

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of a Meeting of the
LOWLANDS AREA PLANNING SUB-COMMITTEE
Held in Committee Room I, Council Offices, Woodgreen, Witney, Oxon
At 2.00 pm on Monday 14 December 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: Miranda Clark, Sarah De La Coze and Paul Cracknell

46. MINUTES

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

47. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

There were no apologies for absence or temporary appointments.

48. DECLARATIONS OF INTEREST

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

49. 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:-

15/03148/OUT; 15/03165/FUL; 15/03618/FUL; the Mason Arms, South Leigh;
15/03798/FUL; 15/03899/LBC; 15/03983/HHD and 15/04042/S73

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

3 15/03148/OUT Land West of Thornbury Road, Eynsham

It was noted that, whilst Mr Charles Mathew had registered to speak on this proposal, he had decided to refrain from doing so at this juncture as the application was not before Members for determination.

The Development Manager presented his report and advised Members that the application could not be determined in the absence of further information. He invited Members to comment on the application and highlight any particular issues they would wish to see addressed in a final report.

Mr Handley indicated that he considered development of the site would be feasible but that access should be provided to the north of the site to enable it to link with potential future development. He suggested that it would be preferable for the site to form part of a comprehensive development and questioned the impact of this development on the Council's housing land supply.

Notwithstanding the fact that the Highway Authority had raised no objections, Mr Haine expressed his concern over the impact of the additional traffic generated by the proposed development on the amenity of residents of Witney Road. He suggested that it would be preferable to see access for a comprehensive development scheme being taken from the A40.

Mrs Crossland concurred, indicating that the site should form part of a larger development with appropriate highway infrastructure rather than being considered in isolation. Whilst supporting the principle of development, Mrs Crossland suggested that a more appropriate access to the site could be constructed elsewhere.

In proposing that consideration of the application be deferred pending receipt of additional information, Mr Kelland also expressed concern over the proposed access and supported the call for a more comprehensive scheme.

Sir Barry agreed that the access currently proposed for the development was unsuitable and acknowledged the potential for further development in the vicinity. However, he also expressed concern over the possibility of access being taken directly from the A40.

Mr Howard expressed his support for a comprehensive development and cautioned that the current proposals would force additional traffic through the already congested centre of the village.

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

Deferred

The Development Manager introduced the application.

Mr Graham Shelton, the Chairman of the Northmoor Parish Council, addressed the meeting in support the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

Mr Charles Bull, the applicant, then addressed the meeting in support the application. A summary of his submission is attached as Appendix B to the original copy of these minutes. In response to a question from Mr Kelland, Mr Bull advised that it was intended that the construction work would be undertaken by a single local builder as the neighbouring landowner did not wish the project to extend over a protracted period. Mr Bull also confirmed that no jobs would be lost as a result of the redevelopment of the site.

The Development Manager then presented his report containing a recommendation of refusal. He noted that there was no offer of Affordable Housing associated with the application and indicated that the question of a reduction in HGV traffic had been considered at the previous appeal and not considered to be sufficient of itself to warrant the grant of planning permission as such an argument would apply to any similar employment site. The Development Manager made reference to the applicant's offer of a financial contribution to the Parish Council as detailed in the report of additional representations and indicated that Officers did not consider this to be sufficient to outweigh the potential harm arising from the development.

In proposing the Officer recommendation of refusal, Mrs Crossland acknowledged that the application was finely balanced. The recommendation of refusal was seconded by Mr Haine.

Mr Enright noted that the scheme had the support of the local council and suggested that the development proposed would meet the needs of the new digital economy.

Mr Good concurred, indicating that a development of this nature would enable local residents to take full advantage of the high speed broadband facilities secured by the village.

Mr Langridge, Mrs Fenton, Mr Howard and Mr Norton expressed their support for the development and, on being put to the vote, the recommendation of refusal was lost.

The Development Manager invited Members to consider the particular circumstances that warranted policy being set aside in this instance.

Mr Good indicated that there would be no loss of employment as a result of the change of use of the site as, other than that generated by the applicant's business which was to be relocated; the remainder of the site was used for storage rather than employment generating uses.

Mr Enright expressed his support for the live/work element of the scheme, indicating that this would protect the retention of employment use on the site. He acknowledged that there was currently little employment on the site and noted that the application had the support of the Parish Council.

Sir Barry suggested that the scheme would be of benefit to the local economy, reduce heavy goods vehicle traffic on rural roads, support the take up of high speed broadband and facilitate home working. The financial contribution to the Parish Council would contribute to the development of the Business Hub at the village hall and the proposed development would enhance the appearance of the conservation area.

For the reasons outlined above it was proposed by Mr Good and seconded by Mrs Fenton that the application be approved subject to the applicants making the proffered financial contribution to the Parish Council. On being put to the vote the recommendation of conditional approval was carried.

Permitted subject to the applicants making the proffered financial contribution to the Parish Council and to such conditions as the Head of Planning and Strategic Housing considers appropriate.

21 15/03618/FUL Land North of Glebe House, Broadwell

The Development Manager introduced the application.

Professor Bernard Tinker addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

Mr Mike Hough, the Chairman of the Parish Meeting then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix D to the original copy of these minutes. In response to a question from Mrs Crossland, Mr Hough advised that 25 objections had been raised within the Parish from a total of 35 households in the settlement.

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

The Development Manager presented his report and confirmed that, whilst the application had been registered with the suffix for full planning permission it was for reserved matters, the principle of development on the site had been previously approved.

He indicated that condition 11 should refer to the provision of boxes for wildlife and, in response to a question from Mr Handley, the Development Manager advised that the wall to the frontage of the plot was constructed to a height of some five feet.

The Officer recommendation of conditional approval was proposed by Mr Handley and seconded by Mr Eaglestone. Mr Langridge expressed his support for the development and was pleased to note that there had been good communication between all parties during the application process, the applicant having revised the scheme in an effort to address the concerns expressed by local residents. Mrs Crossland concurred.

In response to a question from Sir Barry, it was confirmed that the proposed development had been relocated by some two metres and was now situated some four metres from the boundary of the adjacent property. Sir Barry questioned how the legal agreement requiring surplus funds from the sale of the plot to be reinvested in the adjacent public house. It was explained that the funds were held in an escrow account and could only be applied to purposes agreed by the Council to recapitalise the pub business. Whilst there could be no guarantee that the business would recommence trading, the owners would not be able to benefit from the sale other than by investing in the business. The public house would be protected against applications for a change of use through the planning process.

In response to concerns expressed by Mr Howard regarding the possibility of the future construction of additional garaging, the Development Manager advised that it was recommended that permission be conditioned to remove permitted development rights. In any event, there was sufficient space for additional car parking on the site.

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

Permitted, condition 2 to refer to revised plans submitted on 3 December 2015 and condition 11 to the provision of boxes for wildlife.

30 15/03798/FUL Chequers Inn, 47 Corn Street, Witney

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

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

Refused

35 15/03899/LBC Chequers Inn, 47 Corn Street, Witney

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

Listed Building Consent be refused

39 15/03919/FUL The Old Bull Inn, Filkins

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

45 15/03983/HHD 78 Richens Drive, Carterton

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

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

Permitted

48 15/04042/S73 Morrisons, 20 Black Bourton Road, Carterton

The Development Manager presented his report and reported receipt of the observations of the Town Council, together with those of the applicant's agent.

The Officer recommendation of refusal was proposed by Mrs Crossland and seconded by Mr Howard.

In response to a question from Sir Barry, the Development Manager advised that there were no similar restrictions placed upon the Asda store in the town. Mr Howard noted that the location of the storage yard and goods inward facility was such that it was likely that this application would have a greater impact upon nearby residential properties.

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

Refused

50. 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 a planning appeal decision was received and noted.

51. UPDATE AS TO PLANNING POSITION AT THE MASONS ARMS, SOUTH LEIGH

Consideration was given to the report of the Head of Planning and Strategic Housing updating the sub-committee as to the current planning position regarding various matters at the site.

Mr Langridge thanked Officers for the report and expressed his support for its conclusions. He went on to question the timescale for the submission of the projected planning applications. The Development Manager advised that, following discussions with the applicant's agent, it was expected that applications would be submitted in the first weeks of the New Year.

Mr Handley expressed his concern over the impact of the separation of elements of the property on the viability of the business. The Development Manager explained that this would need to be assessed in light of the information provided in the forthcoming applications.

In response to concerns expressed by Sir Barry, the Development Manager advised that, in addition to identifying a breach, the Council needed to consider whether it was expedient to take enforcement action. There was no active breach at present and the applicant's contention that separation of the site would not impact adversely on the viability of the business could be tested through the application process. The Development Manager advised that, should the expected applications not be forthcoming, arrangements would be made for an enforcement report to be considered at the next available meeting of the Sub-Committee.

Mr Howard suggested that the previous operation of the public house had prejudiced the viability of the business and Mr Haine suggested that permission for the separation of the site ought not to be permitted until the pub was in operation.

Mr Good noted that there had been significant changes in pub operation, indicating that an increased scale of operation was now necessary to ensure financial viability. He suggested that it was likely that there would be a change in the nature of the premises if financial viability was to be assured.

RESOLVED: That the update report be noted.

The meeting closed at 4:40pm.

CHAIRMAN

Post Committee Note:

At the following meeting, Sir Barry advised that he had received correspondence from local residents expressing concern that the minutes failed to adequately reflect two issues in relation to the update report as to the planning position at the Mason Arms, South Leigh (Minute 51 refers).

The first related to discussion regarding the Council's response to an allegation that false information had been provided in support of an application for a Certificate of Lawful Use or Development. The second related to the timing of the submission of an enforcement report should an application for planning consent fail to materialise within the expected timeframe.

*The Development Manager advised that, whilst there had been some discussion surrounding the former issue, it had not been germane to planning matters. The Council's Principal Democratic Services Officer advised that it was not the Council's practice to produce minutes of narration, the minutes forming a record of the Sub-Committee's decisions, not discussion. Sir Barry suggested and it was **AGREED** that the minutes of the meeting held on 14 December 2015 be amended to record that a discussion regarding the Council's response to an allegation that false information had been provided in support of an application for a Certificate of Lawful Use or Development had taken place but that no decision had been made.*

With regard to the submission of an enforcement report, the Development Manager advised that he considered the minutes as drafted an accurate reflection of his comments. He had indicated that should the expected applications not be forthcoming, arrangements would be made for an enforcement report to be considered at the next available meeting of the Sub-Committee. He explained that reports for the January meeting were prepared by 5 January at which stage it could not be known if an application would be forthcoming.

The Development Manager gave an undertaking that, should a planning application not be submitted by 20 January, an enforcement report would be submitted to the next meeting, scheduled to be held on 15 February.