

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 21 September 2015

PRESENT

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

Officers in attendance: Miranda Clark, Cheryl Morley, Phil Shaw, Kim Smith and Simon Wright

29. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 17 August 2015, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

30. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

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

Mr J F Mills attended for Mr H J Howard

31. DECLARATIONS OF INTEREST

Mr Enright declared an interest in application nos. 15/02316/FUL and 15/02317/ADV by virtue of being a tenant of a nearby unit. Mr Enright advised that the interest was not prejudicial and he would remain in the meeting, participate and vote on the applications.

Mrs Crossland declared an interest in application no.15/02281/FUL (40 Corbett Road, Carterton) by virtue of a friendship with an interested party. Mrs Crossland indicated that she would leave the meeting during consideration of the application.

Mr Robinson declared an interest in application No. 15/01968/OUT (Land South of Burford Road and East of Downs Road, Witney), the landowner and applicants being known to him in a personal capacity. He indicated that he would leave the room during consideration of the application.

32. 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:-

15/02410/FUL; 15/02415/FUL; 15/00647/FUL; 15/02316/FUL; 15/02317/ADV;
15/02489/FUL; 15/02590/S73; 15/02568/FUL and 15/01973/FUL

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

3 15/00647/FUL Land at Thorney Leys, Witney

The Principal Planner presented the application and showed the location, site layout, proximity to the A40 and pedestrian/vehicular access. The Principal Planner highlighted that amended plans had been submitted and there were no technical objections. The affordable housing provision and developer contributions were clarified.

The recommendation was for approval subject to conditions.

Mr Norton sought clarification of the car parking arrangements as the sub-committee had previously expressed a preference for front gardens with parking. The Principal Planner showed the parking areas and it was noted that whilst the flats/maisonettes used parking courts the houses had individual parking on the plot. It was noted that the highway authority had not raised an objection.

Mr Mills, whilst acknowledging that Oxfordshire County Council (OCC) had not objected, raised concern at the proximity of the site to a corner on the link road and the speed of vehicles in that vicinity. Mr Mills also suggested that clarification was needed on the use of Section 106 contributions in respect of education provision as a result of several developments in the area. Confirmation was also given that contributions for bus service improvements could only be used for infrastructure.

Mr Eaglestone suggested that there was obviously some concerns about the development and proposed that a site visit be held to allow members to fully assess the issues. Mr Good seconded the proposal.

On being put to the vote the proposition was carried.

Deferred for a site visit on Thursday 15 October 2015 commencing at noon.

22 15/01973/FUL Land at Edington Square, Witney

The Senior Planner presented the application and advised that revisions had been submitted clarifying that fencing would only be around the building and amending the parking arrangements. The building had been realigned on the site to mirror others in the vicinity and the finish had been amended to show a render finish with a tiled roof.

The Senior Planner advised that the proposal was considered acceptable and gave a recommendation of approval.

Mr Eaglestone, in proposing the recommendation, highlighted that this could benefit a number of community organisations. Mr Mills seconded the proposal and suggested that it would be beneficial if the provision of cycle parking could be looked at.

In response to Mr Good it was confirmed that the parking area would be tarmacked. During discussion the sub-committee raised issues relating to possible noise from the site. It was clarified that any noise problems would be the responsibility of Environmental Health.

Mr Kelland, whilst supportive of the scheme, expressed a preference for the original layout as it made better use of the land.

On being put to the vote the proposition was carried.

Permitted

28 15/02099/FUL Land East of 200-202 Corn Street, Witney

The Senior Planner outlined the application and clarified the site layout and access arrangements. It was noted that OCC had not raised any highway objection and the recommendation was for approval.

Mr Enright questioned why the access was being taken from Corn Street rather than off the front of the site. The Senior Planner explained that the land was not in the applicants control and in any event a previous approval had been given using the same access as proposed now.

Mr Kelland expressed doubts about the shared access with the development approved earlier in the meeting. It was reiterated that OCC had not raised any objection.

Mr Langridge sought confirmation of the parking being provided. It was reported that two parking spaces were allocated for each dwelling.

Mr Langridge proposed the officer recommendation. Mr Mills, in seconding the proposal, suggested the access arrangements were not unusual and cited examples elsewhere in Witney.

In response to Mrs Fenton it was confirmed that there was pedestrian access from the site on to Welch Way.

Mr Handley echoed concerns about the shared access and emphasised the need to ensure that traffic and pedestrians were kept apart where possible. In response to Mr Norton it was confirmed that the chimney pots were decorative only and that the properties had gardens to the rear.

On being put to the vote the proposition was carried.

Permitted

(Mr Handley requested that his vote against the foregoing decision was recorded.)

37 15/02276/S73 63 Burford Road, Carterton

The chairman welcomed Cheryl Morley, Planning Officer, to the meeting and explained that Ms Morley usually worked in the Uplands team.

The Planning Officer introduced the report, outlined the history of the site and gave a recommendation of approval.

Mr Robinson indicated that it was unfortunate that the trees had been removed but no Tree Preservation Order (TPO) had been in place.

Mrs Crossland acknowledged the reasons for what had happened but expressed disappointment at the loss of important trees which had been damaged during construction works. Mrs Crossland conveyed the hope that other trees could be protected in the future.

Mr Norton asked if conditions had been placed on the original consent requiring the retention of trees. The Area Development Manager acknowledged this was the case but it was not a criminal offence and an alternative landscaping scheme had been submitted.

Discussion ensued around the provision of TPOs and that several had been overturned by the sub-committee. It was acknowledged that it was a decision of councillors but there was a degree of frustration that trees were not always being given protection. Mr Norton and Mr Robinson suggested officers and councillors had a joint responsibility in this regard.

The officer recommendation was proposed by Mr Langridge and seconded by Mr Mills. On being put to the vote the proposition was carried.

Permitted

41 15/02281/FUL 40 Corbett Road, Carterton

The application was presented and it was highlighted that the development mirrored what had previously been approved and therefore the recommendation was for permission.

Mrs Fenton referred to trees on the site and the Area Development Manager indicated that condition 4 related to landscaping.

Mr Enright proposed the officer recommendation and this was seconded by Mr Langridge.

On being put to the vote the proposition was carried.

Permitted

(Mrs Crossland left the meeting during consideration of the foregoing application)

47 15/02316/FUL Unit 1e Network Point, Range Road, Windrush Industrial Park, Witney

The Planning Officer presented the application, together with 15/02317/ADV, and advised that revised arrangements for illuminating the signs had been submitted. The sub-committee was advised that a revised condition relating to landscaping was contained in the late representations report.

Mr Langridge asked about the proposed usage of the unit. The Planning Officer advised that it would be for self-storage with a limited amount of retail.

Mr Langridge proposed the officer recommendation of approval and this was seconded by Mr Norton.

On being put to the vote the proposition was carried.

Permitted, subject to the conditions contained in the report and as amended by the late representations report.

51 15/02317/ADV Unit 1e Network Point, Range Road, Windrush Industrial Park, Witney

The officer recommendation was proposed by Mr Langridge and seconded by Mr Norton. On being put to the vote the proposition was carried.

Granted, Advertisement Consent.

The Senior Planner introduced the application and advised that further representation had been received from Carterton Town Council confirming objection to the application.

Mr Alex Cresswell, the applicant's agent, addressed the sub-committee in objection to the application. A summary of the submission is attached as Appendix A to the original copy of these minutes.

Mr Enright sought clarification regarding the current use of the area proposed to be redeveloped as flats. Mr Cresswell confirmed that it was storage space.

The Senior Planner continued the presentation and explained that the proposed development was contained within the existing structure of the building. It was reported that the use was less intensive than the previous application on the site and there was a condition restricting opening hours so as to protect residential amenity for neighbours. The recommendation was for approval subject to conditions.

Mrs Crossland, whilst acknowledging the reasons for the recommendation, expressed disappointment that an approval could prevent a more comprehensive development of the area as envisaged in the town council's masterplan.

Mr Langridge suggested that the proposal would be an improvement in the area and whilst understanding the concerns of the town council and local member the current application needed to be judge on its own merit. Mr Langridge indicated that it seemed to accord with the general vision for the area.

Mr Langridge then proposed the officer recommendation and this was seconded by Mr Enright.

Mr Handley in supporting the proposal suggested it would be beneficial if improved litter facilities and surfacing could be achieved in the area.

On being put to the vote the proposition was carried.

Permitted.

(Mrs Crossland requested that her vote against the foregoing decision be recorded)

The Senior Planner outlined the application and showed the location and site layout. Confirmation was given that the outdoor seating was to be provided at the rear of the premises.

Mr Larry Bowes addressed the sub-committee in objection to the application. A summary of the submission is attached as Appendix B to the original copy of these minutes. In response to Mr Good confirmation was given by Mr Bowes that he had been trading for 10 years.

Mr Littler, on behalf of the applicant, addressed the sub-committee in support of the application. A summary of the submission is attached as Appendix C to the original copy of these minutes.

Mr Enright asked about potential tenants for the unit. Mr Littler advised that the owners were flexible and if a local trader was interested then they would not be precluded. In response to Mr Norton it was confirmed that discussions had been held with a couple of national companies and the opening hours were as outlined in the report.

The Senior Planner continued the presentation and reminded the sub-committee that the issue of competition could not be considered as part of the planning issues. The recommendation was for approval including the condition in the late representations report regarding opening hours and use of the external seating area.

Mr Good sought clarification regarding change of use under permitted development. The Senior Planner confirmed this was possible under recent legislative changes but this application had been brought to the sub-committee as it involved other works and the town council had objected.

Mr Langridge suggested that the proposal was acceptable and whilst acknowledging the concerns raised considered that the scheme would help retain the vitality of the town centre.

Mr Langridge proposed the officer recommendation and this was seconded by Mr Enright.

Mr Enright indicated that splitting the unit could make it more affordable for a wider range of tenants.

Mr Norton asked about the process for prior notification if a change of use was implemented under permitted development. The Area Development Manager explained that officers were not able to look at the full range of planning issues. It was noted that such decisions were delegated to officers under the approved scheme.

On being put to the vote the proposal was carried.

Permitted, subject to the conditions contained in the report and late representations report.

63 15/02489/FUL Badgers Car & Commercial, Corn Street, Witney

The Senior Planner introduced the application and explained that it sought change of use to retail. The sub-committee was advised that another application for housing on a neighbouring site was to be considered later in the meeting. It was highlighted that OCC highways had not objected and the change of use was considered to be less intrusive. The recommendation was for approval.

Mr Enright expressed his support for bringing the site back in to use and asked about the parking arrangements. The Senior Planner showed the parking layout and confirmed that it was at the front of the site.

Mr Enright proposed the officer recommendation and Mrs Fenton seconded.

Mr Norton outlined the history of the site. Mr Handley expressed some concern at the height of the wall at the entrance of the site and potential impact on sight lines. The concern was acknowledged and it was confirmed that OCC highways were supportive if the visibility splays were widened as per the suggested conditions.

On being put to the vote the proposition was carried.

Permitted

67 15/02568/FUL Gateway House, Windrush Park Road, Windrush Industrial Park, Witney

The Area Development Manager introduced the application and outlined the parking and changes in layout.

The sub-committee was advised that a couple of matters were outstanding in relation to the provision of overspill parking, as requested by the town council and the use of another building on the site as a gym.

The Area Development Manager reported that whilst it was desirable the overspill parking could not be required but negotiations were ongoing to try and seek a solution. In respect of the other building it was clarified that this would have a temporary use that would cease once this application was implemented.

In light of the outstanding matters a recommendation of delegation to approve, in conjunction with the Chairman of the sub-committee, subject to the conditions outlined in the report and further negotiation regarding parking.

Mr Langridge proposed the recommendation and this was seconded by Mr Eaglestone. On being put to the vote the proposal was carried.

Delegated to the Head of Planning and Strategic Housing, in consultation with the Chairman of the sub-committee, to approve.

71 15/02590/S73 Barn 3, Goodfellows Yard, Filkins

The Senior Planner presented the application and highlighted that the changes related to fenestration and roofing materials on parts of the conversion. The objections of the parish council were outlined. It was highlighted that the Conservation Officer had not objected and a sample of the proposed slate tile was shown to the sub-committee. The Senior Planner advised that it was considered that the proposal did not have a detrimental impact and the recommendation was for approval.

Mrs Fenton suggested that the changes were acceptable and proposed the officer recommendation. Mr Kelland seconded the proposal.

Mr Norton advised that he could not support the proposal and expressed a preference for use of Cotswold or artificial Cotswold stone tiles. Mr Good asked why such tiles could not be used. In response it was explained that Cotswold tiles were not practical on the current pitch of the roof and could only be accommodated by raising the roof height. Mr Norton indicated that artificial tiles could be suitable and officers undertook to investigate further.

Mr Mills referred to comments relating to visibility of the site from the village and the Planning Officer clarified the sight lines. Mr Haine suggested that the proposed roofing material was acceptable and was certainly preferable to the corrugated sheeting currently on the barn. Mr Enright advised that there was a variety of roofing materials in the area so the proposed slate was acceptable.

On being put to the vote the proposition was carried.

Permitted

78 15/02879/FUL Land East of Brize Norton Road, Minster Lovell

The Area Development Manager presented the application and showed the site location and proposed layout. It was highlighted that it was a bespoke scheme that reflected other development in the area with regard to density and design.

The Area Development Manager advised that comments were still awaited from OCC regarding the access and, whilst not a requirement, further discussion regarding contributions to the parish council was needed. It was therefore requested that delegated authority to approve be given subject to conditions and no objection from OCC regarding the access.

Mr Haine proposed the officer recommendation and this was seconded by Mr Robinson.

Mr Robinson suggested that the scheme had been well designed and was appropriate for the location.

Mr Norton referred to the proposed access and that options were somewhat limited due to the location of the footpath. Mr Handley suggested that traffic calming measures may be required to facilitate a safer access. The Area Development Manager acknowledged the comments and this could be raised with OCC for consideration.

On being put to the vote the proposition was carried.

Delegated to the Head of Planning and strategic Housing to approve subject to no objection from OCC in respect of the site access.

83 15/02818/S73 Morrisons, 20 Black Bourton Road, Carterton

It was noted that the application had been withdrawn by the applicant.

86 15/01968/OUT Land South of Burford Road and East of Downs Road, Witney

The Area Development Manager presented the application and highlighted issues raised during the recent site visit. It was reported that further representations had been received from Witney Town Council and from the applicant's agents/advisers.

The Area Development Manager outlined the key considerations in respect of the application and highlighted the revised comments of the Economic Development Manager contained in the late representations report. The intention of the applicant to deliver affordable housing was noted but it was considered that this was not a suitable location and the delivery method meant that properties were not affordable in perpetuity.

The Area Development Manager highlighted the comments of OCC and the views of the town council. It was emphasised that amenity for future residents was a key concern and could set a precedent for housing on commercial land. Recent government announcements regarding use of industrial land for housing were acknowledged but it had not been demonstrated that this land was unusable and surplus.

Mr Phil Salmon and Mr Ken Gumby, on behalf of the applicants, then addressed the sub-committee in support of the proposal. A summary of the submission is attached as Appendix D to the original copy of these minutes.

Mr Good sought clarification as to how the application was policy compliant. Mr Salmon responded that in his opinion it accorded with existing and emerging local plans and national policy and referred to the need to deliver more affordable units.

The Area Development Manager confirmed that the site was not allocated for residential development in the local plan as it already had permission for commercial use. It was reiterated that whilst affordable housing was welcome this scheme only delivered for five years and not in perpetuity.

In acknowledging that there was support for the scheme the Area Development Manager indicated that concerns about amenity and the isolated location of the site outweighed the benefits.

Mr Kelland suggested that the proposal was overdevelopment of the site and the neighbouring industrial units meant that amenity for residents would not be acceptable. Mr Kelland indicated that it was not suitable for housing and industrial use was more appropriate.

Mr Eaglestone concurred and proposed the officer recommendation. In seconding Mr Haine highlighted the importance of the site visit which had demonstrated to him the inadequacy of the site for residential development.

Mr Norton referred to recent government announcements that such sites could be considered for residential development if the land was underused or unviable. Mr Norton acknowledged that in this case it needed further information regarding viability of commercial use. Mr Norton also referred to other changes, including right to buy, which could impact on delivery of affordable housing.

The Area Development Manager recognised the changing situation with regard to affordable units and that discount market housing in perpetuity was desirable in the right locations. The Area Development Manager reiterated concerns about whether the site was unviable for commercial use and cautioned against removing allocated employment sites when there appeared to be demand in Witney.

Mr Good suggested that it was a finely balanced argument but there was a demand for affordable housing particularly for younger people and so all opportunities to deliver schemes needed careful consideration. Mr Good indicated that any purchasers would be aware of the location of the site and the neighbouring commercial uses when buying properties.

Mr Enright concurred it was a difficult decision but the lack of facilities, isolation from the town centre and infrastructure issues meant that he supported refusal. It was acknowledged that development was somewhat sporadic on Burford Road but the location was not suitable for residential particularly for those with children.

Mr Langridge indicated that he was supportive of the scheme and it had been acknowledged that the site had not been used for some time and was under used. Mr Langridge highlighted that the town council supported the application and many people would be happy living in that location. Mr Langridge stressed that the provision of affordable housing should be welcomed.

Mrs Fenton advised that she would support refusal as there was a lack of facilities particularly for those with children and issues such as environmental impact from neighbouring industrial uses was unacceptable.

Mr Norton acknowledged the range of views that had been expressed and further information may be required to make a more informed decision. Mr Norton suggested that a deferral may be beneficial to obtain more information about viability as a commercial site and provide an opportunity to see if a suitable housing scheme could be achieved. Mr Norton indicated that the land needed to be developed in some form. The Area Development Manager repeated his concerns regarding the site and emphasised that there had been interest in commercial use that had not come to fruition for whatever reason.

Mr Norton asked about the uses currently permitted on the site. In response it was explained that B1, B2 and B8 were permitted with the least intrusive uses being located closer to existing residential properties.

Mr Handley outlined the history of the site and surrounding land and highlighted the pressure to deliver affordable housing. Mr Handley acknowledged there were issues with the site but concurred with Mr Norton that deferral would be positive to allow all the issues to be fully examined.

Mr Good reiterated the need for new housing and the council could lead the way by looking at innovative solutions such as this. Mr Mills concurred with other speakers that the decision was finely balanced. Mr Mills indicated that from a strategic point of view piecemeal development was not encouraged and this scheme appeared to be such an application. Mr Mills emphasised the demand for commercial land in the district and the isolated nature of the site made it unsuitable for housing.

Mr Norton indicated that it had been a comprehensive debate and whilst acknowledging the issues on the site there did appear to be a feasible scheme to develop the site for commercial development if matters could be assessed in more detail. The Area Development Manager reminded members that a commercial consent was in place and this was the preferred use for the site.

On being put to the vote the proposition was carried.

Refused.

33. 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 5.35pm.

CHAIRMAN