

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 19 October 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 Sir Barry Norton

Officers in attendance: Sarah De La Coze; Stephanie Eldridge; Cheryl Morley, Phil Shaw, Kim Smith and Paul Cracknell

34. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 21 September 2015, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

35. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

36. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers in matters to be considered at the meeting.

37. 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:-

15/02661/FUL; 15/02720/FUL; 15/03118/FUL; 15/00647/FUL; 15/02940/FUL;
15/03046/HHD; 15/03048/HHD and 15/03162/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 Planning Officer presented her report containing a recommendation of conditional approval. She reported receipt of observations received from Mr Philip Hinton-Smith following preparation of the report of additional representations and suggested the inclusion of an additional condition regarding the provision and retention of public open space.

Members went on to discuss the application in some detail. Particular consideration was given to the design, scale and location of the 'landmark' building to be located on the site in the course of which a variety of opinions were expressed.

The revised officer recommendation of conditional approval was proposed by Mr Enright and seconded by Mr Handley, subject to the incorporation of an additional condition regarding the layout and extent of the footpath serving the 'landmark' building. On being put to the vote the revised recommendation was carried.

Permitted subject to the applicants entering into a legal agreement on the terms outlined in the report, to the conditions set out therein and to the following additional conditions:-

16. Notwithstanding the application drawing I489-123 EXTERNAL WORKS PLAN the footpath links off site and internal to the site shall be aligned and constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to construction of the footpath links and the said approved footpaths shall be provided prior to first occupation of the dwellings hereby approved.

Reason: In the interests of highway safety.

17. All the areas shown as open space, in the form of general amenity or play areas, as outlined in green on the attached copy of the approved layout plan, Ref. I489-123 EXTERNAL WORKS PLAN shall not be used for any purposes other than as general amenity or play areas.

Reason: To ensure the continued availability of external amenity space for residents of the development.

27 15/02407/FUL Brooklands Nurseries, 47 Shilton Road, Carterton

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

44 15/02502/OUT 15 Cassington Road, Eynsham

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

The Development Manager introduced the application and reported receipt of observations received from a Mr Thomas following preparation of the report of additional representations.

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

Mr Alan Beames, representing the Witney Town Council, then addressed the meeting. He welcomed the revised mix of affordable and market housing proposed by the developers but went on to express concern over the adequacy of parking provision, suggesting that this could result in the displacement of vehicles to nearby residential areas. He noted that the access to the site was outside the developer's control and suggested that the introduction of a Traffic Regulation Order outside the school would be detrimental to its operation. Mr Beames expressed concern over the safety of the proposed access and the impact of additional vehicles from the development upon this heavily trafficked road. He noted that no developer contributions were proposed towards educational provision or medical facilities.

In response to a question from Mr Enright, Mr Beames advised that he did not believe that the Town Council had been in touch with the developers regarding S106 contributions or access to the site beyond a request for funding towards sports development.

The Ward representative, Councillor Andrew Coles, then addressed the meeting. A summary of his submission is attached as Appendix B to the original copy of these minutes.

Mr Mark Connell, 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.

In response to a question from Mr Howard, Mr Connell advised that parking provision was in accordance with current requirements. The Chairman reminded Members that current parking standards set out maxima, not minimum requirements.

In response to comments made, the Development Manager suggested that overlooking of the school from the proposed flats could be seen as positive, offering supervision. He reminded Members that there was a presumption in favour of development unless it could be demonstrated that such development would result in harm. An application could not be refused on the basis of a suspicion that it could have a negative impact. As Highway Authority, the County Council provided independent advice on road safety and traffic management issues and had raised no objections.

The Development Manager reiterated that the parking standards referred to were maxima, not minimum requirements and explained that the County Council had not sought developer contributions towards education as Government guidance allowed funding contributions to be required from five schemes only, the County Council consequently seeking to maximise funding by seeking contributions from larger schemes. Finally, he advised that if the Sub-Committee chose to defer the application, it would need to give reasonable grounds for so doing.

The Development Manager then presented his report. He indicated that the application had to be considered in light of the existing lawful use of the site and noted that there was an error at paragraph 5.4 of the report in that emerging local plan policy would require 40% affordable housing, not 35% as stated. In conclusion, he also made reference to the comments of the applicant's agent regarding S106 contributions as set out in the report of additional representations.

In response to questions from Mr Enright, the Development Manager advised that an application for change of use had been approved in the past and periodic enquiries received since but that this was the first application received in the last decade. He advised that the applicants had prepared an action plan for dealing with the Cotoneaster that had colonised the site and explained that land ownership issues would make it difficult to gain access to the site from Barrington Close. The Development Manager also advised that the applicants had agreed to make a contribution of £17,500 to the County Council to meet the cost of a Traffic Regulation Order and to fund the provision of bus shelters and real time information displays.

In response to a question from Mr Kelland he advised that the proposed building would be some 2.5m to 3m higher than the properties opposite and that the design was considered by officers to be acceptable. The development would not set a precedent for similar construction elsewhere as future development would need to be assessed on a site specific basis.

Mr Kelland indicated that he would prefer to see a two storey development and Mr Haine and Mr Howard expressed concern over the design. Mr Howard questioned the necessity of real time information displays and proposed that the application be refused on highway grounds as being contrary to Policy BE3 of the West Oxfordshire Local Plan.

The Development Manager cautioned against refusal on highway grounds given that the County Council as Highway Authority had no objection to the development. Parking provision complied with the relevant standards and the application included proposals to improve the existing access to the site. Accordingly, Mr Howard withdrew his proposal.

Mr Good suggested that, given the constraints of law and planning policy, he could see no grounds for refusal. The Chairman indicated that he believed the application to represent an over-development of the site and inappropriate in terms of both style and design.

It was proposed by Mr Good and seconded by Mr Haine that the application be refused as being contrary to policies BE2 and H2 of the adopted Local Plan.

Mr Eaglestone and Mrs Crossland indicated that they considered the design to be out of place and Mrs Crossland suggested that a site visit might assist Members in formulating a view. Mr Langridge concurred with their concerns over the design of the development and expressed his disappointment at the decision to move from 100% affordable housing.

Mr Enright welcomed the project but indicated that, as land owner, the Diocese should do more to address current parking difficulties at the school.

Mr Howard expressed his concern over the Highway Authority's failure to raise objections to the application. The Development Manager explained that the County Council's assessment was based upon national legislation which required a greater than 5% increase in traffic generation before the impact could be considered as severe and so warrant a highway objection.

Mr Norton indicated that the cumulative effect of a number of applications, whilst not considered significant in themselves, could give rise to a highly detrimental impact on the local highway network.

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

Refused for the following reason:-

By reason of the design scale and massing the proposed development is considered to represent an overdevelopment of the site that would be harmful to the amenities of existing and proposed occupiers and detrimental to the appearance of the street scene. As such it is contrary to policies BE2 and H2 of the adopted WOLP, policies OS2, OS4 and H2 of the emerging plan and the relevant provisions of the NPPF.

65 15/02720/FUL Land South of Bampton Cemetery, Landells, Bampton

The Planning Officer introduced the application.

The applicant, Mr Chris Baker, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

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

Mr Barrett indicated that he did not consider that, when read in context with the adjacent telephone exchange building, the proposed development would be detrimental to the character and appearance of this part of the conservation area. Further, he considered that the protection afforded by

their location within the conservation area offered sufficient protection to resist pressure to prune the trees on the boundary.

Accordingly, Mr Barrett proposed that the application be approved, the recommendation being seconded by Mr Langridge.

Mr Haine suggested that, should the application be approved, it be conditional upon the removal of permitted development rights.

On being put to the vote the recommendation of conditional approval was carried.

Permitted subject to such conditions as the Head of Planning and Strategic Housing considers appropriate in consultation with the Chairman of the Sub-Committee.

Post Committee note: The following conditions were agreed by the Head of Planning and Strategic Housing in consultation with the Chairman of the Sub-Committee:-

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 the Planning and Compulsory Purchase Act 2004.
2. 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.
3. The external walls 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 any external walls are commenced and thereafter be retained until the development is completed.
Reason: To safeguard the character and appearance of the area.
4. The roof(s) shall be covered with natural stone slates a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commence.
Reason: To safeguard the character and appearance of the area.
5. All external rainwater goods shall be in cast metal black.
Reason: To safeguard the character and appearance of the area.
6. Notwithstanding details contained in the application, detailed specifications and drawings of all external doors and windows (including head and sill); dormer construction; porch or canopy; rooflight at a scale of not less than 1:20 with sections of each component at min. 1:5 scale 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.

7. A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include enclosure details and 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.

8. The stone boundary wall shown on the approved layout plan shall be retained thereafter.

Reason: To safeguard the positive contribution they make to the character and appearance of the area.

9. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason: To ensure the continued health of the trees and to ensure that they are not adversely affected by the construction works and in the interests of the visual amenity of the area.

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 dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety.

13. 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),no extensions, roof alterations, dormer windows, outbuildings, means of enclosure or external alterations shall be constructed other than those expressly authorised by this permission.
Reason: Control is needed in the interests of visual amenity and to safeguard the neighbouring trees.

71 15/02940/FUL 30 Brizewood, Carterton

The Planning Officer presented her report containing a recommendation of conditional approval and advised that condition 7 be deleted as it was partly duplicated by condition 5 and there was no necessity for an existing building to be removed.

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

Permitted subject to the deletion of condition 7.

76 15/03046/HHD 126 Brize Norton Road, Minster Lovell

The Planning Officer presented her report containing a recommendation of conditional approval and advised that condition 2 be amended to read as follows:-

2. Notwithstanding that the development is carried out in accordance with the approved plans listed below an amended block plan showing the removal of the front projection of the proposed garage building shall be submitted and approved in writing by the Local Planning Authority before development commences.

Reason: For the avoidance of doubt as to what is permitted.

The revised officer recommendation was proposed by Mr Langridge and seconded by Mrs Crossland and on being put to the vote was carried.

Permitted subject to the amendment of condition 2 as detailed above.

79 15/03048/HHD 126 Brize Norton Road, Minster Lovell

The Planning Officer presented her report containing a recommendation of conditional approval. It was noted that reference made to the amendment of condition 2 in the report of additional representations should have referred to the previous application.

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

Permitted

82 15/03118/FUL The Woodyard, Elmwood Farm, Burford Road, Black Bourton

The Planning Officer introduced the application.

Mr Alec Jones 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.

In response to a question from Mrs Crossland, Mr Jones indicated that no information regarding the current number of daily vehicle movements had been made available to him. In response to questions from Mr Enright, Mr Jones confirmed that the initial application had indicated that there would only be a single lorry movement each week and that the fuel facility to which he had made reference in his submission was that at RAF Brize Norton located some 50m away.

Ms Yvonne Dearman, representing the Black Bourton Parish Council, then addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix F to the original copy of these minutes.

The Ward representative, Councillor Ted Fenton, then addressed the meeting. He noted that the access road serving the site was restricted and indicated that its use by HGV's presented a danger to local residents. Mr Fenton suggested that the Sub-Committee consider making a site visit.

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

In response to a question from Mr Barrett, Mr Slater advised that no retail sales took place from the application site. In response to a question from Mr Norton, Mr Slater was unable to confirm the size of the HGV's used to service the facility.

The Planning Officer then presented the report recommending conditional approval of the application subject to the conditions set out in the report of additional representations.

Mr Howard indicated that the highway serving the site was restricted and proposed that consideration of the application be deferred to enable a site visit to be held. The proposition was seconded by Mr Barrett.

Mr Langridge questioned whether there would be any benefit in Members considering the suitability of the access when no technical objections had been raised by the County Council on highway grounds and Mr Handley noted that the site had a history of more intensive use when operating as a mushroom farm.

On being put to the vote the recommendation that consideration of the application be deferred to enable a site visit to be held was lost.

Members remained concerned at the lack of information available with regard to the number of vehicle movements that would take place and to the size, volume and tonnage of the HGV's that would be used. It was proposed by Mr Robinson and seconded by Mrs Crossland that consideration of the application be deferred to seek clarification of these matters. Mr Barrett noted that the company's website suggested that retail sales took place from the site and suggested that this issue should also be clarified.

On being put to the vote the recommendation was carried.

Deferred to enable officers to seek clarification of the size, volume and tonnage of the HGV's that would be used to service the site and confirm whether it was intended that retail sales would take place.

97 15/03162/FUL The Saddlers Arms, New Yatt Lane, New Yatt

In presenting her report, the Planning Officer emphasised the requirement to weigh the impact of a refusal on the applicant's human rights against the harm in planning terms.

The officer recommendation of refusal was proposed by Mr Haine and seconded by Mr Good and on being put to the vote was carried.

Refused

38. 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.

39. UNAUTHORISED CHANGE OF USE FROM PUB WITH ANCILLARY RESIDENTIAL ACCOMMODATION TO DWELLING, THE SADDLERS ARMS, NEW YATT, WITNEY

Consideration was given to the report of the Head of Planning and Strategic Housing as to whether it was expedient to authorise enforcement action to secure cessation of the use of the Saddlers Arms as a dwelling.

The officer recommendations were proposed by Mr Haine and seconded by Mr Howard and on being put to the vote were carried.

RESOLVED:

- (a) That the Head of Planning and Strategic Housing be authorised to draft and serve an enforcement notice under section 172 of the Town and Country Planning Act 1990 to secure cessation of the use of the Saddlers Arms as a dwelling within a period of six months from the date the enforcement notice comes into effect; and
- (b) That, should the owner of the Saddlers Arms be in breach of the enforcement notice, the Head of Legal and Property Services be authorised to commence court proceedings against the owner under section 179 of the Town and Country Planning Act 1990.

40. SIX MONTHLY UPDATE ON HOUSING APPROVALS

The Sub-Committee received the report of the Head of Planning and Strategic Housing outlining the number of houses approved at each sub-committee meeting during the previous six month period.

RESOLVED: That the report be noted.

The meeting closed at 5:40pm.

CHAIRMAN