

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 16 March 2015

PRESENT

Councillors: W D Robinson (Chairman); Mrs M J Crossland (Vice-Chairman); M A Barrett; P Emery; D S T Enright; Mrs E H N Fenton; J Haine; P J Handley; H J Howard; P D Kelland; R A Langridge; J F Mills and B J Norton

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

59. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 16 February 2015, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

60. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

The Chief Executive reported receipt of the following resignation and temporary appointment:

Mr J F Mills for Mr M R Booty
Mr P Emery for Mr S J Good

61. DECLARATIONS OF INTEREST

Mr W D Robinson declared an interest in application No. 15/00201/HHD (Fishers Bridge Cottage, Buckland, Bampton) the applicants being known to him in a personal capacity. He indicated that he would leave the room during consideration of this application.

Mr Handley indicated that, whilst a resident of Shilton, he did not have a disclosable pecuniary interest in the application at Shilton Downs Farm (Application No. 14/02156/FUL) and would be participating in the consideration and determination of the application.

62. 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:- 14/02239/HHD, 14/02156/FUL, 15/00087/FUL, 15/00201/HHD, 15/00260/FUL, 15/00176/FUL, and 15/00180/FUL.

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

3 14/02239/HHD Windrush, Old Minster Lovell

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

The applicant, Mr Jonathan Brewer, then addressed the meeting in support of the application. He reiterated the points made in his email referred to above and advised that he would rebuild and maintain the wall beside his property which was currently in a semi derelict condition. Mr Brewer confirmed that he would plant new trees around the proposed garage in order to screen it from view from both the highway and the Wash Meadow.

The Planning Officer then presented her report containing a recommendation of refusal.

Whilst acknowledging Mr Brewer's commitment to provide replacement planting, Mrs Crossland indicated that the garage would have an urbanising appearance detrimental to the Conservation Area and proposed the Officer recommendation of refusal.

The recommendation was seconded by Mr Haine who suggested that it would be more appropriate for the proposed garaging to be located close to the existing development. Mr Handley expressed his support for this view.

Mr Howard disagreed, believing that the proposals could be acceptable subject to appropriate conditions. Mr Langridge concurred.

On being put to the vote the recommendation was carried.

Refused.

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

7 14/02156/FUL Land at Shilton Downs Farm, Shilton

The Planning Officer introduced the application and advised that the Environment Agency had indicated that it had no objection to the proposed development subject to the inclusion of appropriate conditions.

David Cuthbertson addressed the meeting on behalf of local residents opposed to the development, indicating that he believed Ladburn Lane to be an inappropriate access to the site. He reiterated the concerns expressed with regard to highway safety issues and disruption likely to be occasioned by construction traffic, making reference to difficulties encountered in 'Stonelands' during the construction of a similar facility at Westerfield Farm. Mr Cuthbertson also questioned the impact of construction traffic on Hen and Chick Lane and the A361 Burford Road junction given the high volume of traffic associated with the Burford Wildlife Park.

In response to the applicant's comment that no complaints had been raised by local residents relating to construction traffic related to the recent flood alleviation works carried out in the vicinity, Mr Cuthbertson indicated that local residents had been prepared to accept the inconvenience as the works had been recognised as essential. In addition, no articulated vehicles had been used.

In conclusion, Mr Cuthbertson indicated that local residents were totally opposed to the development as it was in an inappropriate location and brought no community benefit.

Mr Malcolm Linney. The Chairman of Shilton Parish Council, then addressed the meeting setting out his Authority's objections to the proposal. A summary of his submission is attached as Appendix A to the original copy of these minutes.

Mr Daniel Shoesmith, project developer for the applicants, Ecotricity, 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, drawing attention to the further observations set out in the report of additional representations and to her recommendation of conditional approval.

Mr Handley expressed his opposition to the Officer's recommendation and proposed that the application be refused as the cumulative impact of this development and those on land to the east and west was such that it was contrary to Policy BE2 of the West Oxfordshire Local Plan. The recommendation was seconded by Mr Norton who expressed his concern over the proliferation of such developments.

Mr Norton refuted the implication that the planning decision would be influenced by financial considerations and suggested that the application was contrary to Policies BE2(a), BE2(e), BE4, BE5, BE8, BE17, NE3 and NE12 of the West Oxfordshire Local Plan. The Area Planning Manager advised that Policy BE17 related to telecommunication facilities and was not directly appropriate in this instance but that the underlying principles could be incorporated into a refusal by reference to the Government's energy policy.

He went on to suggest that, should the Sub-Committee be minded to refuse the application, the Head of Planning and Strategic Housing be authorised to make reference to the applicable policies within the emerging Local Plan in addition to those suggested by Mr Norton.

In light of the Area Planning Manager's advice, Mr Norton withdrew reference to Policy BE17. He noted that the Council had been supportive of such schemes in appropriate locations but considered that the current application failed to protect or enhance the adjacent Conservation Area.

Whilst acknowledging the concerns of local residents, Mrs Crossland indicated that, having visited the site, she considered the proposals to be more acceptable than those nearby which had received consent. By virtue of the local topography and screening of the site she believed that a refusal could not be sustained at appeal, particularly in view of the Inspectorate's decision to grant consent for the Westerfield Farm site.

In response to questions from Mr Emery, the Area Planning Manager advised that the comments of the Council's Landscape and Forestry Officer had been consolidated in the Planning Officer's report. He also advised that, whilst the NPPF did not give guidance on assessing the cumulative impact of such developments when sited in close proximity, underlying Ministerial letters and guidance provided some assistance in this respect. Where there was inter-visibility between such developments or they were located close together on a transport route the cumulative

impact could be taken into account. However, this was not the case with the present application.

Mr Enright expressed some concern over the ability to successfully defend an appeal but acknowledged residents' concerns over disruption during construction work and questioned how this could be mitigated.

The Area Planning Manager advised that, in determining planning applications, the Council had to assess the impact of the proposals once completed. However, disruption during the construction phase could be mitigated through a construction traffic management plan.

Mr Howard and Mr Langridge expressed their opposition to the proposal. Mr Kelland questioned why the type of panels to be used had not been specified and how the site would be connected to the National Grid. The Planning Officer advised that the applicants had not decided which panels would be utilised as technology in this field developed at a rapid pace. However, they had agreed a condition limiting the height of the panels to 2.2 metres. It was thought that the site would be connected to the grid by underground cables but this did not form part of the application. If the connection was to be made by independent contractors permission would be required but statutory undertakers could carry out this work as permitted development.

Mr Haine questioned whether the application could be considered contrary to Paragraph 109 of the NPPF. In response, the Area Planning Manager advised that Paragraph 109 related to the natural environment in areas with specific landscape designation. However, he suggested that Paragraph 126 was more appropriate and Mr Handley and Mr Norton agreed to incorporate this in their proposal.

The proposition was then put to the vote and was carried.

Refused for the following reasons:-

1. By reason of the elevated open countryside location, the close proximity of a well-used public bridleway and the Shilton Conservation Area and the nearby location of a number of listed and non-listed heritage assets, the proposal is considered to adversely urbanise and intrude into the open rural character and appearance of the landscape to the detriment of the setting of the bridleway, failing to preserve or enhance the setting of the Conservation Area and adversely affecting the setting of the heritage assets. As such, the development proposal is considered contrary to policies BE2(a), BE2(e), BE4, BE5, BE8, NE3 and NE12 of the adopted West Oxfordshire Local Plan, policies EH1, EH3,

EH7 and EH4 of the West Oxfordshire Draft Local Plan and relevant paragraphs of the NPPF.

2. By reason of the nearby proximity of the Kencot Hill Solar Farm and the Westerfield Farm Solar Farm to the proposed development site, the proposal results in a proliferation of renewable energy developments adjacent to the village of Shilton which are visible from the well-used local footpath /bridleway network by locals and visitors to the area resulting in an unacceptable level of alien, incongruous and intrusive urban development in the rural landscape surrounding the village. As such, the development proposal is considered contrary to policies BE2(a), BE2(e), BE4, NE3 and NE12 of the adopted West Oxfordshire Local Plan, policies EH1, EH3, EH7 and EH4 of the West Oxfordshire Draft Local Plan and relevant policies of the NPPF.

24 15/00087/FUL 43 Burford Road, Witney

The Planning Officer introduced the application.

Ms Fiona Heely spoke in opposition to the application. A summary of her submission is incorporated at Appendix C to the original copy of these minutes.

The Planning Officer then presented her report containing a recommendation of refusal. She advised that a response from the County Ecologist to the concerns raised by local residents had yet to be received and revised her recommendation to incorporate a further reason for refusal on ecological grounds if appropriate in light of the County Ecologist's response.

Mr Mills questioned whether it would be appropriate to include a refusal reason on highway safety grounds. The Planning Officer advised that the concerns raised related to convenience rather than highway safety and were addressed in the recommended refusal reason at page 30 of the report.

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

Refused for the reason set out in the report, the Head of Planning and Strategic Housing being authorised to incorporate a further reason for refusal on ecological grounds if appropriate in light of the County Ecologist's response.

Post Committee note: following receipt of the County Ecologist's response, the reason for refusal was amended to incorporate reference to claims that the trees within the garden were being used as bat roosts and to read as follows:-

- I. By reason of the siting, design and limited amount of space around the dwellings to provide amenity areas and off street parking, the proposal constitutes a cramped overdevelopment of the plot which will appear 'shoehorned' in to the site to the detriment of the visual amenity of the street scene, and which results in a poor level of amenity for future occupiers and which by reason of the likely increase in on street parking due to inadequate space within the residential curtilages results in inconvenience to highway users. In addition, in light of claims that the trees within the garden are being used as bat roosts, insufficient information has been submitted with the application to demonstrate that the development will not harm specially protected species. As such, the proposal is considered contrary to policies H7, H2, BE2, BE3 and NE15 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

31 15/00176/FUL 58 Mill Street, Eynsham

The Planning Officer presented her report containing a recommendation of conditional approval. She advised that the Highway Authority had raised no objections to the development and reported receipt of the further observations of Mr and Mrs Reynolds. In order to address issues raised during the consultation process, she went on to suggest that condition 6 be revised to read as follows:-

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 serve the development including repair and maintenance of the boundary wall to the rear of the site. The boundary treatments shall be completed in accordance with the approved details before the building(s) are occupied and retained as such thereafter.

In response to a question from Mr Kelland, the Planning Officer advised that the current application had no direct impact upon parking arrangements for development previously approved in the vicinity.

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

Permitted, condition 6 being amended to read as follows:-

6. 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 serve the development including repair and maintenance of the boundary wall to the rear of the site. The boundary treatments shall be completed in accordance with the approved details before the building(s) are occupied and retained as such thereafter.

38 15/00180/FUL 124 Woodstock Road, Witney

The Planning Officer presented her report containing a recommendation of conditional approval. She reported receipt of the observations of the Environmental Protection Officer and recommended the inclusion of additional conditions to address the concerns raised.

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

Permitted subject to the amendment of condition 5 to read as follows:-

5. The means of enclosure identified on drawing number 976 - 01b shall be constructed before the dwelling hereby approved is first occupied and shall be retained as such thereafter. For the avoidance of doubt the precise location and height of the low stone wall identified on that drawing shall be first submitted to and approved in writing by the LPA.

and to the following additional conditions:-

13. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
REASON: To ensure any contamination of the site is identified and appropriately remediated.

14. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

REASON: To ensure any contamination of the site is identified and appropriately remediated.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination.

REASON: To ensure any contamination of the site is identified and appropriately remediated.

44 15/00020/HHD Fishers Bridge Cotage

Mr Robinson left the meeting and Mrs Crossland took the Chair during consideration of the following application.

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

Mr Martyn Webb spoke in opposition to the application. A summary of his submission is incorporated at Appendix D to the original copy of these minutes.

The applicant's agent, Mr Tony Reedman, then addressed the meeting in support of the application. He reminded Members that the Environment Agency had raised no objection to the development and confirmed that all documentation had been completed as required. He made reference to an application for a larger extension at a nearby property which had received planning consent. Mr Reedman suggested that the intent of the legislation was that minor extensions were permissible subject to the Environment Agency's advice and questioned why, if there was significant national concern, the Government had chosen not to remove permitted development rights from properties in flood zones as it had in areas of high landscape designation.

The Planning Officer then presented her report, making particular reference to the concerns expressed by the Council's Engineers. She also advised that the application referred to by Mr Reedman in his submission differed from the current application in that the proposal was for a single storey side extension which incorporated existing buildings, the property was over 30m from the Shilbrook and there were no representations submitted relating to flooding.

Mr Barrett indicated that the application represented more than 'minor development' and proposed the Officer recommendation of refusal. The proposition was seconded by Mr Howard.

Mr Langridge noted that the Environment Agency had raised no objection to the development. Mr Kelland concurred.

Mr Norton enquired whether the property was currently occupied and emphasised that the Council's Principal Engineer was highly conversant with drainage issues in this area.

On being put to the vote the recommendation was carried.

Refused

(Post Committee note: Prior to the issue of the formal decision notice this application was withdrawn at the request of the applicant)

(Mr R A Langridge requested that his vote against the foregoing recommendation be so recorded)

53 15/00260/FUL Land at Weald Manor Farm, Bampton

The Area Planning Manager introduced the application.

Ms Janet Rouse spoke in opposition to the application. A summary of her submission is incorporated at Appendix E to the original copy of these minutes.

Mr Michael Pelham then spoke in support of the application. A summary of her submission is incorporated at Appendix F to the original copy of these minutes.

In response to a question from Mr Enright, Mr Pelham advised that it was the intention to underground the power lines from Weald street so that all over-ground lines running along the farmland and the application site would be removed. In response to a further question from Mr Norton

he confirmed that the proposed Affordable Housing would be constructed to meet the letting standards.

The Area Planning Manager then presented his report. He drew attention to the observations set out in the report of additional representations and reported receipt of the observations of two technical consultees. The Council's Environmental Health Service had raised concerns over the small size of the properties, the potential difficulties arising from noise and condensation and sewage disposal arrangements. The Highway Authority had recommended that the application be refused on grounds of highway safety. He also noted that Mr Pelham's submission was at variance with the agent's observations to some extent in that the agent had indicated a willingness to provide a financial contribution to fund the provision of Affordable Housing off-site.

The Area Planning Manager advised that, had members considered that the application had merit, it had been his intention to recommend that it be deferred pending the submission of further information and, in particular, information regarding the financial imperatives put forward by the applicant in justification. However, notwithstanding the improvements made to the scheme, in view of the Highway objection, he could see no alternative other than to recommend refusal on highway safety grounds and for the same reasons as the previous application on the site.

Mr Langridge noted that the current application was an improvement over the previous scheme and, whilst he had thought that an appropriate scheme could be devised, he could not now see how the highway objections could be overcome.

Mr Handley questioned whether this land could be developed as a rural exception site.

Mr Barrett concurred with Mr Langridge and questioned how the financial aspects of the scheme were a relevant matter for consideration in determining this application. The Area Planning Manager advised that, whilst financial issues were not generally a matter of concern, the applicants had sought to justify the current application on grounds of the contribution it would make to the restoration of the Listed Weald Manor. In this case, financial details were necessary to test this validation.

It was proposed by Mr Howard and seconded by Mrs Crossland that the application be refused.

An amendment that consideration of the application be deferred to enable further discussion to take place with the applicants, but should the applicants not wish to discuss the application further the Head of Planning and Strategic Housing be authorised to refuse permission for the reasons set out above was proposed by Mr Norton and seconded by Mr Langridge and on being put to the vote was carried. Having become the substantive motion, the recommendation of deferral was carried.

Deferred to enable further discussion to take place with the applicants but, should the applicants not wish to discuss the application further, the Head of Planning and Strategic Housing be authorised to refuse permission for the reasons set out above.

63. APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

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.

In closing the meeting, the Chairman advised that he would not be present at the next meeting, the last of the Municipal year. He thanked Members for their support during the course of the year and offered good wishes to those standing for re-election.

The meeting closed at 5:30pm.

CHAIRMAN