

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 17 November 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; P D Kelland; R A Langridge; and B J Norton

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

33. MINUTES

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

34. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

35. DECLARATIONS OF INTEREST

Mrs E H N Fenton declared an interest in application No. 14/1307/P/FP (Duttons Courtyard, Cheyne Lane, Bampton) by virtue of her ownership of a neighbouring property and application No. 14/1338/P/S73 (Land To The North Of New Road, Bampton) the landowner being known to her in both a professional and personal capacity. Mrs Fenton advised that she would withdraw from the meeting during consideration of these items.

36. APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Head of Planning and Strategic Housing 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.

(In order to assist members of the public, the Sub-Committee considered the applications in which those present had indicated a particular interest, in the following order:-

14/1215/P/OP; 14/1250/P/FP; 14/1224/P/FP; 14/1338/P/S73

The results of the Sub-Committee's deliberations follow in the order in which they appeared on the printed agenda)

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 Strategic Housing, subject to any amendments as detailed below:-

The Area Planning Manager gave a brief introduction to the application in which he outlined the factors to be taken into account when considering the principle of large scale development of this nature. The Planning Officer then introduced the application.

Ms Jennie Allen addressed the meeting on behalf of the Windrush Valley Protection Group setting out their concerns regarding the proposed development. A summary of her comments is attached as Appendix A to the original copy of these minutes. In response to questions from Mr Enright, Ms Allen advised that water voles, otters, lapwings skylarks and song thrushes had been recorded on the site. She also indicated that an independent expert review had concluded that the draft flood risk assessment was weak in certain areas and required additional work in order to adequately assess the off-site risk of flooding.

Councillor Alan Beames of the Witney Town Council then addressed the meeting to reiterate the objections raised to the development. A summary of his comments is attached as Appendix B to the original copy of these minutes.

Councillor Andrew Coles then addressed the meeting on behalf of himself and Councillor Peter Dorward, the second Ward representative, setting out their opposition to the proposals. A summary of his comments is attached as Appendix C to the original copy of these minutes.

The Planning Officer then presented her report. She reported receipt of the comments of the independent landscape and ecological consultants instructed by the Council and drew attention to the concerns raised on behalf of Flogas Britain as set out in the report of additional representations. The Planning Officer noted that reason 1 should also make reference to policy Wit 3 of the adopted West Oxfordshire Local Plan and suggested the inclusion of an additional reason for refusal based upon the ecological impact of the development proposals.

Mr Langridge expressed his support for the Officer's recommendation and proposed that the application be refused for the reasons set out in the report, amended as detailed above. The proposition was seconded by Mr Haine. Mr Enright concurred but, given the history of flooding on the site, expressed his surprise that the Environment Agency had not raised objection.

The Area Planning Manager explained that it was technically possible to construct flood attenuation measures that could reduce water run-off to that of a greenfield site. Consequently the Environment Agency had suggested the inclusion of appropriate conditions. Without a technical objection a refusal reason based on flooding could be difficult to sustain at appeal.

Mr Norton noted that the Council had always sought to resist development in the Windrush Valley and emphasised the importance of protecting the rural character of that area. Mr Norton also indicated that he remained concerned that the risk of flooding would be increased by the development of this site. In response, the Area Planning Manager drew attention to the conclusion of the applicant's flood risk assessment set out at paragraph 6.52 and reiterated that the Council would have to support any refusal reason with technical evidence. Without the support of the Environment Agency as the relevant authority it would be difficult for it to do so.

However, the Area Planning Manager suggested that attention could be drawn to the concerns expressed in relation to flooding by the inclusion of an appropriately phrased note. Mr Langridge and Mr Haine agreed to incorporate this suggestion in their proposal.

Members were unanimous in their opposition to this proposal and on being put to the vote the Officer recommendation of refusal, amended as detailed above, was carried.

Refused for the following reasons, the applicants being advised that, whilst not cited as a reason for refusal on the grounds that the Environment Agency has not objected to the application, Members of the Sub Committee in considering the application, expressed grave concerns about the development proposal increasing the risk of flooding in the Town, which has recently suffered a severe flood event, and resolved that a note be attached to this refusal notice in order to highlight the concerns of local residents regarding flooding as an issue:-

- 1 The development of this site for 270 homes in this highly sensitive location would appear as an illogical urban extension of the town to the detriment of the rural character and appearance of the area and the setting of the river valley, the local footpath network and a number of non-listed heritage assets (former mills) located within the valley within the vicinity of the site. As such, the proposal is considered contrary to policies H7, NE1, NE2, NE3 and WIT3 of the adopted West Oxfordshire Local Plan and is considered to be unsustainable development that causes significant and demonstrable harm that outweighs the benefits of the scheme contrary to the provisions of the NPPF.
- 2 It has not been demonstrated on the basis of the application submission that the traffic impact of the development has been appraised appropriately and as such the development fails to promote sustainable transport aspirations and would be detrimental to the convenience of highway users and air quality. The proposal is therefore considered contrary to BE3 and BE18 of the adopted West Oxfordshire Local Plan and Section 4 and paragraph 124 of the NPPF.

- 3 By reason of the location of a proportion of the site within an HSE consultation zone, having applied the PADHI+ consultation procedure in accordance with the Health and Safety Executives directive, the development of the site for 270 dwellings by reason of its 'level 3 sensitivity' and the proportion of the site contained within the 'inner', 'middle' and 'outer' zones is considered unacceptable on public safety grounds. As such, the proposal is considered contrary to policies H2 and BE20 of the West Oxfordshire Local Plan and relevant paragraphs of the NPPF and the National Planning Practice guidance relating to hazardous substances.
- 4 The ecological assessment submitted with the application fails to demonstrate that the sensitive habitats and species of the River Windrush Conservation Target Area will not be harmed by the development and as such the proposal is contrary to NE13 and WIT3 of the adopted West Oxfordshire Local Plan 2011 and paragraphs 109 and 118 of the NPPF by failing to take the appropriate opportunities to conserve and enhance biodiversity.
- 5 In the absence of a completed planning obligation, no mechanism exists to secure provision of affordable housing and necessary transport and community infrastructure to mitigate the impact of the development and meet the needs of future occupiers in accordance with Policies H11 and BE1 of the West Oxfordshire Local Plan and relevant provisions of the NPPF.

19 14/1250/P/FP Land Off New Yatt Lane, New Yatt

The Planning Officer introduced the application.

The applicant's agent, Mr Simon Firkins, then addressed the meeting. A summary of his comments is attached as Appendix D to the original copy of these minutes.

In response to a question from Mr Norton, Mr Firkins confirmed that Officers were aware of the revised plans.

The Planning Officer then presented her report and invited Members to consider the application in terms of principle and design. She advised that if the principle of development was thought acceptable, the amended plans would need to be subject to further public consultation.

Mr Langridge indicated that he considered the principle of development to be acceptable and proposed that the application be deferred, Officers being authorised to determine the application on the basis of the amended plans following further public consultation. The proposition was seconded by Mr Handley and on being put to the vote was carried.

Deferred, Officers being authorised to determine the application on the basis of the amended plans following further public consultation.

The Planning Officer introduced the application.

The applicant, Mr Ben Preston, accompanied by his agent, Jayne Norris, then addressed the meeting in support of the application.

In response to suggestions made at the last meeting, Mr Preston advised that he had not acquired the premises as a development opportunity or to seek a change of use. It has been his intention to operate the premises as a public house but changes in his personal circumstances now dictated that he was no longer able to do so. Mr Preston considered his application to be policy compliant and advised that the property had been on the market through specialist agents since August 2013 but that he had been unable to find a purchaser. Mr Preston also drew attention to the assessment of the viability of the business as set out in the report of additional representations.

Mrs Norris made reference to the dual criteria set out in policy TLC 12 3 of the adopted West Oxfordshire Local Plan and noted that the information provided indicated that the business was no longer viable. Mrs Norris also advised that there were 7 other public houses within one mile of her client's premises hence adequate and accessible alternative provision existed. Finally, she noted that only one letter of objection had been received to the proposal and invited Members to support the Officer's recommendation.

In response to a question from Mr Good, Mr Preston indicated that he did not have the resources to pursue any further development proposals on the site.

The Planning Officer then presented her report.

Whilst sympathetic to the applicant's circumstances, Mr Langridge questioned the conclusion that the business was no longer financially viable, indicating that he could not support the Officer recommendation of approval. Mr Good and Mr Kelland concurred.

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

Permitted, condition 3 being amended to require the retention of the boundary treatment approved and condition 4 to refer to the following approved plans:-

Reference Number	Description
13057:7	Floor Plans - proposed
13057:3	Site Plans

28 14/1307/P/FP Duttons Courtyard, Cheyne Lane, Bampton

The Officer recommendation of approval was proposed by Mr Barrett and seconded by Mr Booty and on being put to the vote was carried.

Permitted, condition 3 to refer to the following approved plans:-

Reference Number	Version	Description
14037-01	B	Site plans
14037-02	C	Site plans
14037-05	A	Floor Plans – Proposed
14037-06	A	Elevations – Proposed

(Mrs E H N Fenton left the meeting during consideration of the foregoing application)

30 14/1338/P/S73 Land To The North Of New Road, Bampton

The Area Planning Manager introduced the application.

Mr Trevor Milne-Day, Chairman of the Society for the Protection of Bampton, then addressed the meeting. A summary of his comments is attached as Appendix E to the original copy of these minutes.

The Area Planning Manager then presented the report and drew attention the NPPF guidance at paragraph 6.6.

The Officer recommendation of approval was proposed by Mr Langridge and seconded by Mrs Crossland. Mr Booty, Mr Handley, Mr Howard, Mr Barrett and Mr Good spoke against the proposal and on being put to the vote the proposition **WAS LOST**.

It was then proposed by Mr Booty and seconded by Mr Howard that the removal of condition 13 (biodiversity) be permitted but that the removal of condition 3 (phasing of development) be refused. On being put to the vote the proposition was carried.

RESOLVED: that the removal of condition 13 (biodiversity) be permitted but that the removal of condition 3 (phasing of development) be refused.

(Mrs E H N Fenton left the meeting during consideration of the foregoing application)

37. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISION

The report giving details of applications determined by the Head of Planning and Strategic Housing under delegated powers together with appeal decisions was received and noted.

38. UPDATE REGARDING PLANNING BREACH AT NOBLE FOODS STANDLAKE

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing regarding progress towards resolving the operation of the site approved under application reference 12/1753 in breach of planning control. The Area Planning Manager advised that the routeing agreement associated with the planning application approved under reference 12/1753 was now in the course of completion by the respective parties.

Members were also advised that the applicant's agents had not pursued their request that routeing of vehicles in connection with the application approved under reference 13/0663 be dealt with by way of condition rather than by legal agreement and it was noted that the Sub-Committee's original decision would remain unchanged.

Mr Good made reference to the concerns expressed by the Standlake Parish Council with regard to the manner in which this matter had been dealt with by the District Council and, in particular, why formal enforcement action had not been pursued. Mr Good went on to express his own concern at the failure of the Oxfordshire County Council to ensure that the cameras on Newbridge were maintained in an operational condition so as to enable the applicable weight restrictions to be enforced. At his request it was agreed that a letter be sent to the County Council setting out these concerns.

In response to a question from Mr Norton, the Area Planning Manager confirmed that the Council's response to this issue had accorded with its enforcement protocol which sought to resolve enforcement issues by negotiation rather than formal action in the first instance. The Area Planning Manager undertook to write to the Parish Council in response to the concerns raised.

RESOLVED:

- (a) That the progress made towards resolving the breach be noted.
- (b) That it be noted that the Sub-Committee's original decision that the routeing of vehicles in connection with the application approved under reference 13/0663 be dealt with by way of legal agreement remain unchanged.
- (c) That the County Council be advised of the Sub-Committee's concern with regard to the failure to maintain the cameras at Newbridge in an operational condition.

The meeting closed at 4:30pm.

CHAIRMAN