

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 February 2018

PRESENT

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

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

48. MINUTES

**RESOLVED:** that the Minutes of the meeting of the Sub-Committee held on 15 January 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

49. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs J C Baker.

P J G Dorward attended for H B Eaglestone and A H K Postan attended for D S T Enright

50. DECLARATIONS OF INTEREST

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

51. 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:-

3 17/01859/OUT Land West Of Minster Lovell South Of Burford Road, Minster Lovell

The Development Manager introduced the application.

Mr Jonathan Stowell addressed the meeting on behalf of the Minster Lovell Parish Council in opposition to the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

Mr Mike Robinson, the applicant's 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.

Mrs Crossland asked Mr Robinson to clarify his comments regarding the site boundary, the density of development and the more efficient use of land. In response, Mr Robinson advised that, whilst the site boundary had remained unchanged from that of the original scheme, an additional 40 units were now proposed. However, at around 10 to the acre, this was still not a high density development for this edge of settlement site. The Council's emerging Local Plan recognised the scope for development at this level.

Mrs Crossland asked how this increase in numbers had been achieved and Mr Robinson explained that an additional area of land was to be developed and a greater number of smaller units were proposed. He also indicated that, notwithstanding these revisions, there was still a lot of open space within the development.

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

Mr Handley acknowledged that there was significant local opposition to the development and were disappointed that the football pitch originally proposed was not now to be provided as it was not wanted by the local football club.

As the site was allocated for development within the emerging Local Plan Mr Handley considered that the Council would be unable to defend a refusal on appeal. However, he expressed concern with regard to highway implications and, in particular, the possibility of 'rat running' through the local highway network and the adequacy of the junction arrangements. With regard to the later, Mr Handley considered that a roundabout would have been a preferable alternative to a T junction.

Mr Emery sought clarification of the surface water drainage arrangements and questioned why, when the Local Plan allocation was for 125 units, the current application was for 126. The Development Manager advised that surface water would initially be retained on-site through SUDS features and dispersed via a sustainable drainage scheme. The Chairman advised that the application was in outline for up to 126 units.

Mr Howard agreed that there were no grounds upon which to refuse consent. Given the limited width of the road, he expressed concern over the use of the Brize Norton Road by large vehicles and the lack of public transport serving the site. Mr Howard also requested that Thames Water be urged to design the sewage network to go towards the north not the south of the site.

Mr Howard also recognised that the Parish Council had indicated that it did not wish to assume responsibility for the future management of open space but noted that the additional dwellings would generate an increase in the parish precept. He also expressed concern over the single access to the site on grounds of safety.

Mr Mullins enquired why the application had been increased from 85 to 126 units. In response, the Development Manager advised that, whilst the revised application had come forward as a result of discussions between the developers and the Parish Council, there were conflicting views as to the nature of this exchange.

Mr Langridge indicated that, whilst this application was a substantial increase in numbers over that previously approved and, in his view, formed a less logical compliment to the existing settlement, there were no grounds upon which to refuse consent. Whilst he understood the concerns expressed by local residents in relation to the local plan process, the Council was governed by national planning policy and had been required to provide for greater levels of residential development. As permission had already been granted for 85 units and the emerging Local Plan allowed for a greater number there was no doubt that the Council would lose an appeal and Mr Langridge proposed the Officer recommendation of conditional approval.

The proposition was seconded by Mr Good who stated that, whilst it was regrettable, there was no other option open to Members.

Mr Postan suggested that, in considering a future reserved matters application, the Council should seek the provision of live/work units and condition the provision of infrastructure for broadband and electric vehicle charging points. The Development Manager advised that, whilst Officers could seek to negotiate provision for electric vehicle charging, it could not require it. However, there were suggestions that revised national guidance would be issued later in the year to address this issue.

The Development Manager stressed that Minster Lovell was not alone in having to accept increased levels of development. The allocation for Chipping Norton had been increased from 600 to 1,200 units and many of the other medium and larger sized settlements in the District had been faced with accepting their share of development required as a result of the increased housing target which had been increased from 5,500 to 16,000 new homes.

Mr Fenton indicated that he was opposed to edge of settlement developments of this nature as they did nothing to increase the vitality of the village. He stressed the importance of ensuring that the open space was protected from future development and retained as such for the benefit of the local community. The Development Manager advised that the provision of open space would be dealt with at reserved matters stage. In addition, whilst it was unable to compel the provision of a link, the developers would be required to maintain the ability to create a future link with the Parish Council's land should the Parish so wish.

Mrs Crossland noted that local residents had rejected the provision of a new village hall predicated on the increased number of dwellings.

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

Permitted subject to the applicants entering into a legal agreement on the basis outlined in the report, to the conditions set out therein and to the applicants being advised that the Council would wish to see the sewage network designed to the north not the south of the site.

(Mr Mullins requested that his vote against the foregoing application be so recorded)

21 17/02772/FUL Cote Farm Barn, Cote

The Planning Officer presented her report containing a recommendation of conditional approval and suggested that the applicants be advised that the grant of planning permission does not override personal property rights.

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

Permitted, the applicants being advised that the grant of planning permission does not override personal property rights.

25 17/03250/HHD 50 Richens Drive, Carterton

The Planning Officer introduced the application and reported receipt of additional representations from the applicant, Mr Caswell, and from Mr Spicer.

The applicant, Mr Caswell, 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 Mr Howard, Mr Caswell confirmed that the sunshine diagram in his accompanying papers was that as at 7 February 2018.

In response to questions from Mr Postan and Mr Good, Mr Caswell advised that he had drawn up the plans for the porch and compiled the pictures and notes he had circulated.

Mr Fenton enquired whether the porch had been constructed outside the limits of permitted development in error or deliberately. Mr Caswell stated that the Council's Officers had advised that planning permission was not required. He explained that the design of the porch made provision for a wheelchair turning space.

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

Mr Howard indicated that, having viewed the development, he concurred with the Officer's assessment that it was too large and out of keeping. He expressed concern over the displacement of vehicles onto the highway and questioned whether the design and construction of the porch had taken sufficient account of the applicants potential future welfare needs.

Mr Howard noted that the sunshine diagram related to a specific date and indicated that the impact of the development in terms of shading would be worse at different times of the year.

Mr Howard also sought to clarify the original extent of the property and questioned whether this had any impact upon the extent of permitted development rights.

The Development Manager advised that, as far as could be ascertained, there had been no previous extension of the property and full permitted development rights applied.

Mr Good indicated that, whilst he had sympathy for the applicant's position, the fact remained that, as a matter of planning law, the extension exceeded permitted development limits. If an application had been submitted it would have been refused for the reasons set out in the report. Mr Good was unable to support the application and proposed the Officer recommendation of refusal.

The proposition was seconded by Mr Howard.

Mr Emery expressed his support for the Officer recommendation as the porch exceeded permitted development limits. He questioned whether, should the porch be reduced in size to comply with permitted development rights, the Council would have no further locus in the matter. As an aside, Mr Emery suggested that the neighbour could improve his own position if he removed the palm in his front garden.

Mr Fenton suggested that the question of light and shading was a diversion from the real issue which was that the porch failed to comply with permitted development rights. He suggested that the applicant should seek to pursue his advisors to seek to recoup any consequential loss.

Mr Handley agreed that the application should be refused and enquired whether the porch had been inspected by the Council's Building Control Service. The Planning Officer advised that there was no record of an inspection having taken place.

The Development Manager emphasised that refusal of planning permission would be the first of a two stage procedure and suggested that any enforcement action be delayed to enable Officers to seek to identify a solution.

Mr Kelland asked whether there was any evidence to support Mr Caswell's assertion that Officers had advised that planning permission would not be required. The Development Manager advised that there was no record of any such advice and Mrs Crossland indicated that it was her understanding that the builders maintained that they had received this advice by telephone.

The Development Manager informed Members that Officers would not give such specific advice by telephone but would simply inform the enquirer of the rules governing permitted development. An applicant would not be advised that planning permission would not be required unless details of the proposed development were known.

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

Refused

Mrs Crossland acknowledged that the applicant would be disappointed by the Sub-Committee's decision and encouraged him to liaise with the Council's Officers in an effort to identify an acceptable solution. She advised that she would be happy to assist him in that process and to put him in contact with service charities that may be able to offer some assistance.

Mr Postan indicated that this case highlighted the importance of seeking professional advice and the potential pitfalls in failing to do so.

The Development Manager informed Members that the Council offered free pre-application advice on householder applications.

30 17/03382/S73

Eynsham Nursery And Plant Centre Old Witney Road, Eynsham

The Development Manager presented his report and reported receipt of additional observations received from G L Hearn on behalf of the adjoining landowners. He recommended that the application be approved subject to the applicants entering into an updated legal agreement as set out in the report and to the conditions applied to the previous consent.

Mr Handley expressed concern over the size of the rear gardens of certain properties and the Development Manager advised that, whilst these were small, the layout represented an improvement upon that approved on appeal.

Mr Howard questioned access arrangements for refuse vehicles and the Development Manager confirmed that these were acceptable as revised. Mr Howard also stressed that the proposed light barrier should be of an appropriate design and the Development Manager advised that, whilst unable to set a specification, Officers would seek to negotiate an appropriate solution.

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

Permitted subject to the applicants entering into a revised legal agreement to reflect the previously agreed contributions towards local services and facilities and for the road to be built to the boundary and to connect to the adjoining land at nil cost on request and to the following conditions:-

2. The development shall be carried out in accordance with the plans accompanying the application as modified by the agents letter(s) dated 21/12/17 and accompanying plan(s).  
Reason: The application has been amended by the submission of revised details.
3. Before any above ground building works for any of the proposed dwellings commences, samples of all external materials to be used in the elevations of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved materials.  
Reason: In the interest of visual amenity.

4. Prior to the commencement of the development hereby permitted a scheme for the hard and soft landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all planting areas and plant species, numbers and sizes; all proposed boundary treatments and means of enclosure; surfacing materials; and any change in levels. The scheme shall have been fully implemented as approved by the end of the planting season immediately following completion of the development or the development being brought into use, whichever is the sooner. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species shall be planted as a replacement and thereafter properly maintained.

Reason: In the interests of visual amenity

5. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before the occupation of any dwelling hereby permitted. The landscape management plan shall thereafter be carried out as approved.

Reason: In the interests of visual amenity

6. No development (including site clearance and demolition works), shall commence until all existing trees shown to be retained within the submitted plans and other supporting documents have been protected in accordance with a tree protection plan which complies with BS 5827:201 'Trees in relation to design, demolition and construction'. The tree protection plan shall have first been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire duration of the development. No work including the excavation of service trenches or the storage of materials or the lighting of bonfires shall be carried out within any tree protection area.

Reason: To ensure the trees and hedges are protected

7. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirement of the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared and implemented, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in

writing of the Local Planning Authority.

Reason: In the interests of the safety and amenity of residents

8. Before first occupation of any of the dwellings hereby approved, the means of access into the site from Old Witney Road shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to, and approved in writing by, the Local Planning Authority. All associated works, including the closing of the access onto the A40 and the creation of the emergency access onto the A40, shall be undertaken in accordance with the details approved in the previous appeal decision before first occupation of any of the dwellings hereby approved.

Reason: In the interests of highway safety and amenity

9. No development shall take place until a surface water drainage scheme for the site, based on the Flood Risk Assessment (Gemma Design 3793-GDL-RP-C-01), agreed as part of the appeal has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the occupation of any of the dwellings hereby permitted.

Reason: To ensure adequate drainage

10. No development shall take place until a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall thereafter be carried out prior to the occupation of any of the dwellings hereby permitted.

Reason: To ensure adequate drainage of the site

11. No dwelling shall be occupied until all the roads, driveways, parking and footpaths serving that dwelling have been drained, constructed and surfaced in accordance with plans and specifications that have first been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of Highway Safety

- 12: Development shall not begin until a scheme for protecting the proposed dwellings from road traffic noise, to achieve British Standard 8233:2014 internal ambient noise levels, has been submitted to, and approved in writing by, the Local Planning Authority. All works which form part of the scheme as approved shall be completed before any of the dwellings hereby permitted are occupied.

Required internal noise levels by location are:

Living room: 35 dB LAeq 16 hour - 07:00 to 23:00 hours;

Bedroom: 30 dB LAeq 8 hour - 23:00 to 07:00 hours.

All habitable rooms must be afforded noise mitigation measures including appropriate glazing and ventilation so as to achieve the above criteria standards.



The layout and/or mitigation measures for residential property shall achieve a general daytime noise level in rear gardens not exceeding 55dB LAeq 16 hour (07:00 to 23:00 hours).

Reason: In the interests of residential amenity

13. No development, including any works of site clearance and demolition, shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Method Statement shall be adhered to at all times throughout the construction period and shall provide for:
- i. The parking of vehicles for site operatives and visitors;
  - ii. The loading, unloading and storage of plant and materials;
  - iii. The erection and maintenance of security hoardings including decorative displays;
  - iv. Wheel washing or cleaning facilities;
  - v. Measures to control the emission of dirt and dust during demolition and construction operations;
  - vi. A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - vii. Working hours

Reason: To limit harms arising from construction activities

14. Prior to first occupation of the development hereby permitted the visibility splays as depicted on Plan 5136:01 shall be constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The land, boundary treatment and vegetation within the approved visibility splays shall not be raised or allowed to grow above a maximum height of 0.6m above the adjacent carriageway level.

Reason: In the interests of highway safety

15. Prior to the commencement of the development hereby permitted, including any works of site clearance, details for protecting biodiversity on the site and any mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority, and the protection and mitigation measures shall be implemented in accordance with the approved details.

Reason: To preserve/enhance biodiversity

16. Prior to their installation details of the siting and external appearance of the bin and cycle stores shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter only the approved details shall be used.

Reason: To ensure adequate provision of bin and cycle storage.

17. No floodlighting or other form of external lighting, including street lighting, shall be installed except in accordance with details that have previously been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include the location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.  
Reason: To limit visual intrusion
18. No development shall take place until plans of the site showing the existing and the proposed ground levels have been submitted to, and approved in writing by, the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall thereafter be carried out in accordance with the approved details.  
Reason: For the avoidance of doubt
19. Prior to the commencement of development, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate how land will be safeguarded on the southern and western boundaries of the site to afford future pedestrian and cycle access to the adjoining land in the event that it is developed for housing. The submitted scheme shall include details of the number and location of potential access points and will confirm that land within the application site shall be safeguarded in perpetuity or until it is required to provide a connection with the adjoining land.  
Reason: To ensure that the scheme integrates with the wider development area

35 17/03989/FUL 8 Crawley Road, Witney

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

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

Refused

(Mr Dorward requested that his abstention from voting on the foregoing application be so recorded)

40 17/04007/FUL Common Leys Farm, Whitings Lane, Hailey

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

Mr Good expressed his support for the application, indicating that, by creating educational opportunities in a rural area, it was just the sort of development the Council should be seeking to encourage.

The Officer recommendation was proposed by Mr Good and seconded by Mr Emery who questioned whether the construction traffic management plan had been received. The planning Officer advised that, whilst yet to be submitted, the Plan was required by the proposed conditions.

Whilst he expressed his support for the application, Mr Langridge drew attention to concerns expressed over light pollution. The Planning Officer advised that this was addressed through a condition which required the Council's approval for any floodlights or external lighting.

Whilst he agreed that this was the type of enterprise that the Council should support, Mr Howard questioned whether, given increased student numbers, there was a need to make provision for additional coach and car parking. The Planning Officer advised that there was a regular minibus service between the town and the college and that, given that this was a large site, there was sufficient space for parking on site.

The Development Manager explained that it was his understanding that the minibus service did not drop passengers on the highway but operated from within the site. Whilst he did not believe that specific additional parking provision was required, he undertook to consider the question further.

Mr Handley expressed his support for the application but also harboured concerns over the apparent condition of the site and questioned whether the Council should seek upgraded surfacing to prevent the transfer of mud onto the highway. The Development Manager advised that there were already adequate hardstanding areas and that the unsurfaced areas shown in the presentation lay within the site.

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

Permitted

(Mr Good left the meeting at this juncture in order to attend to further official business)

52. 17/00090/HHD 4 Lovell Close, Ducklington

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

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

Permitted

53. APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The report giving details of applications determined by the Head of Planning and Strategic Housing under delegated powers was received and noted.

54. PROGRESS ON ENFORCEMENT CASES

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing giving details of progress in respect of enforcement investigations.

**RESOLVED:** That the progress and nature of the outstanding enforcement investigations detailed in the report be noted.

The meeting closed at 4:05pm.

CHAIRMAN