

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 July 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; Mrs E H N Fenton; S J Good; J Haine; P J Handley; H J Howard; P D Kelland and B J Norton

Officers in attendance: Phil Shaw, Hannah Wiseman, Sarah De La Coze and Paul Cracknell

19. MINUTES

RESOLVED: that, the Minutes of the meeting of the Sub-Committee held on 22 June 2015, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

20. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

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

Mr P Emery for Mr R A Langridge

21. DECLARATIONS OF INTEREST

Mrs E H N Fenton declared an interest in application No. 15/01550/OUT (Land North of Cote Road, Aston), by reason of her being employed by the site owner. Mrs Fenton indicated that she would leave the meeting during consideration of the application.

22. 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:-
15/01783/OUT, 15/01184/FUL, 15/01550/OUT, 15/01860/FUL, 15/01757/ADV,
15/01756/LBC, 15/0195/FUL and 15/0187/FUL.

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

3 15/01184/FUL Land At Newland Street, Eynsham

The Planning Officer introduced the application.

The applicant's agent, Mr Paul Slater, 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 Mrs Crossland, Mr Slater advised that the Green Tea organisation was a part of the transition movement, formed with the objective of helping people to make the transition to a more sustainable lifestyle.

The Planning Officer then presented her report containing a recommendation of conditional approval subject to the applicants entering into a legal agreement on the basis set out therein.

Mr Kelland indicated that the site was within the Conservation Area and the application had given rise to a significant volume of objection from those wishing to see the site remain undeveloped. He considered that the proposed development would be overbearing and noted that access to the 'community orchard' would only be available to members of the Eynsham Greet TEA organisation. Mr Kelland considered that the application failed to protect or enhance the Conservation Area and recommended that it be refused for the reason cited at paragraph 5.4 of the report.

Mr Emery concurred, seconding the recommendation of refusal and indicating that he considered the proposed development would result in an urbanising effect at this access to the village. He also suggested that the proposed developer contribution towards the provision of affordable housing was inadequate and Mr Kelland agreed to incorporate this additional reason into his proposal.

Mr Enright spoke in favour of the application, indicating that he found the design acceptable and welcomed the provision of the community orchard.

Whilst supporting the recommendation of refusal, Mrs Crossland indicated that she believed an alternative form of development on the site could be acceptable. Mr Handley concurred.

The recommendation of refusal was then put to the vote and was carried.

Refused for the following reasons:-

- I The proposed development represents the partial loss of one of the few remaining undeveloped open spaces in the village and will change its appearance from that of an agricultural paddock to one dominated by residential development. The works to create the access would involve engineering works that would impact to the

detriment of the substantial and attractive wall and tree belt along the site frontage and the unspoilt appearance of the frontage generally. As such the proposals would be harmful to the character and appearance of the Eynsham Conservation Area, and also to the setting of the Listed Buildings in the vicinity of the development, which would be contrary to Policies BE5 and BE8 of the West Oxfordshire Local Plan.

- 2 The proposed off site affordable housing and Section 106 contributions are considered insufficient to mitigate the impacts of the proposed development contrary to policy BE1 of the adopted West Oxfordshire Local Plan 2011, OS5 of the Emerging Local Plan 2013 and overarching principles of the NPPF.

Note to applicant:-

- 1 Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County council's Road Agreements Team for the proposed access works under Section 278 of the Highway Act 1980. For guidance and information please contact the County council's Road Agreements Team on 01865 815700 or email Road.Agreements@oxfordshire.gov.uk

20 15/01550/OUT Land North Of Cote Road, Aston

(Mrs Fenton left the meeting during consideration of the following application)

The Area Planning Manager introduced the application.

Mr Richard Haines, the Chairman of the Aston, Cote, Shifford and Chimney Parish Council, addressed the meeting in opposition to the application. . A summary of his submission is attached as Appendix B to the original copy of these minutes.

Mr Alex Hales, 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. Mr Good questioned the suggestion that there were some 70 households in Aston that qualified for affordable housing and it was explained that this figure had been provided by the Council's Head of Housing. Mr Good also noted that provision of 20 affordable housing units did not represent the 50% provision required by the 2006 Local Plan. The Area Planning Manager reminded Members that the Plan called for **up to** 50% affordable housing, the final percentage to be determined having regard issues of viability.

In response to a question from Mr Enright, Mr Hales explained that Thames Water was under a duty to provide sewerage connections to serve new properties. Proposed conditions required prior approval of arrangements by the Local Planning Authority and discussions with Thames

Water had confirmed that the company had both the time and the funds available to carry out any necessary upgrades prior to occupation of the dwellings.

The Area Planning Manager then presented the report and advised that consideration had been given to the possibility of providing off street car parking to serve the school by relocating the existing allotments to the proposed area of open space to the rear of the development site. Accordingly, he suggested that the proposed heads of terms of the legal agreement be revised to require the retention of the land to the rear of the site as open space or allotments. In addition, he sought authority to finalise terms with regard to traffic calming and contributions to the Parish Council.

Mrs Crossland indicated that the District needed more homes and suggested that the current proposals represented a logical extension to the village in line with the emerging local plan. Accordingly, she proposed the Officer recommendation of conditional approval subject to the applicants entering into a legal agreement on the basis of the terms discussed. The recommendation was seconded by Mr Haine.

Mr Norton sought clarification on the applicability of the policies within the 2006 Local Plan regarding infilling and rounding off. In response, the Area Planning Manager advised that, whilst the adopted Local Plan sought to deliver some 5,500 properties, the emerging Plan expected to bring forward some 10,500. There were not sufficient brownfield sites to accommodate this level of growth hence the emerging Plan envisaged development on areas within or adjoining existing built up area provided that it occasioned no other harms. In addition, Mr Robinson made reference to the change in emphasis found in the new National Planning Policy Framework.

Mr Norton accepted the recommendation, indicating that it offered a good mix of dwellings, and suggested that appropriate, low key, traffic calming measures be put in place to slow traffic coming from the Cote direction. He also indicated that the proposed legal agreement should ensure that the area of land to be maintained as open space or allotments be retained as such thereafter.

Mr Good expressed his support for the suggested parking arrangements and contributions to the parish council. The Area Planning Manager confirmed that funding should be available for these purposes. Mr Handley agreed that there was a need for traffic calming measures and, in response to a further question regarding the retention of open space, the Area Planning Manager advised that the default position was that land be offered to the local council in the first instance (although not all parishes wanted to assume ownership and responsibility for the future maintenance of such areas of land).

(Mr Handley left the meeting at this juncture)

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

Permitted subject to the applicants entering into a legal agreement on the basis set out in the report, amended as detailed above.

47 15/01923/FUL Land At Albion Place, Bampton

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

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

Permitted

51 15/01951/FUL 154 Thorney Leys, Witney

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

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

Permitted

54 15/01756/LBC Post Office, 4 Market Square, Witney

The Planning Officer introduced the applications.

Mr Ben Cook, the applicant's agent, then addressed the meeting in support of the applications. A summary of his submission is attached as Appendix D to the original copy of these minutes. In response to a question from Mr Enright, Mr Cook confirmed that the proposed fascia sign would be non-illuminated whilst the hanging sign would be externally illuminated by down-lighting.

The Planning Officer then presented her report.

Mr Norton sought clarification as to the Council's policy with regard to illuminated signage within the conservation area. In response, the Area Planning Manager advised that it was the Council's practice to allow externally illuminated signage for premises such as restaurants and public houses that traded during the evenings.

The Officer recommendation of conditional approval was proposed by Mr Haine and seconded by Mr Enright and being put to the vote was carried.

Listed Building Consent be granted.

57 15/01757/ADV Post Office, 4 Market Square, Witney

The Officer recommendation of conditional approval was proposed by Mr Haine and seconded by Mr Enright and being put to the vote was carried.

Advertisement Consent be granted.

60 15/01783/OUT Land West Of Brize Norton Road, Minster Lovell

The Area Planning Manager outlined the application.

Mr Steve Cridland 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.

Mr Jonathan Stowell, representing the Minster Lovell Parish Council, then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix F to the original copy of these minutes.

The local Member, Miss Gill Hill, then addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix G to the original copy of these minutes.

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

The Area Planning Manager then presented his report and drew attention to the further observations set out in the report of additional representations. He noted that, whilst the application was in outline only, it was specific in that the number of dwellings proposed was 74 (not up to 74). In consequence, it was possible to assess the impact of the development as the number of units proposed limited the scope for change to the illustrative layout.

The Area Planning Manager went on to recommend that the application be refused for the following reasons:-

The impact upon the street scene and character of the settlement;
The lack of an agreed section 106 package;
Precedent
Ecological and archaeological grounds

In moving the Officer recommendation of Refusal, Mrs Crossland indicated that she was unclear as to why the application was considered by the County Council to be acceptable in highway terms. She suggested that the Head of Planning and Strategic Housing be authorised to incorporate a further reason for refusal on highway grounds if appropriate following further discussion with the highway authority. The recommendation of

refusal, incorporating the suggested delegation, was seconded by Mr Howard.

Mr Norton expressed his support for the Officer recommendation, noting that the full refusal reasons should make reference to the relevant policies within both the existing and emerging Local Plans and the National Planning Policy Framework.

Mr Robinson concurred with the previous speakers, indicating that he too was unclear as to why an access proposed in previous applications in 1988 and 1997 and considered to be dangerous in highway terms could be thought by the Highway Authority to be acceptable now. He requested Officers to seek an explanation from the County Council for their change of view.

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

Refused for the reasons set out above, the Head of Planning and Strategic Housing being authorised to incorporate a further reason for refusal on highway grounds if appropriate following further discussion with the highway authority.

Post Committee Note: Following further discussions it was established that it was thought inappropriate by the Highway Authority to incorporate a further reason for refusal on highways grounds hence the application was refused for the following reasons:-

- 1 By reason of the density of development, its backland location, the height and form of units required to deliver the number of dwellings and the impact on the frontage from works to form the access the proposed development is considered to represent an incongruous and inappropriate overly dense form of urban development that fails to take the opportunity to create a locally distinctive scheme but rather would have an undue urbanising influence harming the amenity of neighbouring dwellings and the character of the Chartist settlement at this point and setting a precedent for further such developments that in equity would be difficult to resist to the further detriment of the character and historic importance of the village. As such the scheme is contrary in particular to policies BE2, BE4 and H6 of the WOLP, policies OS4, EH3 and H2 of the emerging plan and the provisions of the NPPF
- 2 In the absence of an agreed mitigation package it has not been demonstrated how the adverse impacts of the development will be addressed. As such the proposal is contrary to policy BE 1 of the adopted plan, policy OS 5 of the emerging plan and the provisions of the NPPF
- 3 Extensive crop mark features extend across the fields west of Minster Lovell. These include settlement sites, a banjo enclosure and

numerous enclosures. There is also the suggestion of a cursus. In the absence of a full archaeological investigation it has not been demonstrated that damage to buried heritage assets would not arise or for the importance of the assets to be weighed in the merits of the application. As such the proposal is contrary to policy BE13 of the WOLP, EH7 of the emerging plan and the provisions of the NPPF

- 4 By reason of the lack of survey at appropriate time of year and lack of adequate long term mitigation and enhancement measures it has not been demonstrated that the proposals would not adversely affect the biodiversity and potential ecological enhancement of the site. As such the scheme is contrary to policy NE13 of the WOLP, policy OS1 and Os4 of the emerging plan and the provisions of the NPPF

Note to applicant :-

- I In determining the application Members raised concern regarding the impacts on sewerage capacity and the impact of the development on localised flooding issues

78 15/01860/FUL 99 - 101 Burford Road, Carterton

The Planning Officer introduced the application.

Mr Alan Major addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix I to the original copy of these minutes.

The applicant's agent, Mr Rob O' Carroll, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix J to the original copy of these minutes. In response to questions from Mrs Crossland he stated that the difference in ridge height between the proposed building and the adjacent dwelling was 2.43 metres and confirmed that it had been decided to construct a half dormer window in place of the velux window originally proposed following concerns expressed by the Council's Officers.

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

Mrs Crossland indicated that she did not agree with the Officer's recommendation as she believed the proposed dwellings reflected the diverse form and nature of development in the vicinity and would not be unacceptably overbearing or detrimental to the residential amenity of the occupiers of the adjacent property. She considered that concerns expressed could be addressed through appropriate conditions regarding the provision of security fencing and landscaping and proposed that the application be permitted. The recommendation was seconded by Mr Howard.

Mr Good suggested that it would be more appropriate for Members to view the site in order to assess the potential impact of the proposed development before reaching a decision and Mrs Crossland agreed to withdraw her proposition in favour of one of deferral. On being put to the vote the recommendation of deferral was carried.

Deferred to enable a site visit to be held.

83 15/01871/FUL 80 Milestone Road, Carterton

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

It was proposed by Mr Howard and seconded by Mrs Crossland that consideration of the application be deferred to enable Members to view the site in order to assess the potential impact of the proposed development. On being put to the vote the recommendation of deferral was carried.

Deferred to enable a site visit to be held.

23. 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 appeal decisions was received and noted.

The meeting closed at 5:10pm.

CHAIRMAN