then addressed the meeting in support of the application. A summary of the points he raised is attached to the original copy of these minutes as Appendix C.

In response to a question from Mr Poole, Mr Louth confirmed that he considered that the Council's most recent Strategic Housing Land Availability Assessment recognised the site as a logical rounding off of the village.

The Area Planning Manager then presented the report outlining the differences between the current application and the previously refused scheme off Aston Road and containing a recommendation of conditional approval.

Mr Barrett indicated that, whilst there was a need for some limited development in Bampton, he considered that this would be better delivered through a number of small, dispersed developments. There was not a need for 160 new dwellings and, if approved, such a scheme would destroy the nature and character of the existing settlement. Mr Barrett questioned the impact of the additional traffic generation from the site and the sustainability of the proposed development.

Mr Barrett went on to question the weighting given to differing planning policies and expressed his continued concern in relation to flooding. Whilst he acknowledged that there may be potential for limited development on the site, he was not able to support the current proposals and suggested that, as it was essential for all Members of the Sub-Committee to have the opportunity to assess the impact of the proposals from the adjoining areas, proposed that consideration of the application be deferred to enable a site visit to be held.

The proposition was seconded by Mr Booty who noted that the parish Council had made the same suggestion. He noted that Paragraph 14 of the National Planning Policy Framework placed the presumption in favour of sustainable development to the fore and acknowledged that there was scope for some development in Bampton. He sought clarification as to the rate at which any approval would be built out and the way in which the rate of development could be controlled through the phasing of the delivery of infrastructure through the associated legal agreement.

In response, the Area Planning Manager explained that the development would not impact upon the existing infrastructure as development would not commence until infrastructure contributions had been made. The development would be built out in stages of around 30 to 50 units per annum, the expectation being that actual construction would be towards the lower rate. The Area Planning Manager confirmed that further clarification of projected build rates could be sought from the developers.

Mr Norton Robinson explained that, whilst the Council was keen to progress its Local Plan, it had been necessary to postpone the process on a number of occasions as a result of matters arising outside the Council's control. In particular, decisions regarding the cancellation of the Cogges Link Road project, the release of land in Carterton owned by the Ministry of Defence for general residential development and the greater emphasis in favour of development introduced by the National Planning Policy Framework had all contributed to the delay.

Mr Norton also expressed some surprise that the Environment Agency had not raised objection to the development and asked Officers to seek further information from them on the matter.

With regard to the National Planning Policy Framework and the impact of recent St Albans case on the assessment of the Council's land supply, Mr Norton suggested that Policy H7 of the Council's Local Plan remained

relevant in those instances in which a proposed site was unsustainable and did not warrant a consent. However, certain elements of national planning policy were unhelpful in this respect and both Members and Officers had made representation to Government seeking their review.

Mr Good concurred and went on to raise a question as to the responsibility for the maintenance of ditches and water courses in the vicinity of the site. The Area Planning Manager undertook to provide further information on this issue in a future report.

The recommendation was then put to the vote and carried.

Deferred to enable a site visit to be held.

38 14/0005/P/RM Beaumont House, Eynsham Road, Sutton

The Area Planning Manager introduced the application.

Mr Michael Orr, the applicant's agent, then addressed the meeting in support of the application. A summary of the points he raised is attached to the original copy of these minutes as Appendix D. In response to a question from Mr Good, Mr Orr confirmed that the windows were to be timber framed units, double glazed to modern standards.

The Area Planning Manager then presented his report containing a recommendation of conditional approval.

The Officer recommendation was proposed by Mr Langridge and seconded by Mr Howard. In response to a question from Mr Poole regarding the possibility of extending the visibility splay at the access to the site, the Area Planning Manager advised that the detailed means of access had been approved at the outline stage to the requirements of the highway authority.

Mr Norton suggested that the developers should be reminded that contractor parking should be on site and not on the adjoining road network and, in response to a question from Mr Booty, the Area Planning Manager advised that ecological requirements associated with the development could be dealt with through conditions.

In response to a question from Mr Good, the Area Planning Manager advised that the future maintenance of the areas of open space on the development would be undertaken by a management company formed by the residents. Mr Good also questioned the extent to which existing trees in the former orchard were to be retained and the Area Planning Manager advised that the application made provision for the retention of key trees within the areas indicated on the plans.

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, the applicants being reminded that conditions 5 to 7, and 11 to 15 of the outline consent require the submission of further details and that the extant section 106 agreement also contains obligations that need to be complied with. Additionally, in approving the scheme, Members wished to reinforce the fact that contractor parking should be on site and not on the adjoining road network.

(The Area Planning Manager also undertook to advise the local representatives of the proposed conditions)

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 shall be commenced within either five years from the date of the outline permission granted under reference 13/0245 or two years from the date of this approval, or where there are details yet to be approved, within two years from the final approval of those matters.
REASON: To comply with the requirements of S.92 of the Town and Country Planning Act 1990.
- 2 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)
- 3 Notwithstanding the information provided on the approved layout plan, details of all walls and fences around each plot and on the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before development commences. Such walls and fences shall be erected before occupation of the associated dwellings hereby approved and thereafter be retained.
REASON: To ensure that in the interests of privacy and visual amenity a high standard of boundary treatment is provided. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 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 extension or garden buildings shall be constructed.
REASON: To avoid extensions or garden buildings harming the architectural integrity of the scheme and the character and appearance of the conservation area. (Policy BE5 of the adopted West Oxfordshire Local Plan 2011)

Marriotts Stadium, Downs Road, Curbridge

The Area Planning Manager introduced the application and drew attention to the observations set out in the report of additional representations.

Mr Jeff Holmes representing the applicant company, On the Edge Limited, then addressed the meeting in support of the application. A summary of the points he raised is attached to the original copy of these minutes as Appendix E.

In response to a question from Mr Norton, Mr Holmes indicated that he thought it likely that the prospective users of the facility would continue with their move even if they did not secure promotion. Mr Norton also enquired what work would be carried out on the playing surface and Mr Holmes advised that, whilst remedial work would be undertaken, there were no plans to renew the surface.

The Area Planning Manager then presented his report. He made particular reference to the objection received from Sport England set out in the report of additional representations and to the response set out therein.

With regard to the applicant's request that the requirement to meet the cost of making and implementing a Traffic Regulation Order by condition rather than legal agreement, he advised that, provided that Members were content to do so, he would seek the County Council's consent to proceed in this fashion.

The Area Planning Manager made a recommendation of conditional approval on the basis set out in the report of additional representations. Members welcomed the application and the Officer recommendation was proposed by Mr Langridge and seconded by Mr Norton.

In response to a question from Mr Mills, the Area Planning Manager advised that disabled parking was to be located as close to the ground as possible and that licensed refreshment facilities were to be provided in a large marquee as shown on the plans.

Mrs Crossland expressed some concern as to the condition and future maintenance of Downs Road and Members were reminded that a financial contribution totalling some £2.1 Million had been secured from the West Witney development that would fund the resurfacing of this road.

Mr Howard questioned the adequacy of arrangements for coach parking and suggested a site in the vicinity that could be used for this purpose. In response to a question from Mr Good, the Area Planning Manager confirmed that the Council's Environmental Health Service had been fully consulted on the application.

With regard to the objection raised by Sport England, Mr Poole raised the possibility of replacement pitches being provided on the West Witney development site and noted that, as the application was for a temporary consent, any loss of football pitches would only be a temporary setback. Mr Poole also questioned the agent's suggestion that 8,000 off-street parking places could be provided.

On being put to the vote the recommendation of conditional approval 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:-

- i) It is essential that the Oxfordshire County Council's Network Management Team is involved in the preparation of the event traffic and parking management plan (ETPMP) prior to its submission to the Local Planning Authority. Further, it is important that a review period is set within the ETPMP for before and after every match day event to ensure that any issues that arise is robustly assessed.
- ii) An application for a permanent facility is likely to require an EA and measures to overcome the objections of Sport England to the loss of football pitches and as such early liaison with the LPA is encouraged.

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 use hereby permitted shall be discontinued and the land restored to its former condition as two useable football pitches on or before 30/6/2015.
REASON: A permanent permission is inappropriate until the effects of the development on the area have been assessed.
- 2 No development shall commence on site for the development until an Event Traffic and Parking Management Plan (ETPMP) providing full details of how match day events associated with the development shall be managed has been submitted to and approved in writing by the Local Planning Authority and Oxfordshire County Council (OCC) as the Local Highway Authority. The approved plan shall be implemented in full each match day event and shall reflect the measures included in the ETPMP.
REASON: In the interests of highway safety.

3 No development shall commence on site for the development until an on-site car & coach parking plan for match day events associated with the development has been submitted to and approved in writing by the Local Planning Authority and Oxfordshire County Council (OCC) as the Local Highway Authority.

REASON: In the interests of highway safety.

4 No development shall commence on site for the development until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

REASON: In the interests of highway safety.

5 No development shall take place on site until the measures to ensure that on street parking in the vicinity of the Stadium does not occur have been agreed in writing by the Local Planning Authority and the use shall not commence until such time as the agreed measures have been implemented.

REASON: In the interests of highway safety.

46 I4/0042/P/FP I Chapel Cottages, Chapel Lane, North Leigh

The Area Planning Manager presented the report and advised Members that the revised plans referred to in the report of additional representations had yet to be received. Members questioned whether the proposed parking provision could be provided within the physical constraints of the site and it was proposed by Mr Langridge and seconded by Mr Booty that consideration of the application be deferred.

On being put to the vote the recommendation was carried.

Deferred

51 I4/0043/P/OP Land at Dark Lane, Witney

Members noted that this application had been withdrawn at the request of the applicants.

54 14/0046/P/FP 24 High Street, Witney

The Area Planning Manager presented the report and drew attention to the Highway Authority's response of 'no objection' to the proposed development and the consequent revised recommendation of conditional approval on the basis set out in the report of additional recommendations.

The revised Officer recommendation of conditional approval was proposed by Mr Langridge and seconded by Mr Booty and on being put to the vote **WAS LOST.**

Members expressed concern that the car parking arrangements were unsatisfactory in that the physical constraints of the site were such that it would be difficult to manoeuvre in and out of the spaces as proposed to the inconvenience of the occupiers of the flats. In consequence, the development was considered to be contrary to Policy BE2 of the West Oxfordshire Local Plan.

It was proposed by Mr Haine and seconded by Mr Howard that the application be refused for the reason set out above and on being put to the vote the proposition was carried.

Refused for the following reason:-

By reason of the physical constraints of the site in terms of both width and the walled enclosures, the car parking spaces as proposed will be difficult to manoeuvre in and out of to the inconvenience of the occupiers of the flats. As such, the development is considered contrary to Policy BE2 of the adopted West Oxfordshire Local Plan 2011.

57 14/0071/P/FP Land adjacent to Glebe Cottage, Bampton Road, Curbridge

Mr W D Robinson declared an interest in the following item of business and left the meeting during its consideration. Mrs M J Crossland took the Chair.

The Area Planning Manager introduced the application and reported receipt of the observations of the Highway Authority, together with an initial enquiry from the Curbridge Parish Council indicating that they wished to submit an objection.

Ms Debbie Jones, 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 F.

In response to a question from Mr Booty, Ms Jones advised that it was not intended to provide a resident warden at the development. In response to a question from Mr Good she indicated that the properties were designed to enable them to be adapted to meet the needs of ageing residents.

The Area Planning Manager then presented his report and advised that, whilst the Officer recommendation was one of deferral in the absence of comments from the County Council and West Oxfordshire's Head of Housing, Members were invited to give their initial views as to whether the ethos underlying the proposed development was such as to warrant a departure from policy and further negotiation regarding the arrangements necessary to put appropriate safeguards in place.

The Officer recommendation of deferral was proposed by Mr Mills and seconded by Mr Good. Mr Good and Mr Langridge welcomed the proposals as an interesting initiative.

Mr Haine opposed the departure from policy and Mr Booty questioned the sustainability of the location, indicating that he remained to be convinced that a departure was warranted. Mr Howard and Mr Norton concurred and, whilst recognising the attraction of the concept, questioned whether it would be effective in practice.

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

Deferred

Mr Robinson re-joined the meeting and resumed the Chair.

62 14/0100/P/FP Westbourne, Shilton

Mr B J Norton left the meeting during consideration of the following application.

The Area Planning Manager presented his report and advised that the Highway Authority had no objection to the proposed development. He went on to make a recommendation of conditional approval subject to the amendment of conditions 6 and 7 to refer to 'no further engineering operations' and to 'a total of 5 caravans/tents'.

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

Permitted subject to the amendment of conditions 6 and 7 as detailed above.

67. APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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

The meeting closed at 4.40pm.

CHAIRMAN