

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 15 May April 2017

PRESENT

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

Officers in attendance: Catherine Tetlow, Miranda Clark, Phil Shaw and David Bloomfield

4. CHAIRMANS COMMENTS

On behalf of the Sub-Committee, the Chairman welcomed back Mr Kelland after his recent illness and also welcomed Mr Mullins who was attending his first meeting as a member of the Sub-Committee.

5. MINUTES

RESOLVED: that the Minutes of the meetings of the Sub-Committee held on 10 and 26 April, 2017, copies of which had been circulated, be confirmed as correct records and signed by the Chairman.

6. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs J C Baker,

7. STATEMENT BY COUNCILLOR H J HOWARD

Mr Howard stated that at the site visit held in respect of Application 16/04253/OUT (Sunset View, Upavon Way, Carterton), he had been disrespectful particularly to the Chairman and the Planning Officer. He wished to apologise unreservedly both to them and to the Sub-Committee for his actions which he put down to his strong feelings about the site.

8. DECLARATIONS OF INTEREST

Mr Handley advised the Sub-Committee that through a long standing arrangement he posted election posters on the site of Application 16/04253/OUT (Sunset View, Upavon Way, Carterton). He did not consider this to be a disclosable interest and he would speak and vote on the Application.

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

9. 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.

(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:-

16/04253/OUT; 17/00417/OUT

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

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:-

3 16/04253/OUT Sunset View, Upavon Way, Carterton

The Planning Officer introduced the application and the application site details. She referred Members to the objection from Shilton Parish Council set out in the Report of Additional Representations. She reported the receipt of a further 10 letters of support which welcomed new housing, 40% Affordable Housing, the general mix of housing proposed, the large area of open space and the improved access to The Dell. She also reported receipt of an email from the Agent confirming an increase in the Affordable Housing content to 40%.

Mr Nick Leverton, representing Carterton Town Council then addressed the meeting. He advised Members that he was Vice-Chair of the Town Council's Planning Committee and by way of clarification confirmed that the Town Council had voted solely on the means of access and had not made any decision regarding the housing development of the site.

Mr Jon Westerman, the Applicant's Agent, 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 setting out the context of the site which was in a prominent position on the west side of Upavon Way, one of the principal roads in Carterton. The site is within a Conservation Target Area which aims to restore biodiversity through maintenance, restoration and creation of priority habitats. A designated Local Wildlife Site adjoins the site to the north. The Principal Aquifer covers the site and the Environment Agency object to the proposed development due to the possible contamination of the principal aquifer and the Shill Brook and this forms one of the reasons for refusal.

In response to a request for clarification from the Chairman as to what the aquifer was, the Planning Officer advised that it could be described as an underground reservoir.

Parts of the site had been put forward in the SHLAA but were not deemed suitable for development. Other sites on the west of Carterton had also been looked at but none had been allocated in the emerging Local Plan. The Master Plan for Carterton produced by the Town Council does not suggest that the site should be developed. An illustrative layout plan had been submitted which gives an indication of density however, the application is in outline with only the means of access to be considered at this stage. Because of the way the land slopes to the west of the site there is a need to consider land stability and no evidence has been provided regarding this from the Applicant and we cannot be sure that the level of development would be appropriate.

Two means of access are being proposed and in principle these could be acceptable. However, although the site is within a 30 mph zone, visibility splays should relate to actual speeds. In addition, no data had been provided to the Highway Authority regarding traffic generation.

The Planning Officer continued by showing a number of viewpoints covering the site which gave a clear impression of development pushing into the valley

In conclusion, the Planning Officer reiterated that the site adjoins the town which is considered a suitable location for new development as recognised in Policy OS2 of the emerging Local Plan. The strategic requirements for development have been considered and the application site is not considered suitable for housing. The proposals would encroach unacceptably into the Shill Brook Valley and would impact on the character and appearance of the area. Although the Highway Authority has no objection in principle, insufficient information had been provided by the Applicant on traffic generation and speed data. No information had been provided to demonstrate that the site is suitable in regards to land levels and ground conditions, and risk associated with land stability had not been addressed.

There is no objection regarding flood risk, but the Environment Agency had objected in respect of controlled waters and pollution risk. A Legal Agreement would be required to ensure any Landscape and Ecological Management Plan would be instituted and managed in perpetuity. As regards the contributions required, Legal Agreements had not been completed and this adds to the reasons for refusal.

The Local Plan is now out of date and the emerging Local Plan has still to complete examination and adoption and in this case paragraph 14 of the NPPF is relevant. In respect of the suggestion by the Applicant of benefits arising from the scheme, it is accepted that the increase in affordable housing provision to 40% is welcomed, although that only results in an increase of 2 units.

The claim that the site will provide in excess of 50% open space provision has not been fully demonstrated. The comment that the development presents an opportunity to promote local distinctiveness in terms of design, form and materials cannot be counted as a benefit. The Council would require high standards of design and finish in all cases. With regard to the New Homes Bonus, it is not considered that this attracts weight as benefits in the planning balance. Accordingly, for the reasons set out it is considered that the proposal does not represent sustainable development and is recommended for refusal for the reasons set out in the report.

The Chairman then requested that no formal proposals be made until all Members who wished to speak had done so and she urged Members to keep an open mind.

Mr Emery commented that having been on the site visit the access for children looked difficult and he also noted that no details of surface water discharge had been provided. In view of the contents of the NPPF he asked the Planning Officer how defensible she considered the refusal reasons to be.

The Planning Officer replied that she considered the reasons to be very defensible. She had not approached the development lightly and having given careful consideration to the matter was clearly of the view that the landscape impact alone would be sufficient for refusal.

Mr Langridge felt that the Planning Officer had given a very thorough presentation, however he did not share her confidence regarding refusal. He considered the harms to be minimal and he felt that 40% affordable housing provision was very good which could help outweigh the objections. He noted that the site was not identified in the emerging Local Plan but felt that that did not preclude housing on this site although he noted the objection in respect of the principal aquifer. At this stage, he considered that the application could be deferred to enable the Applicant to provide further information.

Mr Good agreed that it had been a very comprehensive presentation. He agreed with Mr Langridge that insufficient information had been received. There was no report on speeding and he felt it was unfair to determine visibility splays on the available information. The Applicant should have the opportunity to provide further information and he was also leaning towards deferral.

Mr Handley commented that speed surveys were not usually carried out by Applicants. The speed limit was 30 mph and although it had in the past been increased to 40 mph it had been reduced back to 30 mph. He added that there were speed signs in the vicinity of the site and there were also a number of accesses on the other side of Upavon Way. He believed this to be an access application while much of the presentation related to housing development. He also pointed out that a development on a similar exposed type of site in Chipping Norton had been approved.

The Development Manager clarified that the application was an outline application for 41 dwellings with the means of access to be considered at this stage. With regard to the development referred to by Mr Handley, there were not the technical objections that exist in this proposal.

Mr Howard noted that the Planning Officer had indicated that a lot of things were unclear and felt that his inclination at this stage was to go along with Mr Langridge for deferral. He felt that Viewpoint K, showing a view across Upavon Way to be misleading. It was a panoramic photograph which gave a false picture of the road. He did not think the size of the access to be a big issue.

He added that he was not aware of contamination to the Shill Brook and also considered that the fact the site had not been included in the emerging Local Plan did not make the site unsuitable. He believed screening could be put in place which could mitigate the problem. He felt that tree planting could take place as appropriate trees could bind the soil.

As far as the Section 106 contributions were concerned he felt some to be unnecessary as there was space at both schools. He added that Public Art was not needed, what was needed was housing. Although he did not think there was a need for any more 1 bedroom houses.

The Planning Officer pointed out that Viewpoint K had been submitted by the Applicant to illustrate the existing landscaping and added that removing items from any Section 106 Agreement would make it unacceptable.

Mr Enright commented that this reminded him of an application in Witney which was refused but subsequently allowed on appeal and he was concerned that could happen in this case. He felt that a refusal on landscape grounds alone could be difficult to maintain at an appeal. A deferral could enable the technical issues to be teased out.

The Development Manager commented that in the Witney case the gas works site had an HSE objection which was subsequently withdrawn. In response to a query from the Chairman regarding the 5 year housing supply, he confirmed that the Council had been short of a 5 year supply but following a number of large developments allowed on appeal and with more land being allocation for housing in the emerging Local Plan, the Council would be arguing that it did now have a 5 year supply.

Mrs Fenton agreed that a deferral could be of help. She felt that the speed of vehicles was not the Applicants problem and that the Police should be enforcing the speed limit.

The Development Manager advised that if speeds were well above the limit, the visibility splays would be insufficient and added that traffic surveys used the 85% speed figure as a base.

The Planning Officer added that it was standard practice for visibility splays to match actual speed.

Mr Haine considered that the important aspect was the impact on the Shill Valley. There were a number of objections to the application which he believed would encroach unacceptably into a largely unspoilt part of the Shill Valley and would impact on the character and appearance of the area.

Mr Kelland asked whether the use of the lorry park would cease if the application was approved and the Planning Officer confirmed that it would. Mr Kelland added that it was an unfortunate site which he felt did not lend itself to be developed.

Mr Barratt considered the refusal reasons to be highly defensible and supported the Officer recommendation.

Mr Emery noted that the Environment Agency referred to incomplete information having been supplied and that he would agree with deferral.

Mr Handley confirmed that the speed limit would not be increased to 40 mph. He added that the description was for means of access only and that was what he had spoken to.

The Development Manager reiterated that the application was for 41 dwellings with the means of access to be considered at this stage.

Mr Good thanked the Development Manager for his clarification and agreed that a lot of information was still required.

The Chairman thanked Members for the thorough consideration they had given to the application and requested proposals.

Mr Langridge proposed that consideration of the application be deferred in order to enable the Applicant to provide the further information referred to. The proposal was seconded by Mr Emery.

Mr Haine then proposed by way of amendment that the application be refused for the reasons set out in the Officer report. The amendment was seconded by Mrs Fenton and on being put to the vote the amendment was carried and on becoming the substantive motion was carried and the application refused for the reasons set out in the report.

Refused.

Mr Good requested that his abstention from voting be recorded.

Post Committee Note

Subsequent to the meeting and prior to the issue of the decision notice, the application was Withdrawn.

25 17/00417/OUT Land North West of 1 Foxwood Lane, Bradwell Village, Burford

The Planning Officer introduced the application which had been deferred for a site visit at the last meeting. She referred Members to the further comments received from the Agent set out in the Report of Additional Representations and referred to a plan which had been submitted showing suggested passing places on Foxwood Lane. She confirmed that the layout part of the application had been withdrawn and that only access and scale is to be considered at the meeting. In addition, the description had been changed to read "Erection of up to 5 dwellings"

Mr Andrew Miles, the Applicants' Agent then 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 Planning Officer then presented her report and confirmed that the Highway Authority now had no objections to the proposals. She advised Members that in view of the fact that the Applicants were willing to enter into a Legal Agreement preventing the future sale of any of the properties occupied by staff and owned by the Cotswold Wildlife Park, and that access during the construction phase could be through the caravan park, the recommendation was being changed to one of Approval, subject to the Applicants first entering into a Legal Agreement and to conditions.

Mr Enright proposed the Officer recommendation. He added that he considered the Wildlife Park to be one of the treasures of the district and a great tourist draw. He considered that the traffic management at the site was good.

Mr Howard seconded the proposal and commented that he was surprised at the size of the plot.

Mr Emery commented that he was happy with the revised recommendation but queried a third party comment that notices had not been displayed relating to the proposals.

The Development Manager confirmed that site notices had been displayed.

Mrs Fenton commented that she was pleased to see during the site visit that a number of staff cycled to and from the Wildlife Park.

Mr Kelland asked whether any future application would be acceptable and the Planning Officer advised that any applications would be considered on their planning merits.

Mr Handley stated that he supported the application. He added that he monitored traffic at the site which was nearly always heavy.

Mr Langridge felt that Mr Enright had summed the position up well and he agreed with the comments about the Cotswold Wildlife Park. He added that this was a great example of planning working well as the concerns of the Sub-Committee had been met thus enabling a revised recommendation.

The Chairman congratulated the Planning Officer for the way she had dealt with the application.

Permitted, subject to the Applicants first entering into a Legal Agreement to prevent the future sale of any of these properties occupied by staff and owned by the Cotswold Wildlife Park, and to the following conditions and Note to Applicant:

- I. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission; and
- (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or

before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. 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. Details of the appearance, landscaping and layout (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. REASON: The application is not accompanied by such details.
3. The development shall be carried out in accordance with the plans accompanying the application as modified by the agent's email dated 3 May and 10 May 2017 and accompanying plan(s). REASON: The application has been amended by the submission of revised details.
4. That, prior to the commencement of development, 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 design. The details shall include a management plan setting out the maintenance of the drainage asset. The development plan 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 (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance)
5. Full details of the proposed lay-bys shall be first submitted to and approved in writing by the Local Planning Authority, including drainage, prior to the commencement of development and be retained as such thereafter. REASON: To protect the residential and visual amenities of the locality, and highway safety measures.

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:

- Flood and Water Management Act 2010 (Part 1-Clause 27(1))
- Code for sustainable homes – A step-change in sustainable home building practice

- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013) The local flood risk management strategy published by Oxfordshire County Council 2015-2020 as per the Flood and Water Management Act 2010 (Part 1-Clause 9(1)) (follow link: <https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/flooding/FloodStrategyActionPlan.pdf>)
- CIRIA C753 SUDS Manual 2015.

(Mr Handley left the meeting at this juncture)

33 17/00719/HHD 90 Raleigh Crescent, Witney

The Development Manager presented the report containing a recommendation of conditional approval and advised Members that the application had been submitted by a member of staff and as such it could not be dealt with under the Scheme of Delegation.

The Officer recommendation was proposed by Mr Kelland and seconded by Mr Eaglestone.

Permitted.

37 17/00808/FUL 160 Brize Norton Road, Minster Lovell

The Planning Officer presented her report containing a recommendation of conditional approval and drew attention to the observations set out in the report of additional representations indicating that the Highway Authority had no objections subject to conditions. She also advised that the proposed side bedroom window in both new properties had been removed from the application.

Mr Howard asked whether the new buildings would be on the same building line at number 163 and other properties. The Development Manager confirmed that this was the case.

Mr Howard added that it was a nightmare trying to keep the Charterville Bungalows warm and that the proposals would be an improvement and he proposed the Officer recommendation.

Mr Good seconded the proposal and considered that it was a jolly good plan.

Mr Langridge commented that although he did not disagree with the recommendation he noted that the Parish Council regretted the loss of the existing bungalow and he asked whether the other Charterville Bungalows could be protected.

The Development Manager advised that if they were not listed then an application to demolish could not just be refused. He suggested that the Parish Council identify the best examples with a view to having them listed. He added that the Parish Council had requested that the Conservation Area be revisited in respect of the Chartist Settlement.

Mr Emery queries why these bungalows were not listed and the Planning Officer explained that although some were, others had been substantially altered and as such were not listable.

Permitted, subject to the following additional condition and informative:

8. 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 first submitted to and approved in writing by the Local Planning Authority. REASON: In the interests of road safety

INFORMATIVES

2. A Section 184 application is required to form the new dropped kerb. Further details can be found at <https://www.oxfordshire.gov/cms/content/dropped-kerbs>.

The proposed gate for the new access to Plot I needs to be set back a minimum of 5m from the highway boundary.

34 17/00843/RES

Phase PIC – Land at West Witney, Downs Road, Curbridge

The Development Manager introduced the report and advised Members that he was seeking delegated authority to approve subject to conditions to be agreed. He also requested delegated authority in respect of the other elements of Phase I. Phase I was made up of 5 plots and the current application is plot IC.

The plans show a linear form of development with 4 landmark buildings. As Members had requested previously there are no rear parking courts, but rather a more dispersed development with on plot or frontage parking creating a courtyard style. He asked Members to consider whether the landmark buildings as shown which were safe and straightforward met their requirements.

The Chairman advised Members that a representative from one of the developers was present at the meeting and would be able to note any comments.

Mr Good commented that wherever you go there should be something different to see. He wanted to avoid the 'tacky little boxes' type of building and to see more thought given to building in character and quirkiness. Witney was a special place and he did not think that the landmark building with the balcony was acceptable. There is a need for more character.

Mr Howard advised that the Shilton Park estate was in the heart of his ward and it all looked the same. He added that there was a need to be careful regarding road widths so as to avoid problems for refuse vehicles and buses.

The Development Manager advised that the approach here is to design out the parking problems and added that the development had through routes rather than cul-de-sacs.

Mr Enright felt that the Madley Park estate was varied in appearance but the rear parking courts there were underused leading to more on street parking. He liked the style here and felt that different areas encourage neighbourliness. He also favoured the use of natural features such as hedges and ditches and allotments. He agreed that the landmark buildings

were not good although he did like the through route style. He then proposed the Officer recommendation.

Mrs Fenton felt that the landmark buildings should be funkier, they need to make them outstanding.

Mr Kelland agreed that the balcony building was poor and gave no real merit to the development.

The Development Manager advised that the strategy had been set out at outline stage. There was a need to ensure buildings are different with landmark buildings at key junctions. He added that Members appear to be indicating that the landmark buildings are not what they hoped for. Officers can go back to the developers to review the landmark buildings.

Mr Langridge felt that the buildings were not quirky enough and he seconded the proposal made by Mr Enright.

The Development Manager confirmed that the first park of Phase 2 and Phase 3 would come back to the Sub-Committee with the individual parts being delegated.

Mr Emery asked whether small areas could be colour coded. He was surprised that the developers had not risen better to the challenge of the landmark buildings.

Mr Eaglestone was concerned as to whether there would be cycle-ways on the development and the Development Manager confirmed that there would be walkways and cycleways with links through to Deer Park and beyond to the Town Centre and also to Curbridge.

Mr Eaglestone asked whether there was a Traffic Management Plan in place and the Development Manager commented that it would have been done at outline stage, but it should not be a problem on this site as there was a lot of spare land.

Mr Eaglestone then asked when the new roundabout to the A.40 would be constructed and was advised that it would be once 200 houses had been constructed.

Mrs Fenton agreed that the landmark buildings should be better. She was pleased to hear about the cycleways and felt these should be on all new developments. She also liked the green spaces designed in to the estate.

Mr Haine agreed the better landmark buildings were required. He liked the parking arrangements and he would like to see some houses not just with chimneys but with real fires.

Mr Howard pointed out that on the Madley Park estate the road leading to the school was narrow and he asked that the approach to the school on this site be suitable to accommodate a full size coach.

The Development Manager confirmed that a coach park and drop off point was in place.

Mr Enright asked whether there was a long term management plan for the green spaces and the Development Manager replied that that was an important point. Commuted sums were failing now due to low interest

rates. More and more of these areas were going into the hands of management companies but then the Council lose control of these sites. There were a number of large schemes coming forward and Officers need to know Members wishes so that we can negotiate the Section 106 agreements accordingly.

Mr Good requested that electric charging points be considered and he felt these should be designed into new developments. Also permeable surfaces for all footpaths and cycleways. The availability of high speed Broadband was also mentioned by a number of Members.

The proposal made by Mr Enright and seconded by Mr Langridge was then put to the vote and carried.

Delegated Authority granted to the Head of Planning to permit subject to negotiations regarding the landmark buildings and to conditions to be agreed in consultation with the Chairman and also in respect of the other parts of Phase I.

10. 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.

11. FORMER STANTON HARCOURT AIRFIELD, STANTON HARCOURT – APPLICATION NO. 16/01054/OUT

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing regarding the secondary education contribution requested by the Oxfordshire County Council in connection with this application.

Members noted that, having regard to the pooling restrictions contained in the Community Infrastructure Levy Regulations, the County Council no longer wished to pursue a contribution from this application.

RESOLVED: That the change to the required contributions sought in connection with this application being the removal of a contribution towards secondary education be approved.

The meeting closed at 4:50 pm.

CHAIRMAN