

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 9 July 2018

PRESENT

Councillors: E J Fenton (Chairman), Mrs M J Crossland, H B Eaglestone, Mrs E H N Fenton, S J Good, J Haine, P J Handley, P D Kelland, N P Leverton, A H K Postan, C M Rylett and B J Woodruff

Officers in attendance: Phil Shaw, Catherine Tetlow, Miranda Clark, Kim Smith, Paul Cracknell and Ben Amor

17. MINUTES

**RESOLVED:** that the Minutes of the meeting of the Sub-Committee held on 11 June 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

18. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr Enright and Langridge and from Mrs Baker and Mr Postan attended for Mr Enright

19. DECLARATIONS OF INTEREST

Mr Leverton and Mr Woodruff declared an interest in respect of Application No. 18/01264/FUL (19 Lancaster Place, Carterton) the applicant being known to them and indicated that they would leave the meeting during its consideration.

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

20. 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:-

The Principal Planner introduced the application.

Mr Alan Beames addressed the meeting in opposition to the application on behalf of the Witney Town Council. A summary of his submission is attached as Appendix A to the original copy of these minutes. In response to a question from Mrs Crossland, Mr Beames indicated that he believed that the County Council had acknowledged the need to address the concerns raised by the Town Council regarding the access road.

The applicant's agent, Mr James Griffin, 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 his submission, Mr Griffin stressed that the County Council had confirmed that it had no objection to the application on highway grounds.

Mr Woodruff enquired whether there were any restrictions on the hours of operation of the coffee shop. Mr Griffin confirmed that no restrictions were proposed and envisaged that any such restrictions were environmental health issues.

Mr Postan questioned why the number of car parking spaces was far greater than the number of bedrooms and how the provision had been calculated. In response, Mr Griffin stated that the number of spaces had been calculated via a trip generator and had been fully assessed and approved by the County Council.

Mr Handley enquired whether there was any intention to erect signage to attract motorists from the A40. Mr Griffin advised that no signage was proposed and that any such provision would require advertisement consent. It was anticipated that the coffee shop would receive sufficient custom by way of passing trade.

The Principal Planner then presented her report containing a recommendation of conditional approval and drew attention to the observations and additional conditions set out in the report of additional representations.

Mr Woodruff considered this to be an improvement on earlier proposals and a more sensible scheme. He questioned the need for the coffee shop but assumed that it was necessary to secure the viability of the hotel.

Given the need for hotel accommodation in the town, Mr Kelland questioned why the proposed hotel had been reduced from four storeys to two. He noted that the building appeared to be three storeys in height and questioned why use was not being made of the roof space. He also raised concern that the coffee shop would be the only provision for food and drink on site.

The Principal Planner confirmed that the coffee shop would be the only on-site provision of food and drink.

Mr Kelland expressed his support for the current proposal and Mrs Crossland agreed with Mr Woodruff that this represented a good use of the site. There was easy access to the A40 and the current design was more sympathetic to its surroundings than earlier proposals.

The development would bring economic benefits and Mrs Crossland proposed the Officer recommendation of conditional approval. The proposition was seconded by Mr Woodruff.

Mr Handley noted that this would tidy up the site and acknowledged the need for accommodation of this type. He agreed with Mr Kelland's suggestion regarding the use of the roof space.

Mr Good indicated that this was not the greatest example of design at the gateway to the town and that he would have preferred to have seen a statement building in such a prominent location. He agreed that the roof of the building appeared to be higher than necessary and questioned whether the development would employ rainwater capture and energy efficient technology.

Mr Postan considered that the location of the building to the north of the roundabout was acceptable as it would avoid coalescence of Witney and Ducklington. However, he considered the design to be poor and indicated that he would vote against the proposition.

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

Permitted subject to the conditions set out in the report, the additional conditions set out in the report of additional representations and to the applicants entering into a legal agreement.

(Mr Postan requested that his vote against the foregoing recommendation be so recorded)

21 17/03959/FUL 24 High Street, Eynsham

The Development Manager introduced the application.

Mrs J Mitchell addressed the Sub-Committee in objection to the application. A summary of her submission is attached as Appendix C to the original copy of these minutes.

The applicant, Mrs C Bannell then addressed the meeting in support of her application. A summary of her submission is attached as Appendix D to the original copy of these minutes. In response to the suggestion made by Mrs Mitchel in her presentation, Mrs Bannell stated that, if the proposed dwelling was moved further south, the garden of the new property would be shaded.

The Development Manager then presented his report.

Mr Rylett indicated that, whilst he appreciated the design work that had gone into the project and supported the principle of self-build, he considered the proposal to be cramped and was unable to support the application.

Mr Good sought clarification of the effect of the recommendation in the report of additional representations.

In response, the Development Manager explained that a superseded policy had been included in the proposed reason for refusal as set out in the report which referred to policy EH7. Whilst the references to policy EH7 should be retained, the refusal reasons should also make reference to policies EH8 (Conservation Areas), EH11 (Historic Landscape Character) and EH13 (Scheduled Monuments and other Nationally Important Archaeological Remains).

The Development Manager also reminded Members that concern had previously been expressed over the increased use of the passageway.

In response to a question from Mr Kelland the Development Manager advised that, whilst not relevant in planning terms, the proposed dwelling was to be occupied by the applicants. Mr Kelland considered that the access was not adequate and that the Officer was correct in recommending refusal.

Mr Eaglestone concurred, indicating that this was amongst the worst applications that he had seen in 10 years.

Mrs Crossland expressed her support for the recommendation of refusal, indicating that the harm resulting to the neighbouring property outweighed the benefit of development. Mrs Crossland also considered that the increased use of the passageway would have an adverse impact upon the occupants of the neighbouring property.

Mr Leverton proposed the recommendation of refusal and this was seconded by Mr Rylett.

Mr Postan advised that he was attending in place of Mr Enright and had not been able to attend the site visit. Whilst he did not support the concept of preserving communities in aspic and would prefer to see variety which could be acceptable in the built form, he could not support the current application given the harm that would be occasioned to the objector.

Mr Handley expressed some concern over the accuracy of the drawings and the Development Manager explained that these were only intended to illustrate the impact of shading.

The Development Manager sought clarification from the proposer and seconder of the motion as to whether they wished a further reason for refusal based upon the increased use of the passageway to be included

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

Refused for the reasons set out in the report, amended as indicated in the report of additional representations, and to the following additional reason:-

3. By reason of the likely increased pedestrian traffic using the access running adjacent to the gable end and rear garden of 22 High Street the proposed development would give rise to additional and unneighbourly levels of overlooking and disturbance to the detriment of the residential amenity of the occupiers of that property. The raising of the height of the boundary wall to seek to ameliorate the above harms would of itself give rise to unacceptable overbearing and overshadowing. As such it is considered that the development is contrary to policies H2 and BE2 of the adopted local plan, policy OS2 of the emerging plan and the provisions of the NPPF

Post Committee Note:

*The application was withdrawn at the request of the applicant prior to the decision notice being issued.*

36 18/00544/FUL

39 Brize Norton Road, Minster Lovell

The Principal Planner introduced the application.

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

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

In response to a question from Mr Handley, Ms Allison advised that no affordable housing was to be provided on the site as this was not required from developments of 10 or fewer dwellings. However, other developer contributions were to be made

In response to a question from Mr Kelland, Ms Allison advised that the spur road was intended to provide turning space, not access to the adjoining land.

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

In response to comments made by Mr Stowell during his presentation she acknowledged that the Council had successfully defended appeals on sites in Minster Lovell but explained that there had been a great difference in the character and use of that land. In one instance, the site had been located adjacent to a Listed Building.

In relation to traffic generation and access arrangements, the Principal Planner advised that the County Council had raised no objection on highways grounds and noted that there was already a significant number of existing traffic movements associated with the taxi company currently operating from the site.

The Principal Planner also confirmed that there was no requirement for affordable housing on developments of 10 or fewer properties and that

only the new properties, not any currently located on the site, could be included in this calculation.

In response to a question from Mr Good she indicated that the current application proposed an appropriate density of development on this site.

Mr Handley expressed his support for the Officer recommendation of approval, subject to Legal Agreement, but explained he did not wish to see the items currently stored on the site be transferred to the far east of the site, behind the application area.

Mr Postan expressed concern that the historical significance and underlying ethos of the chartist movement was at risk of being lost forever. Previous development had already partly destroyed the historic field pattern fundamental to the principles of the Chartist movement and that remaining should be retained as a national monument.

Mr Postan expressed concern that the current layout was designed to enable further development to take place to the rear of the site at some later date as a means of avoiding the provision of affordable housing and proposed that the application be refused having regard to the historic value of the movement and the site.

In seconding the proposal Mr Haine reminded Members that there were already 126 houses currently being built to the west of Minister Lovell. He agreed the application had been designed to accommodate further development to the rear of the site and, whilst he recognised the site was brownfield land, he stated that he would rather that it remain in its current use.

Mrs Crossland agreed that the application increased the risk to the chartist settlement and requested Officers to investigate whether it would be possible to do more to preserve the historic area than at present.

In response, the Development Manager advised that some thought had been given to designating the land as a Conservation Area but the area had been greatly eroded by previous development. The County Council was currently undertaking work to identify historic landscapes and it was possible that this could offer a greater degree of protection as the Local Planning authority could still consider the impact of development on non-heritage assets.

Mr Haine stated that, whilst the site may be untidy, this was not a reason to grant planning permission; to do so would only encourage other landowners to neglect their land in the hope of securing planning permission. He stressed that, if unauthorised uses were taking place on the land, the Council should take enforcement action to secure their cessation.

Mr Leverton thanked Mr Stowell for his contribution and expressed his support for the recommendation of refusal as development would destroy the historic nature of the site.

Whilst acknowledging the sentiments expressed, Mr Handley indicated that a significant proportion of the original Chartist development had already been lost.

Whilst he agreed that the land to the south of this site should be protected, this was a brownfield site and Members should be mindful of both its current and former use as a scrapyard. Mr Handley considered that it would be preferable to see the site developed for residential use.

Mr Woodruff questioned the status of the area behind the application site and asked if it was considered to have Greenfield status. The Planning Officer confirmed that development would be resisted on this part of the site which was considered to be Greenfield land.

In response to a question from Mr Good, the Principal Planner advised that developer contributions had only been sought towards sport and recreation.

The proposition of refusal was put to the vote and carried.

Refused for the following reasons:-

1. The site is located within the Chartist settlement of Minster Lovell. The village has a distinctive character and layout, and by virtue of its history can be considered an undesignated heritage asset. The significance of the asset derives from its establishment under Chartist principles and the creation of dwellings along the main road frontage with associated land to the rear to sustain a livelihood for the occupiers of those dwellings. The proposal would be sited in an historic Chartist plot and the scale of development would unacceptably erode the plot pattern and diminish the ability to recognise and appreciate the significance of the settlement. This would create an undesirable precedent for the development of other similar plots in the village. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 policies BE2 and H2, emerging West Oxfordshire Local Plan 2031 policies OS2, OS4, EH7, and EH14, and the NPPF, in particular paragraphs 17, 58, 131 and 135.
2. The proposal would result in the loss of a site currently occupied by a vehicle depot and external storage. The previously developed nature of the land and untidy appearance of the site should not be seen as a justification for bringing forward this scale and form of development. The remaining area of the plot to the east would be vulnerable to further development. The proposal would encroach into land in active employment use and it has not been demonstrated that the benefits of bringing forward the proposal outweigh the loss of this site. The proposal would therefore be contrary to emerging West Oxfordshire Local Plan 2031 policy E1.
3. The proposal for 10 dwellings appears contrived to avoid making a contribution to affordable housing. Emerging West Oxfordshire Local Plan 2031 policy H3 requires contributions on sites of 11 or more units. The applicant has not entered into a legal agreement to provide contributions to sport and recreation. The proposal is therefore

contrary to West Oxfordshire Local Plan policy BE1, emerging West Oxfordshire Local Plan 2031 policy OS5, and NPPF paragraph 203.

53 18/01009/RES Land West of Thornbury Road, Eynsham

The Development Manager introduced the application and reported receipt of additional comments submitted by Mrs Fisher in opposition to the application.

The developer, Mr Michael Rees, 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 Mrs Crossland, Mr Rees advised that his comment regarding the high quality of the scheme referred to both design and build quality. The design featured a focal space and entrance feature with frontages to the open space to the south.

Mr Leverton enquired as to the density of development and whether any additional facilities were to be provided within the application site. Mr Rees was unable to provide details relating to the density, but confirmed that there were no plans for any additional facilities on the site. Mr Rylett suggested that density was in the region of 44 units per hectare and Mr Rees confirmed that the application conformed to the outline consent.

Mr Postan questioned if any consultation had been undertaken on the proposed access road and if any compensation had or would be offered to the current residents.

The Development Manager presented his report and reminded Members that this was a reserved matters application. He advised that the Highway Authority had raised no objections to the proposed access road but that traffic calming had been requested on the approach by the Sub-Committee in preference to play facilities on the site.

He advised that, whilst the affordable housing was not really 'pepper-potted' across the site, both the Housing Association and the Council's Housing Officer were satisfied with the arrangements proposed. Registered Social Landlords preferred to see affordable housing concentrated in specific locations as this made management and maintenance easier and more cost effective. Further, he reminded Members that, whilst the affordable housing element might be concentrated on this site, the scheme only represented one element of a much larger development.

The Development Manager confirmed that the County Council had now withdrawn its earlier objections to the application, subject to ensuring that a ransom strip was not created to the western boundary of the site.

The Development Manager went on to outline the conditions to be applied should the Sub-Committee be minded to permit the application.

Mr Kelland enquired if the retention of land to the west was intended to provide an alternative access to that through Thornbury Road. The Development Manager explained that the intention was to protect this possibility but that the creation of an alternative access could not be assured as the land to the west was not an allocated site. However, there was a possibility that an alternative access could be provided with that from Thornbury Road being retained for cycle and pedestrian use only.

Mr Rylett commented that the application had been presented at an unfortunate time, given the West Eynsham Supplementary Planning Document was to be considered by the Cabinet the following week and that the Eynsham Neighbourhood Plan was in the process of being re-written. He considered that the application was not of a high enough standard to be 'proud of' on a site where exceptional quality should be required. Mr Rylett raised concern at the fact there would be no play equipment provided on site; affordable housing had been concentrated together; there was no small open market housing; a lack of bungalow accommodation for older persons; the materials proposed were not of sufficiently high standard and no provision had been made for self-build schemes.

Mrs Crossland informed the Sub-Committee that she considered the design to be dull and lacking in imagination. She expressed surprise at the proposal for parking courts as these had been found to be unsatisfactory in other locations.

Mr Leverton questioned whether the number of parking spaces proposed for the site met current standards. In response, the Development Manager confirmed the County Council was happy with the number provided, given that the majority of the houses featured a garage and two parking spaces per property.

Mr Haine questioned why the tallest buildings were located on the highest part of the site and asked if they were four storey buildings. The Development Manager advised that they were only three storey units and that the ground was only marginally raised from the rest of the site.

Mr Haine agreed a play area should be provided on the site and made reference to the concerns expressed by the Parish Council regarding the management of the green open spaces. In response, the Development Manager explained that Members had previously agreed to remove the requirement for a play area to enable traffic calming measures to be installed. However, substantial sums would be provided towards improved play and leisure facilities in the settlement and there was already a play area and other facilities nearby.

Whilst there was no specific provision for first time buyers, 50% of the properties would be affordable housing. This would comprise of smaller units so as to avoid the spare room supplement.

Mr Haine considered that the design was poor and that the proposed three storey units were too large. He proposed that consideration of the application be deferred to enable Officers to seek improvements in design and a reduction in the height of the three storey units.

In seconding the proposal, Mr Good stated that he found the quality of development poor and the design somewhat mundane. He considered that there was vast room for improvement and expressed a wish to see the road layout within the site improved and use of salvaged materials. Mr Good also asked for clarification as to the location of the affordable housing.

Mr Kelland also expressed concern at the height of the three storey buildings proposed and considered that two and a half storey units would have been more suitable within the tight layout in the centre of the site. The development needed character that was currently lacking and arrangements for the future maintenance of open space had to be addressed.

The Development Manager reminded Members that three storey buildings had been proposed at outline stage and explained Officers had attempted to create differing character areas throughout the site. He reiterated that the affordable housing had been grouped together for operational reasons. He noted that the applicants were keen to secure consent in order that they could commence work during the school holidays.

Mr Rylett reiterated that he considered the three storey units to be in the wrong location.

Mr Postan noted that courtyard parking worked well at Bradwell Village and that suggested street art would provide focal points throughout the development. He also stressed that the Sub-Committee should determine the application without delay so as to end the uncertainty of residents of the eight homes on the proposed entrance road to the site

Mr Handley considered that some cul-de-sacs and green areas in the central area would have proved beneficial to the overall design and layout of the site. Whilst the layout was disappointing, he acknowledged the financial imperatives facing the developers.

Mr Haine indicated that it was important to protect and retain the green space to the south of the site. He reminded Members that outline consent had been granted in respect of the means of access only.

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

Deferred to enable Officers to negotiate improvements to the design and layout of the site and a reduction in the height of the three storey units.

62 18/01246/FUL 19 Lancaster Place, Carterton

Mr Leverton and Mr Woodruff left the meeting during consideration of this application.

The Senior Planner presented her report and reported receipt of revised plans showing access to the public highway.

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

Refused.

21. APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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.

22. 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 4:45pm.

CHAIRMAN