

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the Meeting of the  
**LOWLANDS AREA PLANNING SUB-COMMITTEE**  
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon  
at 2:00 pm on Monday 13 March 2017

PRESENT

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

Officers in attendance: Catherine Tetlow, Miranda Clark, Phil Shaw and Paul Cracknell

63. MINUTES

**RESOLVED:** that the Minutes of the meeting of the Sub-Committee held on 9 January 2017, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

64. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs J C Baker and the Head of Paid Service reported receipt of the following resignations and temporary appointments:-

Mr E J Fenton for Mr J F Mills  
Mr A H K Postan for Mr P D Kelland

65. DECLARATIONS OF INTEREST

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

66. 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:-

16/03415/OUT; 17/00060/FUL; 17/00269/OUT; 16/03691/FUL; 16/04121/POB;  
17/00102/HHD and 17/00276/FUL.

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

3 I6/03415/OUT Land East of Mount Owen Road, Bampton

The Principal Planner introduced the application and drew attention to the further observations set out in the report of additional representations.

Mr Trevor Milne Day addressed the meeting on behalf of the Society for the Protection of Bampton in opposition to the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

Mrs Jacky Allinson then addressed the meeting on behalf of the Bampton Parish Council in opposition to the application. A summary of her submission is attached as Appendix B to the original copy of these minutes.

In response to a question from Mr Enright, Mrs Allinson explained that, whilst settlements with sites allocated within the emerging local plan had the opportunity to express their views on their merits through the local plan process, she believed that, given that there were no sites allocated in Bampton, the Community and the Parish Council had less opportunity to make their views known.

The applicant's representative, Mr Tim Burden, 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 Mrs Fenton, Mr Burden advised that the developers had agreed to the County Council's request to make a financial contribution towards public transport provision for a five year period. This approach mirrored that adopted in relation to the nearby site to be developed by Cala homes, the intention being to 'pump prime' the development of a commercially viable service.

In response to a question from Mr Good, Mr Burden advised that his contention that the proposed development would not give rise to significant and demonstrable harm was based upon the definition set out in Paragraph 14 of the National Planning Policy Framework. He stressed that the technical consultees had concluded that no such harm would be occasioned by the development.

In response to a question from Mr Postan, Mr Burden advised that the applicants had provided the Environment Agency with their Flood Risk Assessment. In considering this, the Environment Agency would have taken account of the potential flood risk to existing buildings.

The Principal Planner then presented her report containing a recommendation of conditional approval.

In response to a question from the Chairman, the Principal Planner explained that sustainable drainage schemes sought to ensure that, so far as possible, development gave rise to an equivalent drainage impact as a greenfield site through the use of ponds, swales and attenuation measures. In simple terms, rather than allowing surface water to run off hard surfaces into an existing drainage network, water was attenuated on site and released into the network as capacity allowed.

Whilst it was counter-intuitive, a sustainable drainage scheme could improve the situation on a greenfield site by addressing ponding on the site or overland flows. A sustainable drainage scheme would be designed to avoid a potential flood risk to surrounding areas.

The Chairman sought confirmation of her understanding that a sustainable drainage scheme would operate by creating capacity to retain water on site during periods of heavy rainfall and allowing it to drain slowly into adjacent water courses over a period of time. The Principal Planner confirmed that this was the case.

Mr Barrett questioned the sustainability of the proposed development. He indicated that it did not constitute infilling or rounding off but represented a precedent for further development on adjoining land. He stated that the site was not within the village envelope and suggested that the need to pump water and sewage from the proposed development was not sustainable.

Mr Barrett noted that Thames Water had been slow to complete the necessary infrastructure to serve development in Fox Close and reminded Members that the proposed drainage arrangements agreed in relation to the recent application for development at Saxel Close had relied upon the use of land outside the applicant's ownership which had not been secured. In that instance, the applicants had sought to vary the relevant conditions and Mr Barrett expressed the hope that, should the current application be permitted, the same would not be true.

Mr Barrett considered that it would be inappropriate to grant consent until such time as the local impact assessment requested by Thames Water had been carried out. He stressed the importance of differentiating between pluvial and fluvial flooding and indicated that, in 2007, some 90% of properties in flood zone I had been flooded. He advised that the local school feared that it would be unable to cope with the additional pupil numbers that development would generate and noted that it did not have sufficient land for further expansion beyond that envisaged to address demand from the Cala Homes site.

The local GPs' surgery was not able to cater for such an increased demand and the proposed bus service would not be commercially viable once the initial developer funding had been exhausted. Residents of the proposed development would commute for employment purposes generating significant additional traffic movements.

In conclusion, Mr Barrett indicated that he could not support the application; there was no local requirement for additional housing and the local community considered the development to be an imposition.

In response, the Principal Planner reminded Members that the County Council's response had not suggested that the site was not sustainable but had simply sought clarification on technical elements of the application.

Mr Enright noted that pluvial flooding experienced in 2007 had been the result of surface water run-off from the fields, since that time, measures had been taken to maintain existing water courses. The proposals for a sustainable drainage scheme appeared to be similar to those put in place during developments such as that in east Eynsham, the benefit of which had been evident. Mr Enright also sought further clarification on Mrs Allinson's suggestion that the Parish Council had been unable to engage in the Local Plan process.

In response, the Principal Planner advised that the Parish Council had been free to submit views on the Local Plan as participation in the process was not contingent upon there being a proposed allocation within the draft Plan. She acknowledged that development on this site would have been resisted by Officers in the past but changes in National Government policy had put pressure on all authorities to look at sites that had been rejected in the past. As part of that process, the current site had been identified as one that could be suitable for development within a 10 to 15 year timeframe.

In the Strategic Housing and Economic Land Availability Assessment the predicted delivery trajectory placed this particular site towards the end of the plan period. The Site was not within the Local Plan process and, in any event, the Plan had not been tested at Examination in Public. The site had been identified as suitable in the SHELLA and the Council was obliged to consider the application as currently submitted. Officers were content that development would not result in significant and demonstrable harm in the terms of the National Planning Policy Framework.

With regard to surface water drainage, the Development Manager advised that the proposed arrangements followed the same methodology to address the impact on how water exits the site as had been employed successfully in Eynsham and at the Marriotts Close development in Witney. Whilst it appeared to be counter intuitive to suggest that development could create an improvement, it offered the ability to build in extra storage capacity on the site.

Mr Good sought clarification from Officers as to the requirements of the NPPF which placed an obligation upon the Local Planning Authority to permit an application unless it resulted in substantial and demonstrable harm. Mr Good indicated that he considered the sustainability of the development to be questionable given the concerns expressed over parking, the capacity of the local school and GPs' surgery and the cumulative impact of this and the Cala homes site. He also made reference to the impact on the conservation area but acknowledged that, whilst this had been cited in relation to the Cala Homes application, the Planning Inspectorate had not been persuaded that this constituted grounds for refusal.

On the other hand, Mr Good also noted that the Council lacked a five year housing land supply and was therefore vulnerable to speculative applications such as this. Without grounds upon which to defend a refusal at appeal, there was a risk that the Council would lose control of the development process and any potential benefits that could be secured from the development through developer contributions.

The Chairman concurred, indicating that the application was indeed finely balanced.

Mr Handley indicated that he believed that the only potential grounds for refusal related to the lack of employment opportunities in the settlement (and contrasted this position with that of Carterton which welcomed development but had no sites allocated within the emerging Local Plan). He considered the proposed site to be an adjunct to the village which would have an adverse impact upon the immediate catchment area. In conclusion, Mr Handley acknowledged that the Council's Officers were in a difficult position as National Government policy failed to take adequate account of the impact of development on existing residents and questioned whether the Council would be able to defend a refusal on appeal.

With regard to the chances of successfully defending an appeal, the Development Manager indicated that, whilst Members could determine the application as they saw fit, the Council had already spent some £300,000 in external fees alone in attempting to defend planning appeals with no great success. The National Planning Policy Framework promoted housing delivery and, whilst he acknowledged that it would be a popular decision to refuse consent, the Development Manager cautioned that the cost of defending appeals outweighed the fee income received.

There was no technical evidence to support a refusal and a planning inspector would determine an appeal on material planning grounds alone. Where a Council could not demonstrate a five year housing land supply, the NPPF applied a tilted balance in favour of development. An application could only be refused where significant and demonstrable harm outweighed the benefits of development and, under the NPPF, the Government considered development to be beneficial in itself.

Changes in Government Policy pointed towards the Council having to increase housing delivery from some 5,500 properties to some 16,500 units over the Local Plan period and, whilst the Council had sought to argue that the current raft of applications was premature in an attempt to stagger delivery, this had been rejected at previous appeals. In consequence, to refuse the application, the Council would run the risk of having costs awarded against it.

The Principal Planner provided some additional advice with regard to the planning balance set out in Paragraph 14 of the NPPF. She explained that the presumption in favour of development could be negated by the existence of restrictive policy exceptions such as designation as an Area of Outstanding Natural Beauty or a Conservation Area or the site being located within an area of high flood risk. Whilst such restrictive policies had been relevant to the Gladman appeal on the site to the south of Aston Road, there were no such constraints in this instance.

Mr Emery thanked the Officers for their clarification of the relevant planning constraints and acknowledged the tilted balance in favour of development applied by the NPPF. However, he suggested that the concerns raised as to sustainability constituted demonstrable harm. In response, the Development Manager advised that the NPPF required evidence of significant demonstrable harm. Whilst the local GPs' surgery may have raised concerns, no objection had been made by the Clinical Commissioning Group as it supported the principle of patient choice. Whilst the issues raised were recognised as harms, they were not considered to be sufficient to outweigh the delivery of housing which the Government considered to be paramount.

Mr Emery questioned whether the cumulative impact of development in the vicinity could be taken into account and the Development Manager advised that this too had been argued at previous appeals without success.

Mr Howard indicated that the Council was in a difficult position and faced a major problem. He concurred with the concerns expressed by local residents and acknowledged that development in this location was undesirable. However, without a Local Plan in place and being unable to demonstrate a five year housing land supply, the Council would be unable to defend a refusal at appeal given current national planning guidance.

Mr Howard indicated that he was concerned about the proposed access arrangements as, with only a single point of access and egress, an incident in the vicinity of the junction could 'bottle up' the whole site. Consequently, he suggested that the layout should be revised to incorporate two points of access. He concurred with the concerns raised with regard to flooding and suggested that the developer contribution towards the provision of public transport would be insufficient to support the bus service proposed. The Development Manager indicated that the contribution was intended as a subsidy, not to meet the full cost of operation.

Mr Howard questioned whether the Council could refuse the application on the basis that the village was unable to sustain that level of development.

Mr Postan indicated that his own village had been flooded in 2007. Subsequently, an application for 700 homes had been approved nearby in Brize Norton so he understood the residents' concerns. However, the planning permission had not yet been issued as the associated legal agreement had yet to be completed. Mr Postan indicated that Members needed to consider their decision carefully. Given the Government's current position, the Council could not defend a refusal and could get less by way of developer contributions if the application was determined on appeal than through negotiation with the applicants.

It was important to address issues such as GP capacity, transport and flooding. In terms of flood attenuation, the position had improved since 2007 and appropriate measures could be incorporated into new-build projects that could not be applied in older properties. In order to address the concerns raised, the Council needed to ensure that stringent requirements were put in place.

Mr Postan advised that the design and layout of the proposed development was essential in securing integration with the rest of the community, explaining that this had not been achieved in the development at Shilton Park. In conclusion, Mr Postan suggested that the best way in which the Council could respond to local concerns was through the application of appropriate conditions.

Mr Fenton acknowledged the difficulty in identifying planning refusal reasons but explained that he knew that the GPs' Surgery and school were under pressure. There was already a significant development under construction in the village, the impact of which remained uncertain. Whilst it was possible that the current development proposals could be acceptable at some later stage, timing would be critical given that the impact of the Cala homes site was uncertain. The proposed development represented a significant increase in the size of the village and the cumulative impact of the two sites made it difficult to see how the local school would be able to cope with the additional pupil numbers. Flood risk and existing parking problems in the village were additional problems and Mr Fenton noted that, whilst the bus service would never be financially viable, it was essential and needed a subsidy.

Mr Langridge indicated that the Planning Sub-Committees had been placed in a similar position frequently of late. Members were well aware that such applications would not have come forward in the past and would have been resisted had they done so. Members remained of the view that such applications were not appropriate. Mr Langridge indicated that he considered the current application to represent an incursion into the open countryside and believed that it would have a detrimental impact upon the settlement.

However, in the absence of any technical evidence to substantiate the view that the development was unsustainable, the Council would be unable to sustain a refusal and the application would be allowed on appeal. There was an argument that growth would improve the sustainability of the settlement and Mr Langridge advised that, on balance, he could not identify a planning reason for refusal that would stand scrutiny at appeal.

Mr Haine concurred, indicating that, in recommending approval, the Council's Officers had stated the position clearly. There had to be sound, defensible planning grounds upon which to base a refusal and Mr Haine indicated that he was unable to identify any in either the existing or emerging Local Plan.

Mr Good indicated that, should the application be determined at appeal, the Council would lose control over the potential planning benefits that could be secured. The Development Manager confirmed that, if consent were granted, Officers could seek to secure the optimum level of benefit for the local community through negotiation. However, if the application was to be determined at appeal, the developer contributions would be those put forward by the applicants by way of a unilateral obligation and, as such, would seek to minimise any contributions to those required by law. The Council would be able to negotiate a better package of benefits than would be achieved should the application be determined at appeal.

Mr Good noted that development at Shilton Park in Carterton had secured a range of community facilities such as a community centre, hall, shops and parking and enquired whether it would be possible to secure similar facilities to the east side of the village. The Development Manager advised that such a requirement could not simply be added as it had not formed part of the original application and would have to be the subject of re-advertisement.

(Mr Handley left the meeting at this juncture)

Mrs Fenton advised that the footway leading to the site was not sufficiently wide to accommodate a double buggy. She also noted that Thames Water had identified problems with the foul sewer running from Aston to Bampton which employed a 9" diameter pipe that would have to be addressed.

Mrs Crossland acknowledged that this was not a desirable site for development and that Members would have preferred that it had not come forward at this time. The timing of development was critical and it would have been preferable if the Sub-Committee had been in a position to defer determination of the application. However, similar attempts had been unsuccessful in the recent past.

Mrs Crossland reminded Members of the need to be mindful of the fact that the Council was not providing sufficient homes and that it was likely that, should consent be refused, the applicants would be likely to submit an appeal which would be determined on planning merits alone. Should the appeal be allowed, the Council would lose all control.

Mrs Crossland sought to assure those members of the public present that the Council had the best interests of local residents at heart. It would be best if the Council's Officers were able to negotiate terms and conditions based upon local concerns to address these as far as possible. If the application was refused, this opportunity would be lost and Mrs Crossland entreated Members to consider their decision carefully.



Following this extensive debate the Officer recommendation was proposed and duly seconded with reluctance and on being put to the vote was carried.

Permitted subject to the conditions set out in the report and to the applicants entering into a legal agreement on the basis set out therein.

(Mr Barrett and Mr Fenton requested that their votes against the foregoing application be so recorded and Mrs Fenton requested that her abstention be also noted. Mr Barrett left the meeting at this juncture)

23 16/03427/FUL 49 Witney Road, Eynsham

The Planning Officer presented her report containing a recommendation of conditional approval. In response to a question from Mr Emery, she confirmed that the application as originally submitted had been amended and was now for a single dwelling only.

The Officer recommendation of conditional approval was proposed by Mr Langridge and seconded by Mr Enright and on being put to the vote was carried.

Permitted

27 16/04121/POB Land North of Burford Road, Witney

The Development Manager presented the report containing a recommendation of approval. In response to a question from Mr Postan, he advised that the obligation to carry out ecological management works under the agreement fell to the landowner, not the developers of the site. He emphasised that, in any event, the requirement would come to an end in July 2018.

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

**RESOLVED:** That the application to modify the planning obligation as detailed in the report be approved.

31 17/00102/HHD Glenden, 59 High Street, Standlake

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

Mrs Fenton made reference to the concerns expressed by the Parish Council that the proposed building could be occupied independently. Mr Good noted that the recommended conditions specified that the outbuilding could not be occupied as a separate dwelling. Mr Howard suggested that the relevant condition be amended to ensure absolute clarity in this respect.

The Officer recommendation, amended as suggested above, was proposed by Mr Postan and seconded by Mr Howard and on being put to the vote was carried.

Permitted subject to the amendment of condition No. 4 to read as follows:-

4. The outbuilding hereby permitted shall be used for purposes ancillary to the residential occupation of the existing dwelling currently known as Glenden, 59 High Street and shall not be occupied as a separate dwelling.

Reason: A separate dwelling in this location would represent an unacceptable and over-intensive form of 'backland' development which would be out of keeping with the character of the surrounding area.

36 I7/00060/FUL Land North of Paradise Farm, Bull Lane, Aston

The Planning Officer introduced the application.

The applicant's agent, Mr Martin Overbury addressed the meeting in support of 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 Mr Howard, Mr Overbury confirmed that the plot size was some 0.45 acres giving a density of development of nine to the acre.

In response to a question from Mr Good, Mr Overbury suggested that the perception of over-development on the part of Officers was subjective.

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

The Officer recommendation was proposed by Mr Langridge and seconded by Mr Emery.

Mr Enright enquired whether three dwellings relocated to the frontage of the site would be acceptable. In response, the Planning Officer advised that she would still have reservations over the lack of amenity space associated with the proposed dwellings.

Mr Good advised that he believed that an acceptable scheme could be devised to allow development on the site and indicated that he would have wished Members to consider undertaking a site visit.

Mr Howard concurred with Officers that the application as submitted represented an over-development of the site and Mr Postan suggested that it would be preferable if a scheme featuring smaller, more affordable, properties was brought forward.

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

Refused

43 I7/00269/OUT 10 Church View, Carterton

The Development Manager introduced the application.

The applicant's agent, Mr Stewart Miles, addressed the meeting in support of 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 Miles advised that, whilst he did not have exact details to hand, the proposed footprint of the development was similar to that of the existing dwelling.

The Development Manager then presented the report containing a recommendation of refusal.

The Officer recommendation was proposed by Mr Howard and seconded by Mr Good.

Mr Enright indicated that there was a mix of properties in the immediate vicinity, some of which had already had frontage conversions. Whilst there was a mixed pattern of parking in the area, Mr Enright acknowledged that this was a tight site.

Mr Postan stressed the need for smaller, more affordable dwellings and expressed support for the application.

Mr Langridge expressed support for the Officer recommendation, indicating that it was important to protect the character of the street.

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

Refused

48 17/00276/FUL Unit E, Ventura Park, Broadshires Way, Carterton

The Planning Officer introduced the application and advised Members that the County Council had confirmed that it had no objections to the application subject to the inclusion of appropriate additional conditions. In consequence, he recommended that the application be approved subject to the conditions set out in the report and to the additional conditions requested by the County Council.

In proposing the Officer recommendation of conditional approval, Mr Howard welcomed the application which would bring a prestige employer to the site and much needed local employment to the town. The proposition was seconded by Mrs Crossland who echoed the sentiments expressed by Mr Howard.

Mr Good thanked Officers for their work in developing this proposal and Mr Enright also expressed his appreciation. The Officer recommendation of conditional approval was then put to the vote and was carried.

Permitted subject to the following additional conditions:-

17. Prior to the first occupation of the development, a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. This car parking management plan shall specify that 92 out of the total of 172 spaces provided shall be allocated to employees of the site occupant who are on long-term assignment away from the site and will occupy the parking spaces for not less than 72 hours continuously.

Thereafter, the car parking management plan shall be implemented in accordance with the approved details. The conditions of this car parking management plan shall apply to the site in perpetuity.

Reason: In the interests of enabling the Local Planning Authority to allow the site occupant to provide vehicular parking that is in excess of their adopted maximum standards so as accommodate the bespoke business needs of the current site occupant.

18. Prior to the first occupation of the development hereby permitted, a plan showing the number, location and design of cycle parking for the site shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the agreed plan shall be provided for each phase of the development prior to first occupation of that phase of the development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

19. Prior to the first occupation of the development, a full workplace travel plan shall be submitted to and approved in writing by the Local Planning Authority. This travel plan shall be updated at a time three months from that date when the site is fully occupied and relevant employee travel data becomes available.

Reason: In the interests of maximising the opportunities for travel by sustainable modes in accordance with the National Planning Policy Framework.

67. 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 4:50pm.

CHAIRMAN