

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 20 April 2015

PRESENT

Councillors: Mrs M J Crossland (Vice-Chairman – In the Chair); M A Barrett; M R Booty; P Emery; D S T Enright; S J Good; J Haine; P J Handley; R A Langridge; B J Norton and A H K Postan

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

64. MINUTES

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

65. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were from Mrs E H N Fenton and Mr W D Robinson and the Chief Executive reported receipt of the following resignations and temporary appointments:

Mr A H K Postan for Mr H J Howard
Mr P Emery for Mr P D Kelland;

66. DECLARATIONS OF INTEREST

There were no declarations of interest from Councillors or Officers relating to items to be considered at the meeting.

67. 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:-
15/00320/FUL, 15/00436/FUL, 15/00579/FUL, 15/00741/FUL and 15/00581/FUL.

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

3 I5/00320/FUL Park Farm, Standlake Road, Northmoor

The Area Planning Manager introduced the application. He reported receipt of the observations of Dr M Sears, together with those of the Northmoor Parish Council outlining their requested developer contributions. The Area Planning Manager also advised that the applicants had confirmed their willingness to meet both the County and Parish Councils' Section 106 requirements.

Mrs Jayne Norris, the applicant's agent, then addressed the meeting in support of the application. A summary of her submission is attached as Appendix A to the original copy of these minutes.

In response to a question from Mr Booty, Mrs Norris advised that the proposed contribution towards affordable housing had been increased by £30,000 over the £200,000 agreed in respect of the application previously approved. It had not been possible to finalise this figure earlier as her clients had to take account of the County Council's requirements. In response to a question from Mr Good, Mrs Norris explained that, whilst the site lay within the flood plain shown on the Environment Agency's indicative flood maps, detailed flood monitoring had shown that no development was proposed within areas at risk.

The Area Planning Manager then presented his report. He advised that amended plans had been received showing a re-alignment of the highway which he considered would be sufficient to overcome the County Council's objection as Highway Authority. Similarly, he considered that the detailed flood modelling carried out was sufficient to address its concerns as lead flood authority. Accordingly, he recommended that the application be approved.

It was proposed by Mr Langridge and seconded by Mr Good that the Head of Planning and Strategic Housing be authorised to approve the application subject to the County Council withdrawing its objections; to the applicants entering into a legal agreement to provide financial contributions to the County and Parish Councils and to the District Council for the provision of affordable housing and to such conditions as are considered appropriate in consultation with the Vice-Chairman of the Sub-Committee.

Mr Norton enquired why the Officer recommendation had been changed at such a late date and the Area Planning Manager explained that revised plans detailing had only been received at the end of the previous week. In response to questions from Mr Emery, he advised that the developers would meet the cost of any necessary highway works and noted that the development was on an existing bus route. He also confirmed that existing buildings on the site had been or would be removed.

Mr Postan expressed some concern as to the adequacy of parking provision and access for emergency vehicles. In response, the Area Planning Manager advised that, whilst it met existing parking standards, there was adequate room on the site to accommodate additional provision and this could be discussed with the applicants when finalising conditions.

In response to a question from Mr Haine the Area Planning Manager advised that, should the County Council not withdraw its objections, the application would be brought back before Members for further consideration.

Mr Langridge indicated that he favoured the existing layout and Mr Good noted that the drawings gave the impression that the development was perhaps more constrained than was actually the case on what was a large site. At the request of Mr Norton, he undertook to advise the Sub-Committee of the outcome of discussions regarding parking provision and layout and to refer the application back should any problems arise.

On being put to the vote the recommendation was carried.

RESOLVED: That the Head of Planning and Strategic Housing be authorised to approve the application subject to the County Council withdrawing its objections; to the applicants entering into a legal agreement to provide financial contributions to the County and Parish Councils and to the District Council for the provision of affordable housing and to such conditions as are considered appropriate in consultation with the Vice-Chairman of the Sub-Committee.

(Mr A H K Postan requested that his vote against the foregoing decision be so recorded)

9 15/00436/FUL 159 Abingdon Road, Standlake

The Planning Officer presented her report and drew attention to the further observations set out in the report of additional representations. She reported receipt of further observations from the applicant's agent and, in light of the revised layout plan, recommended that the application be approved subject to the conditions set out in the report of additional representations.

Mr Good expressed his support for the scheme but conveyed some concern over the use of a loose gravel surface on the access road and the adequacy of the existing sewerage system. In response, the Planning Officer advised that condition 14 gave control over the design of a foul water drainage system and suggested that a further pre-commencement condition regarding surfacing of the access road could also be imposed.

Mr Norton suggested that it would be preferable if the private access could be improved as part of this development.

The Officer recommendation of conditional approval was proposed by Mr Good and seconded by Mr Langridge.

Mr Emery questioned the adequacy of parking provision for the development and the Planning Officer advised that the proposals complied with current parking standards. Mr Handley concurred with Mr Postan and questioned whether refuse collection vehicles would be able to access the site. The Planning Officer advised that the access was a private road and that refuse vehicles would not access the site, refuse being collected from the public highway.

Mr Postan questioned the rationale behind the provision of landscaping and it was explained that, regardless of the quality of design, this was primarily intended to provide a transition between the open countryside and the new development, providing a soft edge between urban and rural aspects.

Mr Booty indicated that he did not consider development of this site to constitute infilling or rounding off and questioned why it was considered to be acceptable. In response, the Area Planning Manager advised that, as a greenfield site, development would not be policy compliant under the 2011 Local Plan. However, whilst the relevant Local Plan Policy had weight, it had to be considered in association with the relevant paragraphs of the NPPF which would allow for residential development in villages such as Standlake. In addition, this position was reflected in the emerging Local Plan and the site had been identified within the SHLAA.

Mr Handley proposed an amendment that consideration of the application be deferred in order to enable a site visit to be held but failed to attract a seconder. The Officer recommendation of conditional approval was then put to the vote and 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 carried out in accordance with the plans accompanying the application as modified by the agents E-Mail dated 13/4/15 and accompanying plan ref 0917_230A.
REASON: The application has been amended by the submission of revised details.
3. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
4. The external walls of the dwellings shall be constructed of natural local stone in accordance with a sample panel 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.

5. The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

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

6. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

7. Notwithstanding details contained in the application, detailed specifications (to include sectional details) and drawings of all windows, doors, dormers, eaves and verges and porches at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.

REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

8. That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

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

9. The landscaping details required by Condition No. 8 above shall include details of a 6 metre wide landscaping belt to be planted along the eastern boundary of the site. The landscaping belt area shall be retained as such.

REASON: In the interests of the rural character and appearance of the edge of village location.

10. 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 building(s) is occupied.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), extensions, outbuildings, dormer windows or rooflights other than those expressly authorised by this permission, shall not be constructed.
REASON: Control is needed in the interests of residential and visual amenity.
12. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
13. 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. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. 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 and the National Planning Policy Framework).
14. Given the problems with the existing sewerage system within the vicinity of the site the development shall not commence until a foul water drainage scheme, including details of the phasing of works and any remedial works to the existing system has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To secure adequate means of disposing of foul water and to avoid pollution.
15. That prior to first occupation of the dwellings hereby approved the whole of the private access road serving the development shall be surfaced in accordance with a specification that shall first be submitted to and approved in writing by the Local Planning Authority and the said road shall be retained in that surface finish thereafter.
REASON: In the interests of residential amenity and the convenience of highway users.

The Planning Officer introduced the application and drew attention to the further observations set out in the report of additional representations. She reported receipt of amended plans, together with further observations from Mrs Cole and Mr Bartlett.

The applicant, Mrs Nicola Cooper, then addressed the meeting in support of the application. A summary of her submission is attached as Appendix B to the original copy of these minutes.

In response to a question from Mr Langridge, Mrs Cooper advised that the premises already had a licence for off-sales and would apply for an on-licence if planning permission was forthcoming.

The Planning Officer then presented her report and recommended approval subject to the conditions set out in the report of additional representations.

Mr Barrett indicated that there was widespread local support for the application and proposed the Officer recommendation. The proposition was seconded by Mr Booty.

Whilst supporting the application, Mr Good expressed some concern with regard to use of the external areas. The Planning Officer advised that an appropriate informative note or condition could be applied in order to address this.

Mr Norton suggested that condition 5 should be strengthened to protect the retention of the post office and condition 6 be amended to restrict opening hours on Good Friday and Christmas day to those applicable to Sundays.

Mr Barrett and Mr Langridge agreed to incorporate the suggestions detailed above and on being put to the vote the revised recommendation 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 carried out in accordance with the plans accompanying the application as modified by the applicants and agent's email dated 14 April 2015 and accompanying plan(s).
REASON: The application has been amended by the submission of revised details.
3. 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.

4. Prior to the commencement of development, a sample of the proposed surface material for the new access and parking to serve the hereby approved use shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area and to protect the residential amenities of the adjacent properties.
5. The premises shall be used as a Post Office, Store and Deli/Bistro and for no other purpose (including any other purpose in Class A of the Schedule to The Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
REASON: The site is only suitable for the use specified because of the special circumstances of the site and to protect the residential amenities of the occupiers of the adjacent properties.
6. The premises shall not be open for customers outside the following hours: -
08:00 - 18:00; Mondays – Thursdays
08:00 - 22:00; Fridays and Saturdays
08:00 - 17:00; Sundays.
The premises shall be not be open for customers on Good Friday and Christmas Day.
REASON: To safeguard living conditions in nearby properties.
7. Customers of the hereby approved use shall not have access to the rear yard.
REASON: To protect the residential amenities of the adjacent properties.
8. The design of the extract ventilation system shall be such as to minimise the level of noise produced as far as is reasonably practical. Attention shall be given to the minimising of noise breakout from any ducting and suitable silencers/attenuators shall be employed to reduce the level of noise emitted. Details of the proposed system, including measures taken to minimise noise and odour, shall be first submitted to, and approved in writing by the Local Planning Authority prior to commencement of any works.
REASON: To safeguard the character of the area and living conditions in nearby properties.
9. That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously

damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To safeguard the appearance and character of the area and to the setting of the Listed Building.

10. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

11. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

12. No amplified or recorded music shall be used outside of the building.

REASON: To safeguard the living conditions in nearby properties.

13. Prior to the first commencement of the mixed Bistro/shop and Post Office hereby approved, a plan showing the areas for retailing, Post Office, eating and drinking shall be submitted to and approved in writing by the Local Planning Authority. No use other than the said authorised uses shall take place in the areas indicated without the prior express consent of the LPA.

REASON: To ensure retention of a mixed use community facility and to protect the residential amenities of the adjacent neighbouring properties.

23 15/00581/FUL 220 Burwell Drive, Witney

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

Permitted

26 15/00741/FUL Land North Of Finial Coach House, Broadwell

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

Mr Reuben Diffey, the applicant's agent, 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 advised that the County Council had raised no objection to the proposed development.

Mr Handley questioned the Officer's assessment of Broadwell as one of the lesser sustainable villages. In response, the Area Planning Manager advised that this assessment was based upon the limited services and facilities within the settlement.

Mr Langridge suggested that the proposed development would not give rise to any significant demonstrable harm and recommended that the application be approved. This recommendation was seconded by Mr Good.

The Area Planning Manager advised that Officers considered the proposal to be inappropriate both in principle and in terms of its impact upon the visual character and appearance of the area. In addition, the application was contrary to the emerging Local Plan and the Area Planning Manager cautioned that to grant consent would set an undesirable precedent.

Mr Enright questioned whether the former use of the site as a tennis court qualified it for consideration as previously developed land and was advised that this was not the case.

In response to a question from Mr Haine, the Area Planning Manager advised that, in terms of the 2011 Local Plan, Broadwell was effectively classified as open countryside in which no new development would generally be permitted.

In view of the comments made by Mr Diffey in his earlier submission, Mr Norton questioned the pre-application advice given by Officers. In response, the Area Planning Manager read the relevant extracts from the advice proffered. Accordingly, Mr Norton indicated that he could not support the proposition. Mr Booty, Mr Postan and Mr Emery concurred and Mr Postan questioned why Broadwell had not been designated as a Conservation Area.

The recommendation of approval was then put to the vote and was lost.

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

Refused

68. APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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

The meeting closed at 3:35pm.

CHAIRMAN