

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 March 2018

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, Mr E J Fenton, J Haine, H J Howard, P D Kelland, R A Langridge, K J Mullins and B J Woodruff

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

55. MINUTES

RESOLVED: that the Minutes of the meeting of the Sub-Committee held on 12 February 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

56. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs J C Baker and Mr Good advised that he would have to leave the meeting by 4:00pm to attend to further official business.

B J Woodruff attended for P J Handley.

57. DECLARATIONS OF INTEREST

Mr Woodruff advised that the applicant in respect of application No. 17/03717/OUT (Land East of Monkswood, Pinkhill Lane, Eynsham) was known to him and indicated that he would leave the meeting during consideration of the application.

58. 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:-

17/02463/RES, 17/03717/OUT, 17/03527/FUL, 17/03653/FUL, 17/04112/FUL, 17/04113/FUL and 17/04117/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:-

The Development Manager introduced the application.

Mrs Sian Rodway addressed the meeting in opposition to 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 Mr Enright, Mrs Rodway advised that residents had concerns over the concentration of affordable housing in the south east corner of the site, the fact that the road crossed the footpath, the loss of green space to the highway and parking areas, the concentration of car parking to the south east of the site and the fact that the footpath crossed this area. Mrs Rodway acknowledged the reduction in height of the properties but expressed concern that the garages were in close proximity to existing properties and questioned whether the overall site density was appropriate. Mrs Rodway contended that the application failed to reflect the Planning Inspector's decision and, in conclusion, requested that the affordable housing be to be provided be reserved for key workers.

Mr Hugh Shepherd, 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.

In response to a question from Mr Woodruff, Mr Shepherd confirmed that parking provision was in accord with the County's parking standards and that the Highway Authority was content with the proposals. His colleague, Ms Southern, advised that the three bedroomed properties had two parking spaces as a minimum with many also having a garage.

The Development Manager then presented his report containing a recommendation of conditional approval and confirmed that the County Council had withdrawn its holding objection.

Mr Howard acknowledged the objectors' request for a site visit but noted that the principle of development had been accepted at outline stage. The applicants had endeavoured to address the concerns raised and Mr Howard indicated that he could see no grounds upon which to sustain a refusal. However, he expressed concern that there was only a single access to the site and indicated that he would have preferred to see a second access point on safety grounds.

Mrs Crossland reminded Members that the Highway Authority had raised no objection to the proposal.

In proposing the Officer recommendation, Mr Good agreed with Mr Howard that a second access would be preferable. He indicated that he was surprised to see such a significant level of objection given that the principle of development had already been approved by the Planning Inspectorate. He considered that the volume of affordable housing to be provided should have generated community support and believed that the applicants had submitted a sensible design.

The proposition was seconded by Mr Woodruff who indicated that affordable housing was desperately needed and the current application was set to deliver 50% affordable housing promptly.

Mr Langridge acknowledged that this had been a contentious site and stated that he had held concerns over the application. However, these had been addressed by the amendments made by the applicants and he congratulated both them and the Council's Officers on the work they had put in to developing the scheme. Mr Langridge urged Members to support the application and, whilst he recognised that there would be an inevitable impact upon existing residents, he believed that this had been minimised through good design.

Mr Haine noted that a variety of materials, including red brick, was to be used and indicated that he would have preferred to see the use of reconstructed stone and slate throughout the site. In response, the Development Manager advised that a limited variety of materials had been proposed rather than the exclusive use of artificial stone. Four properties were to be constructed using red brick to add variety to the street scene.

Mr Haine indicated that he would prefer to see the exclusive use of reconstructed stone and slate throughout the site and proposed an amendment to that effect.

The amendment was seconded by Mr Mullins and on being put to the vote was lost.

In response to a question from Mr Emery, the Development Manager clarified the location of the balancing pond and play area.

Mr Enright stressed that the principle of development had been accepted at appeal and questioned whether any developer contributions were to be provided locally. In response, the Development Manager advised that, whilst developer contributions had been secured, these were to be applied primarily to County Council infrastructure requirements. Little was to be directed towards the Parish Council as it had maintained its objection to the development throughout and had not sought developer contributions.

In conclusion, Mrs Crossland indicated that the point had now been reached at which a decision was required. The scheme had evolved over a long period of time and Mrs Crossland considered that all parties had done their best to accommodate all points of view. Whilst Officers could request that an additional access point be provided, Mrs Crossland suggested that there was little scope to require change.

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

Permitted, the applicants being requested to consider the possibility of providing a second access to the site.

23 17/03527/FUL 8 Curbridge Road, Witney

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

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

Permitted

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

(Mr Good and Mr Haine left the meeting at this juncture)

31 17/03653/FUL 97 Bluebell Way, Carterton

The Development Manager introduced the application.

Mr Peter Aksamitowski, the applicant's representative, 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 Langridge, Mr Aksamitowski confirmed that the applicant would be prepared to accept a condition that those visiting the business use the front door of the property only.

The Development Manager then presented the report.

Mr Howard indicated that he had some difficulty with the application as, whilst he could see the rationale underlying the proposed conditions, he could understand the concerns raised by local residents. There was no public parking in the vicinity; the parking at Marigold Square being a private car park for use by customers of the adjacent retail premises. Parking at Kilkenny Country Park was in the Council's ownership and intended for those using that facility.

The road was narrow and subject to congestion as a result of inappropriate on street parking and the area to the rear of the premises was a private garage court. Properties in Saffron Crescent also opened onto the court to the rear of the application site.

Mr Howard expressed concern over the potential nuisance and disturbance to neighbours and questioned arrangements for the disposal of commercial waste.

It was proposed by Mr Howard and seconded by Mrs Crossland that the application be refused.

Mrs Crossland indicated that she considered this to be an inappropriate location for commercial activity as the property was in the middle of a terrace located directly on an access road that was already obstructed by on street parking. There was no private parking to serve a business use and Mrs Crossland confirmed that parking at Marigold Square was for customers of the adjacent shops.

Whilst she recognised the intent behind the proposed conditions, Mrs Crossland believed this was the wrong location for a business use that relied upon customers regularly visiting the premises.

Mr Woodruff was pleased to see that a temporary consent was being recommended by Officers and assumed that only one vehicle would be visiting the property at any time. Mr Woodruff suggested that those customers who lived locally were likely walk to appointments.

Mr Langridge suggested that the Council should support such small businesses and considered that the conditions proposed were sufficient to make the application acceptable. He enquired whether the County Council had replied to the consultation and the Development Manager advised that no response had been received to date. Mr Langridge questioned whether it would be appropriate to condition access through the front of the property only and the Development Manager advised that, should Members wish to proceed in this way, it would be more appropriate to do so by way of a note on the consent rather than a condition.

Mr Fenton expressed his support for the application and the grant of a temporary consent. The use did not appear to be particularly intensive and he considered the application to be acceptable with the conditions proposed. Mr Emery concurred and expressed his support for the application.

Mr Kelland agreed with the proposal for a temporary consent and suggested that any permission should also be made personal to the applicant.

Mr Howard reiterated his concerns with regard to access over the parking court.

The recommendation of refusal was put to the vote and was lost.

Mr Woodruff then proposed the Officer recommendation of conditional approval, subject to the consent being made personal to the applicant. The recommendation was seconded by Mr Enright and on being put to the vote was carried.

Permitted, condition 1 being amended to read as follows:-

1. The use hereby permitted shall be carried on only by Joanna Formela and shall be for a limited period of two years from the date of this notice, expiring on 14 March 2020, or until the premises cease to be occupied by Joanna Formela, whichever is the sooner.

Reason: A permanent and non-personal permission is inappropriate until the effects of the development on the area have been assessed.

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

Mr Woodruff left the meeting during consideration of the following application)

Mrs Crossland emphasised that the application was in outline only and sought approval for development in principle and the means of access only.

The Principal Planner introduced the application and made reference to a letter sent to Members by the applicant's agent which sought to address the recommended reasons for refusal. She drew particular attention to comments suggesting that, as the Highway Authority had no objection to the application, it was inappropriate to recommend refusal on highways grounds. The Principal Planner made reference to paragraph 1.2 of her report which made it clear that there was no objection from Highways subject to conditions and explained that, whilst it did not intend to adopt the access, the County had requested that it be conditioned to be constructed to adoptable standards. The existing track narrowed as it ran northwards and it would not be possible to achieve the required width to bring it up to adoptable standard without reducing existing vegetation on land which the applicant did not own or control.

In consequence, there was doubt as to the applicant's ability to achieve an adequate access. Whilst the County Council had suggested that this could be addressed through a Grampian condition as indicated at paragraph 5.35 of the report, the Principal Planner considered that such a condition was flawed as it was questionable as to whether it could be complied with or enforced. Officers remained of the view that it would be inappropriate to seek to address this issue by way of condition.

Ms Liz Alexander, the applicant's agent, then addressed the meeting in support of the application. A summary of her submission is attached as Appendix D to the original copy of these minutes.

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

Mr Good welcomed the level of affordable housing that would be provided by this application and stressed that the County Council had no objection to the application subject to conditions. He questioned the amenity value of the hedgerow and noted that there was a difference of opinion between the Council's officers and the applicants on their ability to deliver a satisfactory access. In conclusion, Mr Good indicated that he considered the need for affordable housing to be such as to outweigh any detrimental impact resulting from the proposed development.

Mr Kelland considered the proposed access to be inappropriate and reminded Members that some 1,000 new properties would be coming forward in the vicinity in the future. Mr Kelland believed that the site was in the wrong place for residential development and, whilst the current application might have been thought worthy of consideration in the absence of any alternative, it was not required at present.

Mr Kelland also expressed concern that any developer contributions made to the Oxfordshire Clinical Commissioning Group would be lost to the immediate vicinity. In response to this concern, the Principal Planner advised that Officers could negotiate to ensure that developer contributions were reserved for local services.

The Development Manager made reference to the agent's suggestion that he had indicated that the application would not have a detrimental impact and explained that his comments had been made in relation for the need for an Environmental Impact Assessment which was triggered by developments on around 500 properties.

Mr Emery considered this to be an opportunistic development 1 kilometre from the village centre served from a private bridleway. Having read the County Council's response, he was clear that the County Council only considered the access to be acceptable if it was to be deliverable to adoptable standards. Given the extent of development in the vicinity proposed in the emerging Local Plan, development of this site was unnecessary given that the Plan had been found capable of being made sound.

Mr Emery considered that the Council's Officers had not been well served by the County Council and stated that he believed it to be unacceptable to bus primary school children to schools outside the village.

In conclusion, Mr Emery expressed his distaste for the agent's attack on the Council's Officers and proposed the recommendation of refusal.

The proposition was seconded by Mr Haine who concurred with the points made by Mr Emery. He noted that, in addition to the development proposed in the emerging Local Plan, the proposed Garden Village would provide further affordable housing in the area. This was a speculative development adjacent to a conservation area and a scheduled ancient monument and Mr Haine believed that the Officer recommendation was correct.

Mr Enright drew a comparison between the current application and that approved at appeal on land off Burford Road in Witney. Whilst he was not convinced that the question of access was insoluble, he questioned the impact of development on the Conservation Area and noted that the site was not part of the settlement. The site was a long way from the town and Mr Enright considered that it was not suitable for residential use as it had no relationship with the existing settlement.

Mr Enright sought clarification of the impact of the Local Plan Inspector's recent letter in terms of the Council's five year housing land supply and the applicant's suggestion that industrial buildings could be converted to residential use under permitted development.

With regard to the housing land supply, the Principal Planner advised that, whilst the Inspector's letter gave a strong suggestion that the Council had a five year supply, the Local Plan process was not yet finalised. In consequence, the Council could not demonstrate a five year supply and Paragraph 14 of the NPPF was applicable.

The Development Manager advised that, in relation to a couple of recent Section 78 appeals, Planning Inspectors had accepted the contention that the Council had a five year supply. In terms of the change of use from industrial to residential, he advised that the Council had made a number of Article 4 Directions to bring what would otherwise constitute permitted development under planning control.

Mr Langridge concurred with the views expressed by Mr Good. He was concerned that there was no definitive objection from the County Council on highways grounds and considered that, as a civil issue, the matter could be resolved. In addition, he considered that the heritage assets referred to in the report were too distant to warrant refusal. In terms of impact upon the landscape, he considered that sites with a greater detrimental impact had been approved. Mr Langridge suggested that the Council should encourage development and indicated that he would not support a refusal.

Mr Howard indicated that this was a difficult application. He acknowledged the need for affordable housing but questioned the suitability of the proposed location and the viability of the necessary highway improvement work. He suggested that, as it was uncertain as to when they might come forward; the residential allocation in the Local Plan was not relevant to consideration of the current application. Mr Howard went on to express concern over the possibility of nuisance and disturbance arising from the adjacent industrial site and the proximity to the gas storage facility and indicated that, on balance, he would support the recommendation of refusal.

The Development Manager advised that, as the emerging Local Plan was close to adoption, the Council was moving back towards assessing applications on a plan led basis. In his view, the question of access was secondary to the fundamental flaw in the application; that the site was simply an inappropriate location for residential development.

Mr Good acknowledged the Development Manager's concerns over location but emphasised that, in recent times, the Council had approved in what would previously have been viewed as inappropriate locations. Mr Good contended that this application should be considered on the same basis and expressed doubt as to when sites allocated within the Local Plan would come forward.

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

Refused

(Mr Good requested that his vote against the foregoing recommendation of refusal be so recorded)

(Mr Haine left the meeting at this juncture)

56 17/04112/FUL Barn at Holwell Manor Farm, Holwell

The Planning Officer introduced the application and made reference to the report of additional representations and the observations of the applicant's agents sent directly to Members.

Mr Andrew Miles and Mr Neil Perry, the applicant's representatives, then addressed the meeting in support of this and the following application. A summary of the points that were raised is attached as Appendix E to the original copy of these minutes.

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

It was proposed by Mr Fenton that consideration of this and the following application be deferred to enable a site visit to be held to give Members the opportunity to assess the potential impact of the development on the site.

Having been duly seconded the proposition of deferral was put to the vote and was carried.

Deferred to enable a site visit to be held.

64 17/04113/FUL Barn at Holwell Manor Farm, Holwell

Deferred to enable a site visit to be held

71 17/04117/FUL Land Between Glebe Farm and The Orchard, Hayway Lane, Weald, Bampton

The Development Manager introduced the application.

The applicant, Mr Simon Collins, 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.

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

Mr Barrett expressed his support for the application. The development would sit well with adjoining properties and was well screened. In addition, the contribution towards affordable housing provision was to be welcomed.

The recommendation of approval was proposed by Mr Barrett and seconded by Mr Fenton.

Mr Eaglestone questioned the provision of developer contributions towards affordable housing and the Development Manager advised that the current provision would add to that secured under the earlier consent.

Mr Kelland suggested that the applicant was likely to seek permission for a garage to serve the property. The Development Manager indicated that, whilst this was indeed likely, the provision of a garage would be acceptable.

Mr Enright questioned whether further development on the paddock to the front of the site could be precluded by condition. The Development Manager advised that, whilst it could not impose such a condition, the Sub-Committee could indicate that development on that part of the site would be unlikely to receive favourable consideration. At Mr Enright's suggestion, the proposer and seconder of the motion agreed to incorporate a note to that effect.

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

Permitted subject to the applicant entering into a legal agreement to secure an off-site financial contribution towards the provision of affordable housing, the applicant being advised that it was unlikely that an application for development on the paddock to the front of the site would be considered acceptable.

(Mr Eaglestone and Mr Langridge left the meeting at this juncture)

59. 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 and an appeal decision was received and noted.

60. UPDATE ON PROGRESS (AND, WHERE RELEVANT, REASSESSMENT) OF APPLICATIONS SUBJECT TO A RESOLUTION TO APPROVE BUT IN RESPECT OF WHICH NO DECISION HAS YET BEEN ISSUED

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing which provided Members with an update as to progress with regard to some of the key applications in respect of which a resolution to approve had been made but where a decision had not been issued and, where relevant, invited Members to reconsider the planning balance in light of the new prevailing circumstances and following receipt of the Local Plan Inspector's recent letter dated 16 January 2018.

RESOLVED:

- (a) That the Sub-Committee reaffirms its decision to grant planning permission in respect of application No. 16/03627/OUT (Land at Butts Piece, Stanton Harcourt)
- (b) That the Head of Planning and Strategic Housing and Development Manager be authorised to proceed to issue the decisions provided that no new material planning issues arise in the period before a decision is issued.

The meeting closed at 4:50pm.

CHAIRMAN