

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of a Meeting of the
LOWLANDS AREA PLANNING SUB-COMMITTEE
Held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon
at 2.00 pm on Monday 19 January 2015

PRESENT

Councillors: W D Robinson (Chairman); M A Barrett; M R Booty; H B Eaglestone;
D S T Enright; S J Good; J Haine; P J Handley; P D Kelland; R A Langridge; J F Mills and
B J Norton

Officers in attendance: Phil Shaw, Kim Smith Miranda Clark, Sarah De La Coze and Paul
Cracknell

46. MINUTES

RESOLVED: that the minutes of the meeting of the Sub-Committee held on 15
December 2014, copies of which had been circulated, be confirmed as a correct record
and signed by the Chairman.

47. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs E H N Fenton and the Chief Executive
reported receipt of the following temporary appointments:

Mr J F Mills for Mrs M J Crossland
Mr H B Eaglestone for Mr H J Howard

48. DECLARATIONS OF INTEREST

Mr Norton advised that the owner of 58A High Street, Witney, also owned the premises
occupied by the West Oxfordshire Conservative Association. Whilst not disclosable
pecuniary interests, Mr Norton and Mr Langridge advised that they had previously held
positions as consultant agent to and Chairman of the Association respectively. Both no
longer held these offices and, having taken advice from Officers, indicated that they would
participate in the determination of application No. 14/1130/P/FP.

49. 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.

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:-

(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:- 14/1009/P/OP; 14/01863/OUT; 1401592/FUL; 14/01510/S73; 14/01631/OUT; 14/01669/S73; 14/1130/P/FP; 14/01583/S73; 14/02205/FUL and 14/0206/FUL

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

3 14/1009/P/OP Land To The West Of Fruitlands, Eynsham

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

Mrs Linda Kennedy addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix A to the original copy of these minutes.

The applicant's agent, Mr Alan Divall, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

The Planning Officer then presented her report and reported receipt of further observations from the Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust indicating that, whilst the site had some local ecological value, this would not preclude its development if an appropriate ecological management plan was approved at the reserved matters stage.

The Planning Officer recommended that the application be approved subject to the applicants entering into a legal agreement, to the conditions set out in her report and to additional conditions regarding archaeological and ecological investigations, drainage issues, the ridge heights of dwellings to be constructed and the submission of an ecological management plan and to arrangements for public access and future management and maintenance being secured through legal agreement.

Mr Kelland made reference to the 1982 appeal decision relating to the development of the adjoining site which clearly envisaged the retention of this area as public open space and to the Council's assessment of the site as unsuitable for development in the SHLAA.

In response, the Area Planning Manager explained that, whilst the Planning Inspector's intention may have been clear, the conditions imposed at appeal did not reflect this, nor did it incorporate any mechanism to require the transfer of the land. In consequence, the site remained in private ownership with no public right of access over it. In recommending approval of the current application, Officers intended to mitigate any harm and secure public access by bringing the land under control through the imposition of appropriate conditions.

The Area Planning Manager acknowledged that the site had been considered to be unsuitable for development in the SHLAA but pointed out that this was a high level report which had not considered the site in detail. The conditions proposed would secure the planting along the southern boundary and ensure that redevelopment would not intrude into the soft rural edge of the site.

Whilst recognising that the Sub-Committee was faced with a difficult decision, Mr Langridge concurred with the Officer's recommendation and proposed that the application be permitted. His proposition failed to attract a seconder.

Mr Norton indicated that it was unfortunate that the site had not been transferred into local authority ownership and expressed his opposition to the development. He proposed that the application be refused as being contrary to Policies BE4 a) I and ii, BE4 c), NE6, NE13 and H7 d) of the West Oxfordshire Local Plan and that Officers be requested to give consideration to the possibility of making a Tree Preservation Order to protect the site as a matter of urgency. The proposition was seconded by Mr Haine.

In response to questions from Mr Enright, the Area Planning Manager advised that any conditions imposed today would be more robust than those applied by the Planning Inspectorate in 1982. However, he could not see any liability falling upon either the District or Parish Council arising from the appeal decision. He explained that a decision to refuse consent would leave the matter in the hands of the Planning Inspectorate, the outcome of which was uncertain. He also indicated that his understanding was that an application for Village Green status could not be considered once a planning application had been made.

In response to Mr Norton's suggestion that a Tree Preservation Order be made, the Area Planning Manager advised that there would be some delay before an Order could be brought into force by reason of the process to be followed. Officers would address this as a matter of urgency but the site would be unprotected in the interim. Mr Norton suggested that, as a well-respected local company, the applicants would be unlikely to risk that reputation by acting in haste given that the Council had expressed its view.

On being put to the vote the proposition was carried

Refused for the following reason, Officers be requested to give consideration to the possibility of making a Tree Preservation Order to protect the site as a matter of urgency:-

By reason of the loss of tree cover on the open space, the urbanisation of the currently soft wooded edge to the settlement and the loss of ecological value of the site the proposed development is considered to harm the visual, recreational and ecological character and value of the site contrary to policies BE4, a (i) and (ii) BE4c, NE6 and NE13 of the adopted local plan

and the provisions of the NPPF. The above harms are not justified by the housing delivery but rather the scheme is contrary to policy H7 of the adopted local plan on a site that the SHLAA considers unsuitable for development.

27 14/1130/P/FP 58A High Street, Witney

The Planning Officer presented her report containing a recommendation of conditional approval.

Mr Norton questioned whether arrangements for the collection of household refuse were suitable and expressed concern over the adequacy of the sewerage system serving the existing properties. He also questioned the absence of parking provision for the new properties. In response, the Area Planning Manager indicated that the Highway Authority had raised no objection to the development in terms of parking provision given its town centre location. He advised that an additional condition could be incorporated to address concerns over the adequacy of the sewerage system and that the issue of the consent could be made conditional upon the Council's Environmental Health Service being satisfied as to arrangements for the collection of household refuse.

The Officer recommendation was proposed by Mr Enright and seconded by Mr Kelland subject to the caveats detailed above and on being put to the vote was carried.

Permitted subject to the conditions set out in the report, to the Council's Environmental Health Service being satisfied as to arrangements for the collection of household refuse and to the incorporation of an additional condition to address concerns over the adequacy of the sewerage system.

33 14/01583/S73 The Old Courthouse, 28 Bridge Street, Witney

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

Mr Mills and Mr Norton expressed concern over the absence of parking provision, suggesting that difficulties would arise if occupation of the flats were divorced from the adjacent nursing home. Mr Handley expressed concern over the security and future maintenance of the Royal Arms surmounting the pediment of the former Courthouse. The Area Planning Manager advised that a note could be attached to any consent regarding the Arms.

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

Permitted, the applicants being advised that the Court emblem on the pediment on the front facade of the building appears unstable and may pose risk of falling. It is recommended this is given urgent attention to protect the fabric of the Listed Building.

36 14/01592/FUL Laurel House, Lew Road, Curbridge

The Planning Officer introduced the application.

The applicant's agent, Mr Andy Bateson, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

The Planning Officer then presented her report and in response to a question from Mr Robinson, confirmed that, as suggested by Mr Bateson, the application could be permitted subject to a condition that no illumination is permitted.

It was proposed by Mr Langridge and seconded by Mr Handley that the application be permitted subject to conditions including a condition that no illumination be permitted. Mr Enright expressed his support for the Officer recommendation but suggested that it was likely that an appropriate lighting scheme could be devised. Mr Norton and Mr Good concurred, making reference to other lighting schemes successfully implemented in the District. Mr Norton indicated that, given its proximity, RAF Brize Norton should be consulted on any future proposals for lighting on the site.

On being put to the vote the proposition was carried.

Permitted subject to the following conditions:-

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 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
3. The menage hereby permitted shall not be used for the purposes of a livery or riding school or any other commercial purposes.
REASON: To prevent an unsuitable use in this location.
4. That the development be carried out in accordance with the approved plans listed below.
100.01 Location Plan
REASON: For the avoidance of doubt as to what is permitted.

5. Notwithstanding details contained in the application, no form of lighting shall be used for the hereby approved menage.
REASON: For the avoidance of doubt of what has been approved, and to protect the rural character of the locality.

41 14/01510/S73 2 The Crescent, Witney

The Planning Officer introduced the application.

The applicant, Mr Denis O'Driscoll, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

The Planning Officer then presented her report and drew attention to the further condition requested by the Highway Authority as set out in the report of additional representations.

The Officer recommendation of conditional approval was proposed by Mr Mills and seconded by Mr Langridge and on being put to the vote was carried.

Permitted subject to the conditions set out in the report and to the following additional condition:-

6. Prior to occupation of the dwelling vision splays measuring 2m by 2m shall be provided to each side of the access. This vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level.
REASON: In the interest of highway safety.

44 14/01631/OUT Old Nursery Site, South Of Standlake Road, Northmoor

The Planning Officer introduced the application. She reported receipt of the observations of Thames Water and made reference to a letter dated 13 January sent to all Members of the Sub-Committee by the applicant's agent.

Mr Michael Ryan then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

The applicant's agent, Mr Paul Slater, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix F to the original copy of these minutes.

The Planning Officer then presented her report containing a recommendation of refusal and suggested that a further reason for refusal

based upon the urbanising impact of the proposed development be included.

Mr Good emphasised that he believed that the Parish Council had acted properly in considering its response to the consultation and explained that, in view of local concerns, he had considered that it would be preferable for the application to be determined by the Sub-Committee in a public forum rather than by an Officer under delegated powers.

The Officer recommendation of refusal was proposed by Mr Haine and seconded by Mr Norton.

Mr Enright questioned whether this should be considered as a previously developed site. In response, the Area Planning Manager advised that the buildings previously on the site had served an agricultural purpose and that the grant of consent based upon this prior use would set an undesirable precedent for the redevelopment of agricultural buildings for residential purposes elsewhere in the open countryside. Further, he advised that Policy H4 of the West Oxfordshire Local Plan sought to resist further development in Northmoor.

In supporting the Officer recommendation, Mr Langridge suggested that there was a need for some limited development in villages to help to keep such small communities alive.

On being put to the vote the officer recommendation of refusal was carried.

Refused for the following additional reason:-

2. By reason of the erosion of the existing loose knit and dispersed character of the open countryside location, any additional development would have a detrimental urbanising impact which would harm the attractive approach to the village/conservation area and could set an undesirable precedent for further similar development which would further erode the existing character and appearance. The proposal is therefore contrary to Policies H4, BE5 and BE2 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF.

55 14/01669/S73 Hulse Grounds Farm, Little Faringdon

The Planning Officer introduced the application.

The applicant, Mr John Holden, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix G to the original copy of these minutes.

Mr Good questioned whether Officers had sought the additional information required and whether there was any merit in deferring consideration of the application until this had been received. In response, the Area Planning Manager advised that it would take some time for the possible viability of alternative uses to be demonstrated through a marketing exercise.

Mr Langridge indicated that, whilst he supported the Officer's recommendation, it was important that historic agricultural buildings were preserved. In proposing the recommendation of refusal, he advised that he expected that further information would come forward to justify approval in the future.

In response to a question from Mr Norton, the Area Planning Manager explained that Policy H10 of the West Oxfordshire Local Plan permitting the conversion of existing buildings to residential use was predicated on a sequential test which the applicants had not yet met. Mr Norton then seconded the recommendation of refusal but encouraged the applicants to enter into further dialogue with Officers to explore the best way forward.

On being put to the vote the recommendation of refusal was carried.

Refused

61 14/01863/OUT Land West Of Station Road, Eynsham

The Area Planning Manager introduced the report and reported receipt of additional observations received from Dr and Mrs Loken, the Environment Agency, the Thames Valley Chamber of Commerce and the Council's Conservation Architect together with two further letters from the applicant's agent.

The Officer recommendation of refusal was proposed by Mr Kelland and seconded by Mr Langridge.

Whilst expressing support for the recommendation, Mr Booty indicated that, given the pressure to increase development, Members had to acknowledge the need to approve some applications.

On being put to the vote the proposition was carried.

Refused

69 14/01971/FUL 79 Milestone Road, Carterton

It was noted that this application had been withdrawn at the request of the applicant.

75 14/02205/FUL Land North Of Northolt Road, Carterton

The Planning officer presented her report containing a recommendation of approval. She drew attention to the additional condition requested by the Highway Authority as set out in the report of additional representations and suggested that a further condition be included requiring the windows in the first floor side elevations to be obscure glazed.

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

Permitted subject to the following additional conditions:-

11. Before first occupation of the dwellings hereby permitted the window(s) in the first floor side elevations shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.
12. 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 occupation of the dwellings hereby approved.
REASON: To ensure a safe and adequate access.

and to condition 2 referring to the following plans:-

Site plans - I202-S-02

Elevations – Proposed - I202-03

Floor Plans – Proposed - I202-03

80 14/02062/FUL North Street Farm House, North Street, Aston

The Planning Officer presented her report and advised that the Parish Council and the Highway Authority had confirmed that they had no objection to the development. She recommended that the application be approved subject to conditions based upon those outlined in the report, on further conditions regarding arrangements for the future maintenance of public open space and to a note based upon Thames Water's response.

(Mr Mills left the meeting at this juncture)

In proposing the recommendation, Mr Good enquired as to the environmental measures to be incorporated into the development. In response, the Area Planning Manager suggested that a further condition be incorporated requiring the submission and approval of details of the measures to be employed.

Mr Good agreed to incorporate such a condition and the proposition was seconded by Mr Booty.

Mr Norton suggested that a further condition be included regarding arrangements for bin storage and a note added to discourage parking on the spur roads. It was agreed that these be incorporated into the proposition which, on being put to the vote, was carried.

Permitted subject to such conditions as the Head of Planning and Strategic Housing considers appropriate (to incorporate conditions based upon those outlined in the report and those additional requirements detailed above), such conditions to be agreed in consultation with the Chairman of the Sub-Committee.

Post Committee note: The following conditions were agreed by the Head of Planning and Strategic Housing 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 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 15 January 2015.
REASON: The application details have been amended by the submission of revised details.
3. That the development be carried out in accordance with the approved plans listed below:-

APPROVED PLANS:

Reference No:	Description :
P1.03	Site plans
SK213	Elevations - Proposed
SK212	Floor Plans - Proposed
P2.15	Elevations - Proposed
P2.14	Floor Plans - Proposed
P2.16	Elevations - Proposed
P2.17	Elevations - Proposed

P2.19 Elevations - Proposed

P2.18 Floor Plans – Proposed

REASON: For the avoidance of doubt as to what is permitted.

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.

5. The external walls of Plots 1 and 2, shall be constructed of natural local stone in accordance with a sample panels which shall be erected on site and approved in writing by the local Planning Authority before development commences and thereafter retained until the development is completed.

REASON: To safeguard the character and appearance of the area.

6. The external walls of Plots 3, 4 and 5 shall be constructed of natural stone of the same type, colour and texture and laid in the same manner as the stone used in the existing building.

REASON: To safeguard the character and appearance of the area.

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. The boundary treatment shall be completed in accordance with the approved details before the use hereby permitted is commenced.

REASON: To safeguard the character and appearance of the area.

8. 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, including roof extensions , outbuildings , walls or other means of enclosure other than those expressly authorised by this permission, shall be constructed/erected.

REASON: Control is needed in the interests of the visual amenity of the area.

9. No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking areas that serve the dwellings 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.

10. The development hereby approved shall only be carried out in accordance with the guidance and mitigation measures contained within the 'Bat Survey Report' dated July 2014 submitted with the application.

REASON: To safeguard and enhance biodiversity.

11. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010. Where communal drainage schemes are proposed approval of the scheme will be required from Oxfordshire County Council and the scheme will need to be adopted under the Flood and Water Management Act. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality. (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and the supporting Technical Guidance)

12. No development shall take place until such time as the capacity of the existing sewerage system to accommodate foul water from the site has been investigated and any remedial measures needed to ensure adequate capacity are put in place.

REASON: To remedy the existing foul water capacity deficiency.

13. That prior to the commencement of development the following details shall be submitted to and approved by the LPA and the development shall be carried out in accordance with the said approved details:

Details of the means of storage and collection of domestic waste;
Measures to generate energy and to reduce energy and water wastage on the site; A management plan for the on-going maintenance of the area of land hatched red on the attached plan KS/1 which will seek to put measures in place to protect the open rural character and appearance of the site and enhance its ecological and biodiversity value.

REASON: In the interests of highway safety, safeguarding the rural character and appearance of the area and the environmental dimensions of sustainable development.

INFORMATIVE:

- I In assessing the merits of this planning application it is considered that the development is likely to pass the derogation tests but this does not absolve you of the need to obtain a licence from Natural England.

50. 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 an appeal decision was received and noted.

Members welcomed the return of the weekly list and expressed their thanks to Jeremy Charlett, Systems Officer in Planning and Sustainable Communities for the work he had carried out on the new planning system to enable its reintroduction.

51. LAND NORTH WEST OF WOODSTOCK ROAD, WITNEY – APPLICATION NO 14/01671/OUT

The Sub-Committee considered whether it would be expedient to undertake a formal site visit prior to the likely consideration of this planning application on Monday 16 February 2015.

RESOLVED: that a site visit be held on Thursday 12 February at 12:00 Noon

The meeting closed at 4:50pm.

CHAIRMAN