

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 18 January 2016

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: Phil Shaw, Abby Fettes, Sarah De La Coze and Paul Cracknell

52. MINUTES

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.

RESOLVED: that, subject to the amendment set out above, the Minutes of the meeting of the Sub-Committee held on 14 December 2015, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

53. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Mr Enright offered his apologies for his late arrival at the meeting having been delayed by a business appointment. There were no other apologies for absence or temporary appointments.

54. DECLARATIONS OF INTEREST

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

55. 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:-

15/03505/RES; 15/03956/FUL; 15/04071/FUL; 15/03933/FUL and 15/04061/OUT

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

3 15/03505/RES Land North of New Road, Bampton

The Planning Officer introduced the application and drew attention to the proposed conditions set out in the report of additional representations.

Mr Guy Wakefield, the applicant's agent, then addressed the meeting in support 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 Wakefield advised that the number of parking courts proposed had been reduced in favour of on-plot parking.

The Planning Officer then presented her report and recommended that the Head of Planning and Strategic Housing be authorised to approve the application subject to no material concerns being raised by the Highway Authority, to the conditions set out in the report of additional

representations and to such other conditions as may be requested by the Highway Authority.

Whilst expressing his disappointment at the reduction in the percentage of affordable housing to be provided on the site from 50% to 40%, Mr Barrett proposed the recommendation. In seconding the recommendation, Mr Langridge enquired further as to the Parish Council's comments regarding the removal of conditions imposed on the earlier outline consent. In response, the Planning Officer confirmed that the conditions related to the previous application and explained that the ecology condition had effectively been applied twice and the phasing condition removed by the planning Inspectorate on appeal.

Sir Barry welcomed the proposed mix of dwellings based upon three or fewer bedroomed properties, indicating that there was a need for this type of housing in the District. He questioned whether the move from parking courts to on-plot parking had any impact on overall provision and the Planning Officer confirmed that there had been no reduction in the overall number of spaces available as a result. Sir Barry went on to question the necessity of a three storey element within the development. The Planning Officer explained that the three storey building was located centrally within the site and was envisaged as a focal point within the development. It would be seen in the context of the surrounding development, not from the frontage of the site. The Development Manager noted that, given the dormers and accommodation in the roof, the height and design of the proposed building was more two and a half storey than three.

Mr Howard questioned whether a single access to the site was adequate and whether, given the topography, there were any concerns over potential flooding during prolonged periods of heavy rain. In response, the Planning Officer advised that the access to the site had been approved at the outline stage and the Highway Authority had raised no objection. Similarly, the drainage scheme had been considered acceptable by the technical consultees and approved at outline.

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

RESOLVED: That the Head of Planning and Strategic Housing be authorised to approve the application subject to no material concerns being raised by the Highway Authority, to the conditions set out in the report of additional representations and to such other conditions as may be requested by the Highway Authority.

7 15/03933/FUL Land South Of New Yatt Lane, New Yatt

The Planning Officer presented her report.

In proposing the Officer recommendation of refusal, Sir Barry expressed some concern that work had commenced on the site, requesting that

Officers ensure that any work carried out was in accordance with the approved consent.

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

Refused

10 15/03956/FUL The Coach House, Willowbank, 4 Oxford Road, Eynsham

The Development Manager introduced the application.

Mr Stephen Chance, the applicant's agent, read a statement on behalf of his client and addressed the meeting in support of the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

The Development Manager then presented the report. He made reference to the concerns outlined in the report of additional representations regarding the lack of detail in the elevational drawings accompanying the application and the potential for the proposed parking arrangements to result in the loss of tree cover within the site.

The Development Manager advised that the Sub-Committee could authorise the Head of Planning and Strategic Housing to approve the application subject to the satisfactory resolution of these concerns. Conversely, Members could defer consideration of the application pending the submission of more detailed elevations to be submitted and the parking arrangements to serve the 'Garden House' to be revised such that the trees within the site are not adversely affected by the development proposal.

Mr Kelland indicated that he would wish to see the revised proposals and proposed that consideration of the application be deferred. In seconding the proposition, Mrs Crossland indicated that she was of the opinion that a development of this nature was acceptable in principle but that further detail was required. Sir Barry and Mr Langridge concurred and on being put to the vote the recommendation of deferral was carried.

Deferred pending the submission of more detailed elevations to be submitted and the parking arrangements to serve the 'Garden House' to be revised such that the trees within the site are not adversely affected by the development proposal.

19 15/04061/OUT Land South Of Stanmore Crescent, Carterton

The Development Manager presented his report and drew attention to the observations of the applicant's agent set out in the report of additional representations. He recommended that the Head of Planning and Strategic

Housing be authorised to approve the application subject to the satisfactory resolution of the following outstanding issues:-

1. Improvement of retained housing
2. Street Scene Improvements
3. Development of a mechanism to ensure that the highway network is built out
4. Agreement on the level of developer contributions and affordable housing

Given its age, design and construction, Mr Howard questioned whether it would be cost effective to seek improvement of the retained housing. He went on to raise concerns with regard to the existing sewage network and the need to address problems beyond the boundary of the site, the need for clarity as to the Town Council's requirements and the potential impact on house prices of excessive developer contributions. Mr Howard also questioned the proposed mix of dwellings, suggesting that there was a need for a few larger properties in the town and taking issue with the CPRE's position that there should be a greater proportion of smaller dwellings on the site. Given the existing and former use for housing, Mr Howard questioned the need for the conditions requested by the Council's Environmental Health Service and, in conclusion, cautioned against the impact of the sudden loss of existing short term temporary tenancies on the Council's Housing Service.

Mr Howard then proposed that the Head of Planning and Strategic Housing be authorised to approve the application subject to the satisfactory resolution of the following outstanding issues as detailed above.

In seconding the proposition, Mrs Crossland concurred with the comments made by Mr Howard. She emphasised the need to improve the sewage system throughout the town and agreed that it might be false economy to seek to improve the retained properties.

From discussions with local estate agents Mrs Crossland had concluded that there was indeed a demand for more five bedroomed properties in the town and requested that Officers explore the possibility of adding such larger properties to the housing mix.

Mrs Crossland also suggested that any delegation should be exercised in consultation with the Chairman of the Sub-Committee. Mr Howard agreed to incorporate this in his proposition. Mr Robinson indicated that he would also wish to see the Vice-Chairman consulted as one of the local representatives.

Mr Handley questioned how many properties would be constructed on the whole of the former MOD land. He stated that he was disappointed at the

length of time that had elapsed before a planning application coming forward and expressed the hope that a reserved matters application would come forward and development commence without further delay.

Sir Barry advised that it was not certain how many homes would be provided in total and the Development Manager explained that the land had only recently been transferred to the developers by the Ministry of Defence. Sir Barry noted that the existing 54 properties had been let on a short term temporary basis and went on to express concern that the Council would be under an obligation to re-house the tenants currently resident on the site. The existing residents were not service personnel and those on short term tenancies had received Notice to Quit and Sir Barry suggested that many would look to move on within the private rented sector. Mr Howard indicated that the Council's Housing Service had been made aware that tenancies were likely to be terminated during the current month and noted that the Local Plan envisaged some 600 properties would be constructed on former MOD land in the town. With this level of development it was essential to ensure that the supporting infrastructure network was adequate.

Sir Barry stressed the importance of ensuring that the Housing Service was kept abreast of developments.

The Recommendation was then put to the vote and was carried.

RESOLVED: that the Head of Planning and Strategic Housing be authorised to approve the application in consultation with the Chairman and Vice-Chairman of the Sub-Committee, subject to the satisfactory resolution of the following outstanding issues as detailed above.

28 15/04071/FUL Land At Newland Street, Eynsham

The Planning Officer introduced the application.

Mrs Beth Wood addressed the meeting in opposition to the application. A summary of her submission is attached as Appendix C to the original copy of these minutes.

At the request of the Chairman, the Development Manager explained that, whilst the Local Planning Authority could reject an application submitted within two years of an appeal, it could not do so on the basis that the previous reasons for refusal had not been addressed. An application could only be rejected if there had been no material change in circumstances and, given the pace of change in the national planning landscape; it was difficult for a planning authority to demonstrate that this was the case.

The applicant's representative, Mr Henry Chopping, 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 presented her report and the Development Manager expanded upon the planning assessment.

Mr Kelland indicated that he considered the proposed development was over-intensive and lacked a coherent layout. He considered that a less intensive development would be acceptable but expressed some doubt over the proposed public access arrangements, suggesting that the freehold of the orchard should be transferred to the Parish Council.

The Officer recommendation of refusal was proposed by Mr Kelland and seconded by Mrs Crossland who expressed concern over the proposed parking arrangements on the site and considered the layout to be contrived. Mr Handley indicated that he too was unable to support the current application.

Mr Langridge expressed sympathy with the applicant's frustrations and sought clarification of the Highway Authority's position. It was explained that the Highway Authority had no objection to the development and that refusal had not been recommended on highway grounds. Whilst he acknowledged that the scheme could be improved, Mr Langridge indicated that he was minded to approve the application.

(Mr Enright joined the meeting at this juncture)

Mr Haine advised that, whilst he considered that the site could be developed, he was unable to support the current application.

The Chairman noted that Members had expressed a variety of individual opinions as to what form of development might be considered acceptable on the site and, in order to assist the applicants in revising their proposals, invited the Development Manager to outline his thoughts on the matter.

The Development Manager suggested that the key requirements of a successful scheme were the protection of views to Highcroft House, the protection of the setting of this listed building and the conservation area, the retention of the substantial and attractive wall and tree belt to the frontage of the site and the minimisation of the impact of the development upon existing dwellings.

To this end, the Development Manager suggested that relocating the proposed access to the side of the site would retain the open frontage, maintain views over the site and minimise the impact of the scheme on existing properties. The Chairman reminded Members that the Sub-Committee could only determine the application as submitted.

Mr Good expressed some sympathy towards the developer, indicating that he believed that the site could be developed. He thanked the Development Manager for his views and expressed the hope that an appropriate scheme could be devised on the basis he had suggested. Sir Barry concurred, stating that he too believed the site could be developed but that it was

essential that the development was in the right form. There was little open space in Eynsham and it was important to ensure that as much as possible was retained. Sir Barry outlined his own concerns over the proposed arrangements for public access and expressed his preference for the transfer of the freehold to the Parish Council.

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

Refused

56. 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 planning appeal decisions was received and noted.

57. PROGRESS ON ENFORCEMENT CASES

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing regarding progress on enforcement cases.

57.1. The Saddlers Arms, New Yatt

Mr Langridge expressed the hope that enforcement action in respect of this breach of planning control could proceed without delay.

57.2. 1 – 3 West End, Witney

In response to concerns expressed by Mr Howard with regard to the structural integrity of the façade of this property, the Development Manager advised that this matter was in the hands of the Council's Building Control Service.

57.3. 27 Cherry Tree Way, Madley Park, Witney

Sir Barry advised that he had received correspondence from the occupier of this property but had not responded whilst the complaint remained under investigation.

57.4. Lower Farm, Lew

The Development Manager advised that an application for permission to use these properties as holiday lets was to be submitted. It was expected that this could be considered favourably as such a use would be policy compliant.

57.5. Mason Arms, South Leigh

Sir Barry advised that he had been in correspondence on this issue with local residents and the Parish Council. He confirmed that the Council continued to progress this matter in terms of both planning legislation and that relating to the registration of assets of

community value and would continue to do all it could to ensure compliance with local plan policies. He recognised that this was a difficult case and reiterated that the Council was proceeding as expeditiously as possible but could only act as fast as the legislative constraints under which it operated would allow.

The Development Manager advised that the Parish had submitted a further application for the registration of the premises as an asset of community value and this was to be determined by Officers in consultation with the relevant Cabinet Member during the course of the week. In terms of the alleged breach of planning control he advised that the Council had plenty of time in which to act but stressed that it was essential that the Council was apprised of all the relevant facts before a decision was made. The best way in which to do so was through the submission and determination of a planning application based upon fact rather than hearsay.

The Council's aim was to safeguard the future of the premises as a pub and to take precipitous enforcement action could be prejudicial to this objective as it could discourage potential future operators. The Council needed to proceed in a measured and thoughtful manner; not act in haste.

Sir Barry noted that differing opinions had been expressed by Members at the last meeting as to the impact of the division of the premises on their desirability and viability as business and emphasised that this issue had to be addressed. The Development Manager confirmed that the applicants would have to address the impact of the division on the potential of the premises to trade and the viability of the business. The Sub-Committee would then have the opportunity to assess this on the basis of the information provided.

RESOLVED: That the information provided in the report be noted.

The meeting closed at 4:10pm.

CHAIRMAN