

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 Tuesday 26 May 2015

PRESENT

Councillors: W D Robinson (Chairman); Mrs M J Crossland (Vice-Chairman); M A Barrett;
H B Eaglestone; P Emery; D S T Enright; S J Good; J Haine; P J Handley; H J Howard;
R A Langridge and B J Norton

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

4. MINUTES

RESOLVED: that the Minutes of the meetings of the Sub-Committee held on 20 April and 20 May 2015, copies of which had been circulated, be confirmed as correct records and signed by the Chairman.

5. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

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

Mr P Emery for Mrs E H N Fenton

6. DECLARATIONS OF INTEREST

Mr W D Robinson declared an interest in application Nos. 15/00700/OUT and 15/01257/FUL (Land north of Burford Road, Witney and land north of Glebe Cottage, Lew Road, Curbridge) the landowner of the former and applicant of the latter being known to him. He indicated that he would leave the meeting during consideration of those applications.

7. 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:-

14/01570/HHD; 15/00730/FUL; 15/00700/OUT; 15/01099/FUL; TPO No. 1/2015 (item Nos. 6 and 7); 15/01257/FUL; 15/01335/FUL; 15/01150/FUL; 15/01433/FUL and 15/00794/FUL

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

3 14/01570/HHD 7 Rock Close, Carterton

The Planning Officer introduced the application.

The applicant, Mr J Jennings, then addressed the meeting in support of the application. Mr Jennings outlined his family circumstances and explained why the proposed adaptations to the property were required to meet their needs.

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

Whilst acknowledging the rationale underlying the Officer's recommendation, Mrs Crossland pointed out that, whilst they had raised concern over potential overlooking of their garden (a matter that could be addressed through appropriate conditions) the occupiers of the adjacent property had raised no objection to the proximity of the proposed side extension in terms of its impact upon their property.

Mrs Crossland went on to emphasise the particular circumstances and associated special needs of the applicants and their family and, in conclusion, reminded Members that West Oxfordshire had been amongst the first signatories to the Armed Forces Covenant and the obligations contained within it.

For the reasons set out above, she recommended conditional approval of the application. The proposition was duly seconded by Mr Howard.

Whilst sympathising with the sentiment of the proposal and the needs of the applicants, Mr Langridge indicated that he was unable to support the application as submitted but expressed the hope that an alternative form of development could be approved.

In response to a question from Mr Good it was confirmed that the concerns raised by the Highway Authority could be addressed through an appropriate condition.

In response to a question from Mr Haine, the Planning Officer showed details of an alternative proposal discussed with the applicants which Officers considered more appropriate. However, the applicants had sought a decision on the application as submitted.

On being put to the vote the recommendation of conditional approval 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 first floor bathroom window on the rear elevation of the side extension hereby approved shall first be obscure glazed with restricted openings in accordance with details to be submitted to and approved in writing by the Local Planning Authority and retained as such thereafter.

REASON: In the interests of the residential amenity of the adjoining occupier.

3. Prior to the commencement of development a parking layout plan shall be submitted to the Local Planning Authority identifying off street parking within the curtilage of the site for two cars and the said spaces shall be laid out and provided prior to first occupation of the extensions hereby approved and retained as such thereafter.

REASON: To ensure that the development is adequately served with off street parking spaces.

6 15/00730/FUL 34 Spareacre Lane, Eynsham

The Planning Officer outlined the application.

The applicant's agent, Mr Tony Reedman, then addressed the meeting in support of the application. He noted that officers had no objection to development, in principle, considering the application to be policy compliant and suggested that the question of residential amenity was one to be addressed by any potential future occupier of the proposed dwelling. He noted that the garage could be converted for residential use as ancillary to the existing dwelling under permitted development and suggested that there was precedent for development in this form in the immediate vicinity.

Having presented her report, the Planning Officer's recommendation was proposed by Mr Langridge and seconded by Mr Haine and on being put to the vote was carried.

Refused

8 15/00700/OUT Land North of Burford Road, Witney

(Mr W D Robinson left the meeting during consideration of the following application. Mrs M J Crossland took the Chair)

The Planning Officer introduced the application.

Mr Chris Holliday then addressed the meeting on behalf of the Witney Town Council and reiterated the concerns expressed by that authority as outlined in the Planning Officer's report.

The Planning Officer then presented her report. She reported receipt of the observations of the Council's technical consultant with regard to public safety which indicated that, whilst the applicants had reduced the application site area in order to position the residential development outside the Health and Safety Executive's consultation zone, the proposed development remained unacceptable on public safety grounds. Accordingly, the Planning Officer added a further recommended refusal reason on grounds of public safety.

The Planning Officer informed Members that, whilst no response had been received to date, it was expected that further objection would be forthcoming on ecological grounds. Dependent upon the response, she recommended that the Head of Planning and Strategic Housing be authorised to include a further reason for refusal on ecological grounds if appropriate.

The Officer recommendation, amended as outlined above, was proposed by Mr Barrett and seconded by Mr Enright.

Mr Handley questioned whether appropriate means of mitigating risks to public safety could be devised for consideration in the event of the applicants submitting an appeal. In response, the Area Planning Manager advised that the Council's technical consultant considered that, whilst the likelihood of an incident was small, the potential consequences were so great that it would not be prudent to build in the area. Further, it would not be practical to devise adequate measures in mitigation.

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

Refused for the following reasons:-

- I. The development of this site for 260 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, policies H2, OS2, EH1 and policy Wit4 of the emerging Local plan 2031 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, T1, T2, and EH6 of the emerging Local Plan 2031 and Section 4 and paragraph 124 of the NPPF.
3. 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.
4. By reason of the proximity of the site to a nearby Gas Bottling Plant that is a Hazardous Substances Installation, the development comprises a large number of houses that would put it in Level 4 of the HSE sensitivity scale (it should be noted that some sources consider housing at Level 2 sensitivity). Were there to be a major accident at the bottling plant, the relevant literature suggests that much of the proposed development land could be affected with the principal risks to property arising in the form of energy and projectiles from tanks and other structures from the bottling plant creating a potential danger for both the future residents and their property. As such, the development proposal is considered contrary to policies H2 and BE20 of the adopted West Oxfordshire Local Plan, OS2, OS4 and EH6 of the emerging Local Plan and relevant paragraphs of the NPPF.

NOTE TO APPLICANT:-

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.

(Post Committee note: On receipt of ecological advice it was considered inappropriate to include a further reason for refusal on ecological grounds)

26 15/00794/FUL 9 – 11 Burford Road Carterton

The Area Planning Manager presented the report. The Officer recommendation of refusal was proposed by Mrs Crossland and seconded by Mr Howard and on being put to the vote was carried.

Refused

33 15/00856/OUT 15 Cassington Road, Eynsham

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

42 15/01236/FUL Squirrel Cottage, Westfield Lodge, Shilton

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

46 15/01257/FUL Land North of Glebe Cottage, Lew Road, Curbridge

(Mr W D Robinson left the meeting during consideration of the following application. Mrs M J Crossland took the Chair)

The Planning Officer presented her report containing a recommendation of conditional approval and recommended the inclusion of an additional condition to require the retention of the proposed communal building on the site.

The Officer recommendation, revised as outlined above, was proposed by Mr Langridge. In seconding the proposition, Mr Norton suggested that condition 9 be amended to require the replacement of the hedge along the highway boundary. Mr Langridge agreed to incorporate this suggestion in his proposal.

Members expressed some concern over the continuing viability of the project as envisaged but recognised the consequence of the recent appeal decision on the site. On being put to the vote the recommendation of conditional approval was carried.

Permitted subject to the amendment of condition 9 to read as follows:-

9. That a scheme for the landscaping of the site, including the retention of the established hedgerow boundary planting together with 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 ensure the safeguarding of the character and landscape of the area during and post development.

and to the following additional condition:-

15. The 'Communal Hub' building hereby approved shall only be used as a communal building to serve the residential occupiers on the site for the purposes outlined in the planning application and for no other purpose.

REASON: In the interests of the objectives of Sustainable development.

56 15/01295/FUL Dower House, Westwell

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

68 15/01335/FUL 7 Bridge Street Mills Industrial Estate, Witney

The Area Planning Manager presented his report, drew attention to the further comments in the report of additional representations and reported receipt of the observations of the Oxfordshire County Council.

The Area Planning Manager recommended that the Head of Planning and Strategic Housing be authorised to approve the application subject to the Environment Agency confirming it has no objection to the development and to conditions based upon those outlined at page 72 of the report and agreed in consultation with the Vice-Chairman of the Sub-Committee.

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

RESOLVED: That the Head of Planning and Strategic Housing be authorised to approve the application subject to the Environment Agency confirming it has no objection to the development and to conditions based upon those outlined at page 72 of the report and agreed in consultation with the Vice-Chairman of the Sub-Committee.

73 15/01099/FUL Former Post Office, 4 Market Square, Witney

The Planning Officer introduced the application.

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

In response to a question from Mr Howard, Mr Cook advised that the external seated area was intended to be used by those customers dining, not for those drinking only.

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

Members expressed some concern over the quality and appearance of the tables and chairs shown in the illustrative photograph and sought an assurance that furniture appropriate to this key location within the conservation area would be employed.

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

Permitted, the applicants being advised that the design of the chairs and tables submitted as part of the application are not considered appropriate given their position within the Conservation Area. You are advised, prior to implementation of the change of use of land to outside seating to submit details to the Local Planning Authority containing alternative chairs and tables appropriate to the context.

Mrs M J Crossland and Mr S J Good requested that their votes against the foregoing application be so recorded.

77 15/01150/FUL Bints Yard, Chapel Lane, Northmoor

The Area Planning Manager presented his report, drew attention to the further comments in the report of additional representations and reported receipt of 16 further letters (10 in objection, five in support and one offering comment), together with the observations of Thames Water and the Parish Council.

(Mr H B Eaglestone left the meeting at this juncture)

The Area Planning Manager recommended approval of the application subject to the conditions set out in the report, to an additional condition as requested by Thames Water and to the applicants entering into a legal agreement to secure the provision and retention of affordable housing.

Mr Good welcomed the application and thanked Officers for their work during its development. However, he indicated that the Parish Council still harboured concerns with regard to parking provision and to the number and mix of affordable houses.

Mr Handley expressed his support for the application and in response to a question from Mr Norton it was confirmed that the affordable homes would be transferred and operated by a registered social landlord to which the Council would have nomination rights. Mr Norton noted that, given the design and layout of the site, it was important to ensure that high quality materials were used.

Whilst recognising that the operation of the Council's Housing Allocation Scheme was a matter for the Cabinet and Council, Members wished to ensure that priority for the allocation of affordable homes was given to those with a local connection.

On this understanding the Officer recommendation of conditional approval was proposed by Mr Good and seconded by Mr Langridge. At the suggestion of Mr Good, it was agreed that a further condition regulating construction traffic be applied.

On being put to the vote the recommendation was carried.

Permitted subject to conditions as set out in the report, to additional conditions as outlined above and agreed in consultation with the Vice-Chairman of the Sub-Committee and to the applicants entering into a legal agreement to secure the provision and retention of affordable housing with preference in its allocation being given to those with a local connection.

84 15/01433/FUL 43 Burford Road, Witney

The Planning Officer presented her report and, in view of the submission of revised plans, recommended that the application be deferred for further public consultation.

Members considered the revised plans to be acceptable and it was duly proposed and seconded that the Head of Planning and Strategic Housing be authorised to approve the revised application subject to no new issues being raised during the public consultation process and to the Town Council raising no objection to the revised proposals.

RESOLVED: That the Head of Planning and Strategic Housing be authorised to approve the application subject to no new issues being raised during the public consultation process and to the Town Council raising no objection to the revised proposals.

8. 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.

9. CONFIRMATION OF TREE PRESERVATION ORDER NO. 1/2015 – LAND AT FRUITLANDS, EYNESHAM

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing regarding confirmation of Tree Preservation Order No.1/2015 affecting land adjacent to Fruitlands, Eynsham.

RESOLVED: That Tree Preservation Order No.1/2015 be confirmed without modification.

10. TREE PRESERVATION ORDER NO. 1/2015 – LAND AT FRUITLANDS, EYNSHAM

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing regarding an application to fell trees within the area affected by Tree Preservation Order No.1/2015 relating to land adjacent to Fruitlands, Eynsham.

Mr Stephen Dearing addressed the meeting in objection to the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

Mr Daniel Hayman, 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.

RESOLVED: That the application to fell trees within the area affected by Tree Preservation Order No.1/2015 be refused.

11. FOOTPATH DIVERSION APPLICATION AT CORAL SPRINGS, WITNEY

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing seeking authority to make a Public Path Diversion Order under Section 257 the Town and Country Planning Act 1990 and carry out the required statutory consultation upon it required to enable permitted works to the outside space at the premises to be carried out.

RESOLVED: That the Head of Planning and Strategic Housing be authorised to make the Order and carry out public consultation, consistent with the drafted Order attached to the report.

12. BUTERCROSS DEVELOPMENT, STATION LANE, WITNEY

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing regarding an invitation received from the developers to undertake a conducted tour of the Buttercross development site in Station Lane, Witney.

RESOLVED: That arrangements be made to visit the development site.

The meeting closed at 5:35pm.

CHAIRMAN