

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 15 February 2016

PRESENT

Councillors: W D Robinson (Chairman); M A Barrett; H B Eaglestone; P Emery;
Mrs E H N Fenton; S J Good; J Haine; H J Howard; P D Kelland; R A Langridge;
and A H K Postan

Officers in attendance: Kim Smith, Miranda Clark, Phil Shaw and Paul Cracknell

58. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 18 January 2016, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

59. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr D S T Enright and Mr P J Handley and the Chief Executive reported receipt of the following resignations and temporary appointments:-

Mr A H K Postan attended for Mrs M J Crossland
Mr P Emery for Sir Barry Norton

The Chairman advised that Mr Handley and Sir Barry Norton were unwell and Members and Officers joined him in sending their good wishes for a speedy recovery to both.

60. DECLARATIONS OF INTEREST

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

61. 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:-

15/03956/FUL, 15/04200/FUL, Mason Arms, South Leigh, 15/04452/FUL and 15/04506/S73

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

3 15/03956/FUL The Coach House, Willowbank, Eynsham

The Planning Officer introduced the application and advised Members that revised plans had been submitted by the applicants.

Mr Mike Nightingale, the applicant, then 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.

The Planning Officer then presented her report. She advised Members that the revised application addressed the concerns expressed at the last meeting and recommended that the application be approved subject to the conditions set out in the report of additional representations.

In proposing the Officer recommendation of conditional approval Mr Langridge complimented the applicant on the design. The proposition was seconded by Mr Kelland.

In response to a question from Mr Howard, the Planning Officer confirmed that no trees would be lost as a result of the relocation of parking provision.

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

Permitted subject to the following conditions:-

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. Before above ground building work commences a schedule of materials (including samples) to be used in the elevations and on the roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
Reason: To safeguard the character and appearance of the area.

4. Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, rooflights, dormer windows, solar panels at a scale of not less than 1:20 with sectional details at not less than 1:5 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details and retained as such.
Reason: In the interests of the visual amenity of the area.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no alterations, extensions or outbuildings other than those expressly authorised by this permission, shall be constructed.
Reason: Control is needed in the interests of visual and residential amenity.
6. The development hereby approved shall be constructed on a combination of piled and rafted foundations in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: In the interests of Archaeology.
7. That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme 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 ensure the safeguarding of the character and landscape of the area during and post development.
8. Notwithstanding any indication contained in the application, a detailed schedule of all hard surface materials, shall be submitted to and approved in writing by the Local Planning Authority before any hard surfacing work commences. The surfaces shall be constructed in accordance with the approved details before occupation of any associated building.
Reason: To safeguard the character and landscape of the area.

9. No development (including site works and any demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
Reason: To ensure the safeguard of features that contribute to the character and landscape of the area.
10. Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
Reason: To safeguard and enhance biodiversity.
11. Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the dwellings hereby approved are first occupied.
Reason: To safeguard the character and appearance of the area and because details were not contained in the application.
12. No dwelling shall be occupied until space has been laid out within the curtilage of each dwelling for 2 cars to be parked and such spaces shall be retained solely for parking purposes thereafter.
Reason: To ensure that adequate provision is made for off-street parking.
13. A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for the design. The development shall be carried out in accordance with the approved details prior to first occupation of the development hereby approved. Development shall not take place until an exceedence flow routing plan for flows above the 1 in 100 year + 30 % CC event has been submitted to and approved in writing by the LPA. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

Reason: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

14. Before first occupation of the 'Garden House' the dormer window(s) on the south elevation shall be fitted with obscure glazing and shall have limited openings in accordance with details to be first approved in writing by the LPA and the dormer windows shall be retained in that condition thereafter.

Reason: To safeguard privacy in the adjacent property.

15. Notwithstanding any indication given on the plans hereby permitted, the rooflights in the south facing elevation of the 'Garden House' shall have a minimum internal cill height of 1.7 metres above finished floor level and shall thereafter be retained as such.

Reason: To safeguard privacy in the adjacent property.

16. Notwithstanding the application drawings details the balcony enclosure to serve 'The Cottage' shall be submitted to and approved in writing by the LPA prior to first occupation of 'The Cottage' and the balcony enclosure shall be constructed and retained in accordance with the said approved details.

Reason: In the interests of visual and residential amenity.

10 15/04200/FUL 26 High Street, Witney

The Planning Officer introduced the application.

Mr Grant Littler, the applicant's architect, 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.

The Planning Officer then presented her report and advised Members that, whilst the applicants had provided sufficient evidence to show that the current retail market could not support the larger unit for retail use, the application before Members was considered to be unacceptable for the reasons set out in the report. Accordingly, the Planning Officer recommended that the application be refused for the revised reasons set out in the report of additional representations.

In response to a question from Mr Howard, the Development Manager advised that, whilst a private service road had been constructed to the rear of the retail properties on the High Street to encourage servicing to be carried out from the rear, the majority of retail premises still took deliveries from the High Street frontage.

Mr Langridge recognised the concerns expressed by Officers regarding the lack of amenity afforded by the proposed unit but suggested that it was for any future occupier to judge whether the accommodation provided was suitable for their needs. Mr Good concurred, noting that pressure to lop or fell the trees to the rear of the site could be resisted given that they were protected by a Tree Preservation Order.

The Development Manager acknowledged the comments but suggested that, in an area of high demand for housing, the proposed property would be likely to find a buyer. However, planning legislation had been enacted with the intention of precluding the construction of sub-standard accommodation. In addition, the concerns expressed by the Environment Agency regarding flooding had not been addressed and the Development Manager cautioned against approving the application contrary to the Environment Agency's advice.

In response to a question from Mr Haine, the Planning Officer explained that concern over noise and disturbance was related to the use of the service road, the proximity of the parking areas serving the units previously approved and the use of the footway adjacent to the site.

The Officer recommendation of refusal was then proposed by Mr Haine and seconded by Mr Barrett.

Mr Emery recognised Mr Langridge's argument but considered that there was a need to maintain a minimum standard. In response to a question from Mr Emery, the Chairman advised that no parking was to be provided on site but that the Highway Authority had raised no objection given its town centre location.

In response to a question from Mrs Fenton, the Planning Officer confirmed that the rooms were of a reasonable size.

Mr Langridge indicated that, whilst the site might lie within flood zone 2, he had never seen it flood. He indicated that there was a shortage of affordable properties in the area and suggested that the proposed development could help to address this.

Mr Good indicated that whilst he understood Mr Langridge's position, on reflection, he was persuaded to support the Officer recommendation on the basis of the Environment Agency's advice. Mr Howard suggested that climate change and global warming were likely to exacerbate flooding problems.

Mr Postan suggested that, given that activity in the vicinity during the evening was limited, the introduction of residential accommodation in the town centre could provide security and revitalise the area. He believed that an innovative design solution could offer an appropriate form of development of the site.

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

Refused for the following reasons:-

1. By reason of the limited level of amenity afforded to the proposed unit of accommodation in terms of light, private amenity space, noise and disturbance it is considered that the proposal would adversely affect the residential amenities of future occupiers. The proposal is therefore contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011, and Policies H2, OS4 and OS2 of the Emerging West Oxfordshire Local Plan 2031, and the relevant provisions of the NPPF.
2. The proposed residential unit could entail future extensive works to, and potentially result in the loss of the adjacent mature trees, some of which are protected by a Tree Preservation Order, due to the proximity of the terrace/patio area. The loss of any of the trees would significantly erode the visual amenity and character of the locality and the Witney Conservation Area. The proposal is contrary to Policies BE2, BE5, and NE6 of the adopted West Oxfordshire Local Plan 2011, and Policies OS2, EH7, and EH1 of the Emerging West Oxfordshire Local Plan 2031, and the relevant provisions of the NPPF.
3. It has not been demonstrated to the satisfaction of the LPA that alternative lower risk flooding sites have been investigated for residential occupation and as such, as the application site lies within Flood Zone 2, the proposal is contrary to the relevant paragraphs of the NPPF and the Sequential Test and Policy EH5 of the Emerging West Oxfordshire Local Plan 2031.

(Mr Langridge requested that his abstention from voting on the above application be so recorded)

15 15/04452/FUL Unit 26 Windrush Park Road, Witney

The Development Manager presented his report containing a recommendation of conditional approval.

The Chairman noted that, in Witney, all existing units of the type proposed were occupied suggesting that there was a strong demand for similar accommodation.

In response to a question from Mr Haine, the Development Manager advised that the existing tenants of the premises to be demolished to facilitate the new development were to be offered the opportunity to relocate elsewhere on the site.

The Officer recommendation was proposed by Mr Haine and seconded by Mrs Fenton.

In response to a suggestion from Mr Howard it was agreed that a further condition requesting details of the ecological measures to be incorporated into the development be included.

On being put to the vote the recommendation was carried.

Permitted subject to the following additional condition:-

8. Prior to any above ground works being undertaken full details of the measures for energy and water saving to be employed shall be submitted to and approved in writing by the LPA and the said agreed measures shall be implemented in full prior to first use of any of the buildings and retained in place thereafter.

Reason: To minimise energy and water waste and promote sustainable energy production.

19 15/04506/S73 Park Farm, Standlake Road, Northmoor

The Development Manager presented his report containing a recommendation of conditional approval.

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

Permitted subject to the applicants entering into a legal agreement to transfer the package of developer contributions previously agreed to this revised application and to the conditions set out in the report.

62. 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.

63. UPDATE ON PROGRESS ON ALLEGED BREACH OF PLANNING CONTROL- SUB-DIVISION OF SITE – MASON ARMS, SOUTH LEIGH

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing updating the Sub-Committee of the current situation and progress in respect of the alleged breach of planning control at the Mason Arms, South Leigh.

The Planning Officer advised that, since publication of the agenda, a planning application had been submitted and, therefore, no further action was required at present.

It was proposed by Mr Langridge and seconded by Mr Kelland that no further action be taken at this juncture.

In response to a question from Mr Postan, the Planning Officer advised that the breach of planning control had been occasioned by the physical sub-division of the single storey range of buildings attached and located to the rear of the Mason Arms from the pub building on the site frontage the creation of a separate access and curtilage from the pub.

Mr Postan indicated that enforcement was a crucial aspect of the planning process and requested that any breach of planning control on the site be vigorously pursued.

The Development Manager assured Mr Postan that Officers were fully aware of the sensitivity of the site and indicated that the Council wished to see the recently submitted planning application as a forum for public consultation.

RESOLVED: That it is not expedient to take formal action in respect of the alleged breach of planning control at this juncture in light of the submission of a planning application seeking to secure planning permission for the sub division of the site.

(Mr Emery and Mr Postan requested that their abstention from voting on the above matter be so recorded)

The meeting closed at 2.55pm.

CHAIRMAN