

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 12 June 2017

PRESENT

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

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

12. MINUTES

RESOLVED: that the Minutes of the meetings of the Sub-Committee held on 15 May, 2017, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

13. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs J C Baker and Mrs L E C Little attended for Mr H J Howard.

14. DECLARATIONS OF INTEREST

Whilst not a disclosable interest, Mrs Little advised that she acted as a Welfare Officer for SSAFA which organisation was to be provided with office facilities as part of the development on land to the West of Swinbrook Road, Carterton (Application No. 17/00699/OUT)

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

Subsequently, Mr D S T Enright became aware that he was in correspondence with the applicant seeking permission for development on Land East of Monkwood, Pinkhill Lane, Eynsham (Application No. 17/00281/OUT) on a personal basis with regard to another site. Accordingly, he considered that it would be inappropriate for him to participate in the determination of that application and withdrew from the meeting.).

15. 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:-

17/00281/OUT; 17/00599/FUL; 17/00699/OUT; 17/00777/FUL; 17/01114/FUL;
17/01193/FUL; 17/01194/LBC; 17/00831/OUT; 17/01318/FUL and 17/01097/FUL

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 I7/00281/OUT Land East of Monkswood, Pinkhill Lane, Eynsham

The Principal Planner introduced the application and made reference to the report of additional representations. She noted that the Highway Authority maintained its objection to the development and advised that the proposed refusal reason would require amendment to take account of the revised representations.

Whilst he had registered his intention to address the meeting on behalf of the Eynsham Parish Council, Mr Gordon Beach indicated that he no longer wished to speak on the application.

Ms, Rebekah Jubb, the Applicant's Agent, addressed the meeting in support of the application. A summary of her submission is attached as Appendix A to the original copy of these minutes.

In response to a question from Mrs Crossland, Ms Jubb advised that, should planning permission be granted, it was her client's intention to proceed with development as soon as possible.

In response to a further question from Mr Good, Ms Jubb explained that the access to the site was not of sufficient width to meet the relevant highway authority standards. The access road would have to be constructed to the appropriate standard and it would be for the developers to identify the relevant landowners or, if unable to do so, to obtain an indemnity policy. The developers could undertake the necessary works and the highway authority adopt the road even if ownership of the land could not be determined. Ms Jubb indicated that she believed the access could be improved to the necessary standard but if it could not, then development would not proceed.

The Principal Planner then presented her report.

(Mr Enright advised that he was in correspondence with the applicant on a personal basis with regard to another site. Accordingly, he considered that it would be inappropriate for him to participate in the determination of this application and withdrew from the meeting.)

(Mr K J Mullins joined the meeting at this juncture)

Mr Emery and Mr Kelland considered that it would be inappropriate to approve the application contrary to the advice received from the highway authority as technical consultee.

Whilst broadly in agreement, Mr Langridge questioned whether the proposed reasons for refusal based upon highways and educational grounds were appropriate. In response, the principal planner advised that there was a gap in land ownership between the development site and the highway. The developer was unable to demonstrate control over the land or that this could be achieved. Accordingly, there was a question over the deliverability of the scheme.

With regard to education, there was no possibility of providing additional capacity at the existing school and, whilst pupils could be educated elsewhere in the District, having to travel would have an adverse impact upon community cohesion.

Mr Langridge also considered that the site was a long way from the Conservation Area but acknowledged that it was divorced from the remainder of the settlement.

Mr Good agreed with Mr Langridge and noted that children in other parts of the District had to travel to attend school. He suggested that a site visit could be helpful and Mr Handley concurred. In response to a question from Mr Handley, the Principal Planner confirmed that there was an existing agricultural access to the site.

The Development Manager advised that, whilst the applicants were emphasising the delivery of this site as contributing towards the Council's five year housing land supply, Officers had doubts over its deliverability. With regard to the impact upon the Conservation Area, he acknowledged that the site was some distance away hence the level of harm was considered to be less than substantial. However, there was a degree of harm that had to be weighed against the public benefits in determining the application. He reiterated that the Eynsham Primary school was full and that there was no land upon which additional capacity could be provided and, in conclusion, explained that, whilst the applicants had indicated that they would be prepared to enter into a legal agreement, the absence of a S106 agreement had been referenced in the proposed refusal reasons in order to protect the Council's position at appeal.

Mr Haine expressed his support for the revised Officer recommendation, indicating that the site had not been identified in the 2016 SHELLA. Considerable development had been approved in Eynsham and the application site provided an important sense of openness. The Highway Authority was also firm in its objection to the scheme.

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

Refused, subject to the amendment of Reason 4 as follows:-

4. The applicant has not demonstrated that the necessary improvements to Pinkhill Lane in terms of carriageway width, provision for horses and pedestrian footway are feasible in construction terms, or that they have control over the private lane that would allow the necessary improvement works to be carried out. The Highway Authority would not be able to adopt the estate road if it crosses third party land.

It has not been demonstrated that there would be safe forward visibility around the bend in the road where Pinkhill Lane joins the spur off the B4449, west of Old Level Crossing. On the basis of these shortcomings, the applicant has not demonstrated that they can achieve safe and suitable access for all people and that the development would not have a detrimental impact on the operation of the local highway network. The proposal is therefore unacceptable in highways terms and contrary to West Oxfordshire Local Plan 2011 Policies BE3 and T2, emerging West Oxfordshire Local Plan 2031 Policies T1 and T3, and the relevant paragraphs of the NPPF, in particular 17, 32, 34, and 69.

22 17/00599/FUL Witney Service Station, Welch Way, Witney

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

Having sought clarification of the potential impact upon existing parking arrangements, Mr Langridge proposed the Officer recommendation which was seconded by Mr Good.

Mr Enright questioned whether the proposed unit could give rise to overlooking and enquired whether there were any potential safety implications. The Planning Officer advised that the temporary unit was fairly low and, as the proposed consent was for a limited period only, the question of overlooking could be considered should the applicants seek to provide a permanent structure. She confirmed that the Council's Environmental Health service had not identified any specific risks.

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

Permitted

26 17/00699/OUT Land West of Swinbrook Road, Carterton

The Senior Planner introduced the application and reported receipt of further observations of the applicant's agent received following the publication of the report of additional representations, together with a letter from David Wilson Homes.

Mr Giuseppe Zanre, Regional Planning Director of David Wilson Homes introduced Mr Nick Paterson-Neild, the applicant's agent, who 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.

In response to concerns expressed by Mr Kelland over the delay in implementing the planting associated with the previous application, Mr Zanre apologised for the oversight and gave an assurance that this would be carried out in October. If permission was granted for the current application, the associated buffer zone planting would be carried out within six months of reserved matters approval being secured.

Mrs Crossland indicated that it would have been helpful if the applicants had provided information at an earlier stage.

The Senior Planner then presented her report containing a recommendation of refusal.

Mr Handley questioned whether the Local Plan Inspector's rejection of this site in 2005 remained relevant and questioned why developer contributions towards education had been sought when local schools were not at capacity and faced a deficit in pupil premium.

He expressed concern over the loss of facilities in the town and contrasted the current recommendation of refusal with recent permissions secured in other parts of the District that had enjoyed far lower percentage growth in employment opportunities than Carterton.

Mr Handley suggested that the proposed landscape buffer would provide adequate separation between Carterton and the adjoining parishes and suggested that deferral for a site visit and additional information would be helpful.

In response, the Development Manager stressed that Members had identified Carterton as a priority for both residential and employment growth. However, he cautioned against placing too much reliance on percentage differentials without the underlying empirical information. He advised that applications that would have been refused until recently had been permitted as a result of the lack of a five year housing land supply and emphasised that the position had improved significantly since.

With regard to the Local Plan Inspector's decision, the Development Manager acknowledged that, whilst only definitive during the period of the Local Plan, the decision was indicative of the potential harm occasioned. Officers had assessed the application site and concluded that better sites were available. Given the distance from the town centre, it was likely that, having little option but to drive, residents would drive elsewhere rather than make use of local facilities, hence the Council's preference was to see residential development located closer to the town centre.

Mr Emery questioned whether a site such as this could be refused given the presumption in favour of development contained within paragraph 14 of the NPPF, suggesting that a large green space could be retained by condition. The Development Manager advised that, whilst the Council would seek to secure sustainable development, the current application was considered to present significant demonstrable harm in terms of its impact upon the landscape and the residential amenity of future residents.

The Senior Planner made reference to a number of questions raised by Mr Howard when he had requested that the application be brought before the Committee for determination. She confirmed that, at 33 units to the hectare, the proposed density was achievable, but emphasised that the accompanying layout was indicative only. The development would result in a reduction to the potential extension to Kilkenny Park, the Highway Authority was satisfied with the proposed location of the pedestrian crossing and the mix of properties would be determined at reserve matters stage. The provision of accommodation for SAAFA was for BI office use, not for use as a 'drop-in centre' and broadband and the provision of sports facilities could be secured by condition or legal agreement.

Mr Enright suggested that the development could enhance the vitality and viability of the town and provide a definitive buffer between Carterton and Shilton. If the provision and retention of the buffer zone could be guaranteed he considered that it would shift the terms of the debate. The Senior Planner confirmed that the buffer zone could be secured through a legal agreement.

The Development Manager advised that the Council no longer took ownership of land secured through legal agreements but offered it to the local council. In this instance, the buffer zone lay within Shilton Parish and further discussion as to the future of the land would be required given that a precept would be required for its upkeep.

Mrs Little indicated that Carterton was in need of additional housing and that she agreed with Mr Handley and Mr Enright to some degree. She expressed her support for the 250 houses already approved and suggested that the current site would not be visible in the wider landscape. The application proposed a buffer between Carterton and Shilton and the Carterton Town Council believed that drainage and sewerage issues in the vicinity would be resolved.

Development was welcome in Carterton and Mrs Little suggested that the connectivity between the site and the centre would help regenerate the town.

Mr Langridge indicated that this was a finely balanced application given the narrow gap between Carterton and Shilton. However, with the provision of the proposed landscaping belt, he considered the proposals to be acceptable.

Mr Haine noted that the Carterton Town Council had objected to the scheme and indicated that he believed Shilton to be worthy of protection. He reminded Members that more development was planned for the town but he believed that the current proposals were a step too far, seeking development in this open, rural area.

Mr Kelland concurred, expressing his support for the Officer recommendation.

Mr Handley advised that the football ground was used primarily in the daytime and that the lights had been little used over the past 12 months. Accordingly, he did not consider that the proximity of the site to the club would be detrimental to the future residents. He rejected concerns over the impact upon Shilton and reiterated that Carterton required additional residential development to revitalise the town.

Mrs Crossland acknowledged that Carterton needed more houses but considered that these should be located closer to the existing built up areas of the town. She noted that there were plans for some 3,000 properties along Milestone Road, on the Reema site and in east Carterton. Against this pending level of development, there was not a sufficiently urgent need for the 115 units proposed whilst there was important to protect and retain open spaces.

The link road was considered to form the natural boundary to the town and the land to the north provided a valuable open aspect. The town needed more play space and Mrs Crossland considered the loss of this area would be regrettable. Development on this site would be visible as it was situated on rising land. In conclusion, Mrs Crossland considered that the provision of such a small percentage of the planned future development did not warrant the loss of this valuable open space.

It was proposed by Mr Langridge and seconded by Mr Handley that the application be permitted. On being put to the vote the proposition was lost.

The Officer recommendation was then proposed by Mr Haine and seconded by Mr Kelland and on being put to the vote was carried.

Refused

(Mr Enright, Mr Handley, Mr Langridge and Mrs Little requested that their support for this application be so recorded)

41 17/00777/FUL

Kian Court, Southfield Road, Eynsham

The Development Manager introduced the application.

Mr Gordon Beach addressed the meeting on behalf of the Eynsham Parish Council in objection to the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

The Development Manager then presented the report containing a recommendation of approval. He explained that the application specified that the access was for use by pedestrians only and that, should there be a failure to comply with this restriction it would be open to the Council to serve a breach of condition notice. He also advised that, should development have taken place on the bridleway, it would be for the County Council to resolve.

Mr Enright indicated that the Government's extension of permitted development rights to allow the conversion of offices to residential use was ill conceived and suggested that it was down to the Council to ensure that sensible measures were put in place. The grant of planning permission would enable the Council to exercise appropriate control and Mr Enright proposed the Officer recommendation.

The proposition was seconded with some reluctance by Mr Emery who acknowledged that the proposed conditions would allow the Council to regulate the use. He also indicated that any unauthorised encroachment onto the bridleway needed to be addressed.

In response to a question from Mr Fenton it was explained that it was unclear whether or not the applicant had encroached onto land designated as bridleway as the extent of the relevant land ownerships was not known. Mr Kelland suggested that the District Council should investigate further.

Mr Good expressed his concern that residents might chose to park on the bridleway.

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

Permitted

46 17/01114/FUL

Land on Stanton Harcourt Road, Old Station Way, Eynsham

The Development Manager introduced the application. He drew attention to the report of additional representations and advised Members of receipt of further observations from the Eynsham Parish Council, English Heritage and from Mr Selwood who had raised objections with regard to flood risk, impact upon the countryside and noise and disturbance.

Mr Gordon Beach addressed the meeting on behalf of the Eynsham Parish Council in objection to the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

Mr Enright enquired whether Mr Beach had any evidence to support his assertion that the applicants had been 'forced' to submit a revised application. In response, Mr Beach indicated that his statement had been agreed with the applicants.

Mr Charles Mathew addressed the meeting in objection to the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

Mr Will Odling, the applicant's agent, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix F to the original copy of these minutes.

Mrs Crossland enquired whether the applicants had been forced to submit a revised application. In response, Mr Odling indicated that, whilst there had been a significant cost, the applicants believed the application to be based upon the previous resolution to protect a corridor for a potential link road. The current scheme retained the same access as before but the issue had been how to phase the development. The proposed legal agreement would safeguard the route of the link road without disadvantaging the applicants.

The Development Manager then presented the report. He stressed that the applicants had not been required to submit a revised application but rather had indicated they wished to relocate one of the already agreed elements and as this lay outside the red lined site area it could not be absorbed as an amendment. He emphasised that the application did not seek permission for the link road but simply protected the route in the event that it was considered necessary in the future.

He explained that the County Council had raised objection as it was seeking to secure funding towards improvements to the A40 based upon notional traffic movements attributable to the development. However, Officers did not consider this to be appropriate as the company already had traffic on the local road network which would be relocated rather than additional traffic and furthermore they were promoting a lower employment density than "normal" such commercial units.

Mr Emery suggested that the application enabled the provision of a link road that, whilst included in the emerging Local Plan, was not compliant the neighbourhood plan. Now that the Neighbourhood Plan was completed, Mr Emery contended that it should be given greater weight. In response, the Development Manager advised that the Neighbourhood Plan had yet to go through the referendum stage and that neither the Local Plan nor the Neighbourhood Plan had been signed off.

Mr Langridge indicated that he was content that the Council's Officers had acted properly. He recalled that the Sub-Committee had sought to protect the route of the link road as part of the previous application. If the building had to be relocated, a new application was necessary. Mr Langridge considered the current application to be an improvement on the extant permission and proposed the Officer recommendation.

The proposition was seconded by Mr Enright who did not consider the application to countermand the Neighbourhood Plan. He expressed his support for this innovative design and indicated that Members were supportive of the applicant company.

On being put to the vote the recommendation was carried.

Permitted subject to such conditions as are considered appropriate by the Head of Planning and Strategic Housing (based upon those areas identified in paragraph 6 of the report) and to the applicants entering into a legal agreement on the terms set out at paragraph 5.9.

Mr Emery, Mr Handley and Mrs Little requested that their abstention from voting on this application be so recorded. Mr Good left the meeting at this juncture)

52 17/01193/FUL Masonic Hall, 20 Church Green, Witney

The Planning Officer introduced the application and drew attention to the report of additional representations. She also made reference to the emails sent by Mr and Mrs Stout directly to Members.

Mrs Katherine Stout addressed the meeting in objection to the application. A summary of her submission is attached as Appendix G to the original copy of these minutes.

In response to a question from Mr Enright, Mrs Stout advised that she and her husband did not park in the Masonic Hall car park.

The Planning Officer then presented her report.

Mr Haine suggested that it could be possible for community uses such as this to outgrow their locations and proposed that consideration of the application be deferred to enable a site visit to be held. The proposition was seconded by Mr Enright and on being put to the vote was carried.

Deferred to enable a site visit to be held.

- 57 17/01194/LBC Masonic Hall, 20 Church Green, Witney
Deferred to enable a site visit to be held.
- 62 17/01097/FUL Land East of The Eagle Vaults, 18 – 22 Market Square, Witney
The Planning Officer presented her report containing a recommendation of conditional approval.

In response to a question from Mr Kelland it was noted that the applicant would be advised of the need to obtain a licence from the County Council following the grant of planning consent. Mr Kelland suggested that the applicants should also be advised that tables and chairs must not encroach beyond the permitted area.

In proposing the Officer recommendation, Mr Handley agreed to incorporate this suggestion and, having been seconded by Mr Kelland, the proposition was carried.

Permitted, the applicants being advised that, for the avoidance of doubt the chairs, tables and other outside paraphernalia must not extend beyond the redline area as shown on submitted plan PL and should not encroach beyond the setts forming the eastern boundary of the application site onto the adjoining pedestrian footway.
- 67 17/00831/OUT Linden House, Kilkenny Lane, Brize Norton
The Development Manager presented the report and, in the absence of the consultant's report, invited Members to consider whether they would wish to authorise the Head of Planning and Strategic Housing to approve the application of defer consideration pending its receipt.

Having been proposed by Mr Langridge and duly seconded it was:-
RESOLVED: that consideration of this application be deferred pending receipt of the outstanding consultant's report.

(Mr Handley and Mrs Little requested that their abstention from voting on this application be so recorded)
- 71 17/01318/FUL Glebe Cottage, Lew Road, Curbridge
The Development Manager introduced the application.

Mr Robert Clifton addressed the meeting in objection to the application. A summary of his submission is attached as Appendix H to the original copy of these minutes.

The Development Manager then presented the report.

Mr Fenton questioned whether it would be helpful to Members if a site visit was held. Given that there was an extant planning permission in place, Mr Langridge questioned what this would achieve.

Mr Kelland expressed his support for the development and, in response to a question from Mr Handley, it was confirmed that the County Archaeologist had been consulted on the application.

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

Permitted

16. 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 4:20 pm.

CHAIRMAN