

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 January 2018

PRESENT

Councillors: Mrs M J Crossland (Chairman), S J Good (Vice-Chairman), P Emery, Mrs E H N Fenton, Mr E J Fenton, J Haine, P J Handley, P D Kelland, R A Langridge, K J Mullins and A H K Postan

Officers in attendance: Phil Shaw, Kim Smith, Miranda Clark, Sarah De La Coze, Kelly Murray and Paul Cracknell

43. MINUTES

**RESOLVED:** that the Minutes of the meeting of the Sub-Committee held on 13 November 2017, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

44. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr M A Barrett, Mr H B Eaglestone and Mr H J Howard and from Mrs J C Baker.

A H K Postan attended for Mr D S T Enright.

45. DECLARATIONS OF INTEREST

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

46. 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:-

17/02568/OUT, 17/02930/S73 17/03382/S73, 17/03250/HHD, 17/03252/RES, 17/03338/RES, 17/03618/FUL and 17/03704/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 17/00992/OUT Land South West Of Charlbury Road, Hailey

Members noted that consideration of this application had been deferred at the applicant's request.

27 17/02568/OUT Land At The Downs, Standlake

The Development Manager introduced the application,

Mr Andy Bateson addressed the meeting on behalf of the Standlake Residents Action Group in opposition to the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

Mr Chris Naylor addressed the meeting on behalf of the Standlake Parish Council in opposition to the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

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

Mr Good advised that he had been contacted by many local residents who objected to the proposed development but emphasised that he had not expressed an opinion on the merits of the application and had retained an open mind until he had heard all the evidence. Having now done so he was of the opinion that the proposed development was not in a sustainable location, would have a detrimental impact upon ecology and bio-diversity, failed to address the archaeological significance of the site, would sterilise future mineral working and, lying beyond the existing settlement, by encroaching into farmland in a rural location, would create an unacceptable urbanisation of the countryside.

For these reasons, and in view of the fact that no developer contributions had been offered, Mr Good proposed the Officer recommendation of refusal.

The proposition was seconded by Mr Emery who concurred with the views expressed by Mr Good.

Mrs Fenton agreed and made reference to existing problems with sewage disposal. She noted that the current bus service was inadequate and suggested that further development would increase the flow of traffic over Newbridge.

Mr Postan advised that he had identified areas of concern during the recent site visit and questioned whether, given the current constraints faced by the Council, there were sufficient grounds to sustain a decision to refuse consent at appeal. In response, the Development Manager advised that, whilst the Secretary Of State had the ability to withdraw the power of a local planning authority to determine large applications in the event that it lost 10% of appeals lodged in relation to the refusal of such applications, he was confident that refusal of the current application could be successfully defended on appeal.

Mr Postan questioned whether the Sub-Committee should give consideration to any conditions it would wish to impose should a subsequent appeal be successful. The Development Manager advised that this would be addressed as part of any future appeals process.

Mr Kelland expressed his support for the Officer recommendation and, whilst agreeing that the application should be refused, Mr Handley questioned whether it was appropriate to question the sustainability of the location given that residents were increasingly reliant upon car use. Mr Handley also suggested that the development would provide some limited street lighting but was of the view that the sterilisation of minerals extraction was sufficient grounds for refusal alone.

Mrs Fenton advised that residents of Standlake were opposed to the introduction of street lighting.

Mr Haine expressed his support for the proposition and suggested that, as the emerging Local Plan was nearing completion and the Council was satisfied that it had a five year housing land supply, paragraph 14 of the NPPF was no longer applicable. Paragraph 216 of the NPPF enabled the Council to place greater weight on the emerging Plan and Mr Haine suggested that the Sub-Committee should take its decision based upon it.

In response the Development Manager cautioned that, whilst it was anticipated that the Inspector would approve the emerging Plan, he had not done so as yet. Although he agreed with Mr Haine that the Council had a five year housing land supply, without an adopted plan it was unable to demonstrate this as a matter of fact. In consequence, the application should be determined having regard to Paragraph 14.

Mr Good suggested that the Sub-Committee could indicate that it had been aware of the emerging Local Plan and its belief that there was a five year land supply in reaching its decision. Again, the Development Manager cautioned against such an approach as, should the Planning Inspector fail to accept the Council's position, any appeal would be prejudiced as it could be shown that the Council's decision had been incorrectly based.

Mr Haine acknowledged this view but noted that the emerging plan adhered to the Inspector's wishes to make provision for some 660 units per annum and to incorporate a proportion of Oxford City's unmet housing need. The recent White Paper had reduced that requirement to 600 units; although the Secretary of State required the Council to adhere to the figures within the emerging plan.

The Development Manager stressed that the Council should await the Inspector's decision and determine the application as proposed.

Mr Emery agreed and, whilst remaining confident of his view, Mr Haine agreed to withdraw his suggestion. Mrs Crossland considered the proposed reasons for refusal to be sufficient. Mr Handley concurred.

Mr Postan questioned whether there was merit in deferring the application pending receipt of the Planning Inspector's report. The Development Manager advised that this would be inappropriate and leave the Council open to an appeal for non-determination

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

Refused

42 17/02930/S73 Hollytree House, Main Street, Clanfield

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

Mrs Crossland questioned whether the reason for the imposition of the original condition, in the interests of visual amenity, was appropriate

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

Mrs Fenton advised that the Parish Council had concerns regarding flooding and cleared the watercourse without assistance from other parties. She suggested that, if the Parish Council did not withdraw its objection, consideration of the application should be deferred until they did.

The Development Manager advised that he thought it unlikely that the Parish Council would withdraw its objection but stressed that the condition had been imposed on grounds of visual amenity, not in relation to concerns over surface water drainage.

Mr Postan noted that the Council had worked with the Environment Agency to culvert water courses in other areas and questioned whether this could be helpful in this instance. The Development Manager advised that the Sub-Committee could request but not require such arrangements but it was uncertain that they would be of benefit.

The Planning Officer advised that drainage conditions had been applied to the original consent.

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

Permitted

(Mr E J Fenton requested that his vote against the foregoing application be so recorded)

47 17/03382/S73 Standlake Arena, Witney Road, Standlake

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

The Officer recommendation was proposed by Mr Fenton.

In seconding the proposition, Mr Emery noted that this was a well-run facility that had operated successfully for some 35 years. Given the impact of development on similar facilities elsewhere in the country he suggested that any future applications for residential development in the vicinity should be considered in light of the existing use.

Mr Postan expressed his support for the application, noting that Standlake Arena was the only such facility in the area and had operated without cause for complaint for many years. Motor sport was a vital contributor to the local economy and this site provided a valuable leisure resource. It was unique and well-run and an asset to tourism in West Oxfordshire.

Mr Kelland emphasised the significance of motor sport in the area and expressed his wholehearted support for the application.

Mr Good acknowledged that this was a hugely popular venue but drew attention to the Parish Council's comments regarding traffic passing through Standlake and other nearby villages. He suggested that the applicants be required to employ additional signage and tannoy announcements to advise participants and spectators to respect other road users and local residents when exiting the site.

The Chairman suggested that a note to that effect would suffice and Mr Fenton and Mr Emery agreed to amend their proposition accordingly.

Mr Good also suggested that all vehicles participating in the race meetings or practice sessions shall be fitted with full exhaust silencer systems and the Planning Officer advised that such a condition had been applied to the original consent.

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

Permitted, the applicants being advised that Members would like to encourage the use additional signage and tannoy announcements to advise participants and spectators to respect other road users and local residents when exiting the site.

53 17/03250/HHD 50 Richens Drive, Carterton

The Planning Officer introduced the application.

Mr Graham Spicer addressed the meeting in opposition to 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 Crossland, Mr Spicer confirmed that his property was to the south of the application site and that the frontages of the two properties as originally constructed had been staggered.

The applicant, Mr Philip Caswell then addressed the meeting in support of his application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

In response to a question from Mrs Crossland he indicated that the porch extended 2.25 metres from the front of the property and a distance of 17ft from the side wall to the front window of number 49.

Mr Good enquired whether there had been an existing porch and Mr Caswell advised that this was not the case as there had been a flat roof over the former garage extending across the full frontage of the property.

The Planning Officer then presented her report and advised that, whilst the frontage of number 50 had originally extended 1.73m beyond that of number 49, the new porch was 5.12m.

In response to a question from Mr Emery, the Development Manager confirmed that, had it been constructed some 40cm closer to the existing property, the porch would have fallen under permitted development rights. Mr Emery acknowledged the need for planning permission but expressed sympathy for the applicant's position and questioned whether a personal consent would be acceptable.

In response, the Development Manager advised that, given the long term nature of the development, a personal permission could not be justified as it would, in effect, be tantamount to an unfettered consent. He stressed that the recommendation was not influenced by the fact that this was a retrospective application but had been made on planning grounds alone.

Mr Good expressed his sympathy for the applicant but acknowledged that the Sub-Committee was exercising a quasi-judicial function. He expressed the hope that a solution acceptable to both parties could be found and questioned whether the applicant would have grounds to seek redress from his builder. He proposed that the application be refused but that the applicant be offered such assistance as the Council was able to provide. The proposition failed to attract a seconder.

Mr Postan expressed his sympathy for the applicant and questioned how the extension could be reduced in size so as to fall within the limits of permitted development.

Mrs Crossland believed that the Council should seek a solution acceptable to both parties and advised that she had explored the possibility of the applicant securing assistance from various service charities.

Mr Fenton indicated that, whilst the porch was just outside the limits of permitted development, it did over-shadow the adjoining property.

Mr Handley proposed that consideration of the application be deferred to enable a site visit to be held in order to enable Members to assess the impact of the development on site. The proposition was seconded by Mr Fenton and on being put to the vote was carried.

Deferred to enable a site visit to be held.

57 17/03252/RES

Land At Downs Road, Curbridge

The Development Manager presented his report and advised that comments were still awaited from Thames water and the Highway Authority. Accordingly, he sought delegated authority to approve the application subject to conditions to be determined in consultation with the Chairman of the Sub-Committee.

In response to a question from Mr Kelland he advised that the land next to the site of the proposed hotel was reserved for employment uses.

Mr Handley expressed concern that the paved areas on the access road were not sufficiently robust to withstand use by traffic.

He also suggested that the pond on the site could present a danger to children and should be fenced off. Finally, Mr Handley questioned the access arrangements to the hotel, indicating that he would have preferred to see this accessed from the front of the site rather than through a residential area.

The Development Manager advised that the access was not within the applicant's ownership and did not form part of the application. With regard to the pond on the site, he acknowledged that safety was paramount but suggested that the provision of fencing would not be the best solution. The provision of appropriate planting and the creation of shallow margins to the water would be a better solution. Finally, he advised that it was for the County Council to satisfy itself that the construction of the access was satisfactory as that area would be adopted as public highway on completion of the development.

Mr Emery shared the concerns expressed over access to the hotel being taken through a residential area. In response, the Development Manager advised that the provision of a hotel was only a suggestion and there were doubts as to whether this element of the scheme would come to fruition. Mr Emery noted that a number of issues remained outstanding and questioned why the application had been brought before Members at this juncture.

The Development Manager indicated that the outstanding observations were from technical consultees and any requirements identified could be addressed by way of conditions.

Mr Langridge indicated that he was happy with the development proposals and proposed the Officer recommendation. In seconding the proposition Mr Postan stated that he considered this to be a good scheme. He asked that the approved conditions incorporate appropriate technical requirements such as the provision of electric vehicle charging points. Mr Postan also suggested that the provision of live-work units would be a solution to the provision of affordable housing but the Development Manager advised that the Council could not dictate the mix of housing units.

Mr Kelland expressed concern that the location of the hotel would give rise to disturbance.

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

**RESOLVED:** That the Head of Planning and Strategic Housing be authorised to approve the application subject to such conditions as are considered appropriate in consultation with the Chairman of the Sub-Committee.

64 17/03259/OUT Land South of Middlefield Farm, New Yatt Road, Witney

Members noted that this application had been withdrawn at the request of the applicant.

The Principal Planner introduced the application.

Mr Lewis Owens addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

The local representative, Mr Andrew Coles, then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix F to the original copy of these minutes.

The applicant's representative, Mr Luke Webb, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix G to the original copy of these minutes.

In response to a question from Mr Good, Mr Webb advised that the Council's Housing Officer supported the proposed distribution of affordable housing.

The Principal Planner then presented her report and advised Members that this reserved matters application had been based upon the parameters set out in the framework plan put forward by the Planning Inspector at appeal. She drew attention to the report of additional representations which set out the further observations of the Windrush Valley Action Group and advised that the County Council had withdrawn its objection. The Hailey Parish Council maintained its previous objections to the application.

The Principal Planner advised that the proposed conditions would require amendment to take account of the revised landscaping scheme and that the applicants would need to be advised that further applications may be required for the discharge of pre-commencement conditions.

Mrs Crossland questioned whether there was any degree of flexibility to deviate from the Planning Inspector's Development Framework Plan, design and access statement and the HSE consultation zones as she considered that the location of the proposed Children's playground was inappropriate.

In response, the Development Manager advised that, should they fail to conform to the Plan the applicants could find themselves subject to Judicial Review.

Mr Good indicated that, having lost the outline application on appeal, the Council had now to make the best it could in terms of the reserved matters application. He was not convinced the current application did so and wished to see more details of the landscaping scheme and balancing pond and suggested that an exercise trail and fitness equipment could be incorporated within the development. Mr Good also believed that the proposed affordable housing ought not to be concentrated in specific areas but be located throughout the site.

Mr Kelland questioned how the flood areas had been defined. The Development Manager advised that, whilst this was not clear as the site formed part of the functional flood plain. However, the proposed arrangements had been accepted by the Inspector at appeal.



Mr Kelland agreed that the affordable housing should be 'pepper-potted' throughout the site and suggested that the design and layout could be better. The Development Manager advised that the design and layout reflected developments such as Deer Park which Members had previously cited as exemplars of design.

Mr Emery agreed that the affordable housing should be spread throughout the development and questioned whether the land identified for the children's play area was susceptible to flooding. The Development Manager advised that the proposed play area was on a site set above the surrounding land.

Mr Emery indicated that the flood alleviation pond differed in form from that originally proposed and stated that he would wish to have sight of proposals for the planting and future management of the landscaped area. The Development Manager advised that landscaping conditions had been imposed on the outline consent and, in response to a further question, confirmed that the land to the north west of the site was to remain in agricultural use.

Mr Handley suggested that Officers had achieved the best they could and, whilst he accepted that the affordable housing had been concentrated on certain parts of the site, acknowledged that the developers faced commercial imperatives. His primary concern was the absence of a bund to retain any gas escaping from the adjacent industrial site. The Development Manager advised that, whilst the Council had sought to resist development on health and safety grounds, the HSE had agreed that the development was acceptable. Without support from the technical consultees it would not be possible to require bunding on safety grounds. However, the Development Manager suggested that it could be possible to achieve the same objective as the provision of a bund could be of benefit in landscape terms.

The Development Manager stressed that the proposed affordable housing was to be located in a desirable position and the Registered Social Landlord responsible for its management was content with the arrangements as grouping properties together made for efficiency and ease of management. In response to a question from Mr Good, he advised that there was no technical definition of the phrase 'pepper-potting in planning terms.

Mr Langridge advised that he had opposed the development at outline stage but the application had been approved on appeal. In consequence, the Sub-Committee needed to recognise the limitations on what it could do. If the reserved matters application was in line with the outline consent then there was little that Members could do. He noted that this was a reasonably low density development and indicated that, should any applications required for the discharge of pre-commencement conditions fail, the application could be considered again.

The Officer recommendation of conditional approval was proposed by Mr Langridge and seconded by Mr Good.

Mr Postan expressed concern that the HSE had failed to respond to the consultation and questioned whether there was scope for discussion between the developers and the local community regarding the use of developer funding. The Development Manager advised that developer contributions had been defined at outline stage but that there was scope for the Council to discuss the application of its own allocation. The Principal Planner advised that health and safety issues had been explored at the appeal and incorporated into conditions on the outline consent.

Mr Postan cautioned that, should the Council lose a proportion of appeals on major applications, it ran the risk of losing control over that element of its planning function.

Mr Haine expressed concern that there was only a single access proposed to serve the development and questioned the adequacy of the arrangements. The Principal Planner advised that a secondary, emergency access was proposed and that details of the primary access would be required through condition.

Mr Fenton expressed his concern that Thames Water had failed to respond to the consultation and agreed with those Members who believed that the proposed play area was located in the wrong place.

In response to a question from Mr Kelland, the Development Manager confirmed that there was no access proposed from the new development to the rear of Springfield Oval.

Mrs Crossland acknowledged the concerns expressed but advised Members that the Government had published guidance which empowered the Secretary of State to designate local authorities “not adequately performing their function of determining applications”. One of the grounds that could lead to such designation was the quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.

The consequence of designation was that control of the planning function (and receipt of planning fees) could be lost with applications being made directly to and determined by the Planning Inspectorate.

Whilst acknowledging these constraints, Mr Haine emphasised that he would continue to vote to refuse inappropriate development when there were sound planning grounds on which to do so. Regrettably, in this instance, no such grounds existed.

Mr Handley indicated that he would prefer to see the application deferred to enable Officers to seek to address the concerns raised by Members. The Development Manager advised that Officers believed that they had secured the best scheme possible. The Developers would find it difficult to relocate the play area as this had been approved as part of the outline consent and any variation from the framework plan would leave them vulnerable to Judicial Review. He confirmed that the provision of bunding could be secured through the landscaping conditions.

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

Permitted subject to such conditions as the Head of Planning and Strategic Housing considers appropriate.

102 17/03618/FUL 40 Eastfield Road, Witney

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

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

Refused

106 17/03704/FUL 47 Spareacre Lane, Eynsham

The Planning Officer introduced the application.

The applicant, Mr Ian Jackman, addressed the meeting in support of the application. A summary of his submission is attached as Appendix H to the original copy of these minutes.

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

Mr Handley enquired if the applicant resided at 47A Spareacre Lane and whether construction of an annex rather than a separate dwelling would be acceptable in planning terms. In response, the Planning Officer advised that, whilst 47A was in the applicant's ownership, he was not resident at the property. The Development Manager advised that annex accommodation tied as ancillary to the host property could be acceptable but stressed that the current application was for an independent dwelling.

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

Mr Postan indicated that he could not see the harm of the proposal and expressed his support for the applicant in his efforts to support his family to remain in the village. Mr Emery disagreed, drawing attention to the earlier recommendation in relation to Application No. 17/03250/HHD.

Whilst sympathetic to the applicant's objective, Mr Fenton expressed his support for the Officer's recommendation as the stated intention to treat the proposed dwelling as a step on the housing ladder implied the eventual sale of a property in an unacceptable relationship with the existing house.

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

Refused

47. 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 5:35pm.

CHAIRMAN